

THE EUROPEAN CODE OF CONDUCT ON PARTNERSHIP

THE DELEGATED ACT

Fiche no 30

Brussels, 3 December 2012

| Articles | Commission Proposals |
|-------------------------------------|---|
| Articles 5, 7, 8, 14, 87 and 104(2) | Common Provisions Regulation [COM(2012) 496] |
| Article 9 | EAFRD Regulation |
| Article 9 | EMFF Regulation |

This paper has been drawn up on the basis of the proposals for regulations adopted by the European Commission on 6 October 2011 and the amended proposal for a Common Provisions Regulation on 11 September 2012. It does not prejudge the final nature of the act, or the content of any delegated or implementing act that may be prepared by the Commission.

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1. INTRODUCTION

Article 5 of the proposed Regulation laying down common provisions on the ERDF, the ESF, the CF, the EAFRD and the EMFF (the 'CPR') provides for a European code of conduct on partnership (ECCP) which would lay down objectives and criteria to support the implementation of partnership and to facilitate the sharing of information, experience, results and good practices among Member States. In accordance with the Commission proposals, the ECCP would be adopted by the Commission as a delegated act. The purpose of this fiche is to set out the proposed structure and content of this delegated act.

2. STRUCTURE AND CONTENT OF THE ECCP

The delegated act should consist of five sections.

- Common provisions
- Preparation and implementation of the Partnership Contract
- Preparation and implementation of the Programmes
- Monitoring and evaluation
- Ensuring effectiveness of the application of the partnership principle

a) Common provisions

The common provisions would describe the scope of the European code of conduct and its objectives which are to ensure a diverse and effective partnership, taking into account the principles of transparency, proportionality and accessibility. The rights and obligations of the partners would also be detailed in terms of the nomination of their representatives and the respect of national legislation on data protection, confidentiality and conflict of interest. It should also include provisions on the possibility to establish platforms and umbrella organisations to facilitate the involvement of partners.

b) Preparation of the Partnership Contract

This section would detail on how partners are to be identified in accordance with the three categories laid down in Article 5 of the CPR. It would also detail the procedures for the involvement of partners in the development and implementation of the Partnership Contract in terms of process, timetable and transparency. The section would also list the requirements for partnership during the preparation phase of the Partnership Contract, e.g. development needs in the framework of Europe 2020 strategy as well as in the analysis of disparities, the selection of the thematic objectives, the mechanisms to ensure coordination between the CSF Funds with other Union instruments, the territorial arrangements as well as the implementation of the horizontal principles.

The section would specify the information to be provided in the Partnership Contract concerning the actions taken to involve the partners: the process for identifying the partners; the list of partners that have been involved in the preparation of the Partnership Contract; the actions taken to ensure the active participation of the partners, including actions in terms of

accessibility; the results of the consultation with partners and its added value in the preparation of the Partnership Contract.

c) Preparation of programmes

This section would start with the identification of partners for the preparation and implementation of the programme. The same principle as for the Partnership Contract would apply reflecting, however, the different nature of programmes.

It would provide details on the procedures to be established by managing authorities in order to ensure the involvement of partners, such as the timely disclosure of information on a single website and the dissemination of the outcomes of consultation processes. Concerning the preparation of programmes, partners should be involved in the ex-ante evaluation; the definition of priorities and related specific objectives; the allocation of funding; the definition of programmes' specific indicators; and the implementation of the horizontal principles.

This section would then provide further details about the information to be set out in the operational programme concerning the partnership. This would be the planned actions to ensure the active participation of the partners in the implementation of the programmes, including actions in terms of accessibility, and the planned use of technical assistance resources.

d) Implementation, Monitoring and Evaluation

This section would first set out in detail the involvement of representatives of the partners in calls for proposal, with particular attention to the prevention of any potential conflict of interest. This section would also focus on the membership and the rules of procedure for the monitoring committees. It would describe the principles of continuity, equality between men and women and equal opportunities, and transparency in the membership of the monitoring committees. It would require Member States to lay down rules such as the members' voting rights, the time period for invitations, the arrangements for publications and the establishment and activities of working groups under the monitoring committees.

The role of the partners in the monitoring of the programmes would be set out, including in the monitoring of the performance of the different priorities, the preparation of any significant programme amendment or the preparation of the annual implementation reports. This section would lay down the requirements in terms of the involvement of the partners in the preparation of the progress reports in 2017 and 2019, which should also contain the opinions of the partners. The involvement of partners in the evaluation process would also be specified.

e) Ensuring effectiveness of the application of the partnership principle

The last chapter would cover the effectiveness of the application of the partnership principle. It would reflect the requirement for managing authorities to examine the need to allocate part of their technical assistance to strengthen the institutional capacity of partners. Monitoring of the partnership principle would be carried out by the Commission through the establishment of a European Community of Practice on Partnership, common to the CSF Funds and open to interested Member States, managing authorities and organisations representing the partners at Union level. Finally, the performance and the effectiveness of the partnership would be evaluated by Member States by 31 December 2020.