



THE EUROPEAN CODE OF CONDUCT ON PARTNERSHIP IN THE FRAMEWORK OF THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS

Partnership, one of the key principles of the management of European Union funds, implies close cooperation between public authorities at national, regional and local levels in the Member States and with social partners, NGOs and other relevant stakeholders. Despite being an integral part of Cohesion Policy, feedback from stakeholders indicates that its implementation varies greatly across the EU. The European Code of Conduct on the Partnership Principle establishes a common set of standards to bring enhanced consultation, participation and dialogue with partners for programming and implementing the European Structural and Investment Funds (ESIF). The Code of Conduct intends to strengthen bonds among Member States and project partners to facilitate the sharing of information, experience, results and good practices in the new programming period. This publication is available in electronic format in all EU official languages.

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The European code of conduct on partnership

European Commission

The European code of conduct on partnership in the framework of the European Structural and Investment Funds

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European Commission

Directorate-General for Employment, Social Affairs and Inclusion

Unit E1

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educational activities. It enables horizontal exchange of information using a knowledge database, administered by the Ministry for Regional Development.

In Portugal, the Confederation of Portuguese Industry carried out a project under the Human Potential OP financed by the ESF for 2007-2013. This aims to improve its social dialogue capabilities, consolidate and expand its sectorial and regional representativeness, and strengthen its activities at international level. It has mainly targeted the Confederation's structure and associates, including sectorial, multi-sectorial and regional associations, and chambers of commerce and industry.

Good practices for Member States' assessment of the implementation of partnership and its added value

After the 2007-2013 programming period **in the United Kingdom**, Birmingham City Council, Greater Birmingham and Solihull Local Enterprise Partnership plan to present a report to the UK Government which will include recommendations on how to implement new partnership and governance arrangements for EU Structural Funds more effectively.

Role of the Commission in the dissemination of good practices

During the period 2007-2013, **the Community of Practice on Partnership (CoP)**, funded from the ESF, was a network of ESF managing authorities and intermediate bodies from nine Member States. This network intensively exchanged experience about different ways of implementing partnerships using the 'critical friends' review method, with special emphasis on governance processes and actions. The CoP was co-financed by technical assistance allocations at the initiative of the Commission. The network produced several key lessons reports, ran a web portal including a database on partnership experiences and published a partnership learning manual at the beginning of 2012.

representing various stakeholders, was invited to send written contributions to a consultation document drafted by DATAR (*Délégation interministérielle à l'aménagement du territoire et à l'attractivité régionale*).

Good practices for rules of membership and internal procedures of monitoring committees

In the Czech Republic, for the 2007-2013 programming period, every relevant Czech organisation was able to appoint representatives for monitoring committees. Each appointment required a CV and a letter of motivation and was sent to the national coordination body for NGOs, the Government Council for Non-Profit NGOs. The Committee responsible for European Affairs within the Council confirmed appointments to the monitoring committees.

In Mecklenburg-Vorpommern, Germany, for the 2007-2013 programming period, the monitoring committee is responsible for all EU Funds. It is composed of high-level representatives from the private sector (e.g. trade unions, employers, small enterprises, chambers, farmers, environment and social welfare associations). It meets frequently, five to six times per year. The monitoring committee has a real say in decision-making on proposed projects, and the public and private partners have the same number of votes. The participatory system also includes working parties and other consultative bodies.

In Denmark, the monitoring committee for the rural development programme for 2007-2013 always takes decisions on the basis of consensus. No voting takes place in practice.

Good practices for involving partners in the preparation of calls for proposals, progress reports, monitoring and evaluation of programmes

During the 2007-2013 programming period **in Greece**, the National Confederation of Disabled People (NCDP), as a member with voting rights in the monitoring committees, has been examining the correct implementation of accessibility criteria in all notices, calls for tender, etc. These criteria were not binding for accepting applications for Structural Funds' support.

In Poland, there is a Working Group for Civil Society within the Coordinating Committee of the National Strategic Reference Framework (NSRF) which formulates opinions and recommendations for implementing horizontal policies; monitoring the alignment of operational programmes with the Polish Country Development Strategy; monitoring the management and control systems for OPs; monitoring the implementation of gender mainstreaming and sustainable development principles in OPs.

In Portugal, the monitoring committee set up for 2007-2013 programming has the opportunity to express its opinion on evaluation reports which are discussed in its meetings. In addition, various partners made a substantial contribution to the Action Plan, which had to be drafted in view of implementing recommendations set out in evaluation reports.

Good practices for strengthening partners' institutional capacity

In Southern Italy, a support structure funded by technical assistance has been established to improve economic and social partners' involvement in regional and sectoral programmes. The economic and social partners also created and managed a very successful technical assistance project from 2000 to 2006, financed by the ERDF and focusing on improving their knowledge of development programmes and strengthening their capacity to participate.

For the 2007-2013 Operational Programme for **North West England**, the ERDF Technical Group in Liverpool is supported by two local staff employed through technical assistance funding and by the managing authority who provide management information relating to the OP (spend, outputs etc.) This staff attends meetings of the Technical Group in advisory capacity.

In Poland, the National Thematic Network for Partnership was established in June 2010 to support members of monitoring committees, aiming to make their activities more effective and to eliminate problems in implementing structural funds. The network has the support of the Polish Ministry for Regional Development. The cost of the network is covered from the Technical Assistance Operational programme 2007-2013. The network holds a national annual conference and regional meetings. It carries out analysis, shares expertise based on thematic studies, holds a competition for the monitoring committee with the good partnership practices, and organises

FOREWORD

On 21 December 2013, after more than two years of negotiations, the Regulations on EU Structural and Investment Funds for 2014-20 entered into force.

These Regulations set out how Member States should plan and implement their investment projects which can be supported by EUR 325 billion from the EU Structural and Investment Funds over the seven years.

From these funds, more than EUR 70 billion should be invested in human capital via the European Social Fund. For the first time ever, the European Social Fund will have a minimum guaranteed share within overall cohesion policy spending. Also, more than EUR 6 billion have been specifically earmarked to support young people through the Youth Employment Initiative.

In order to maximise the impact of these funds, it is crucial that Member States' authorities at all levels — national, regional and local — work closely with each other and in partnership with trade unions, employers, non-governmental organisations and other bodies responsible, for example, for promoting social inclusion, gender equality and non-discrimination.

By involving partners in the planning, implementation, monitoring and evaluation of projects supported by EU funds, Member States will be better able to ensure that funds are spent where they are most needed, and in the best way possible.

All Member States will have to follow these rules for the preparation and implementation of the programmes for the 2014-20 period.

As a result, Member States will have to ensure that all relevant views are taken into account when identifying priorities for funding and designing and implementing the most effective investment strategies.

This strengthened partnership approach is one of the important innovations the EU has introduced in the new cohesion policy.

We believe that it will make a significant contribution to ensuring that every euro from EU Structural and Investment Funds is spent in the most effective way possible to address the economic and social challenges Europe faces between now and 2020.

László Andor

Commissioner for Employment, Social Affairs and Inclusion

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3. GOOD PRACTICES AS REGARDS IMPLEMENTATION OF THE PARTNERSHIP PRINCIPLE IN THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS' PROGRAMMES

Good practices for transparent procedures to be followed to identify relevant partners

In Romania, for the preparation of the 2007-2013 period, the ESF managing authority was responsible for conducting a contextual analysis prior to the country's accession to the EU. This document served as the key programming document for the National Strategic Reference Framework (NSRF) and operational programmes. As well as the need to work in partnership with the most relevant policy actors for the programming exercise at national level, it was clear that partnership mechanisms at regional and local levels were needed to strengthen capacity for decision making and implementation. A background analysis regarding employment and social inclusion in each region was conducted via meetings and discussions with relevant actors at regional and county level. In the North East region, for example, more than 200 actors were involved⁽⁸⁾.

In Hungary, for the preparation of the 2007-2013 period, the methodology for the public consultation on the NSRF was set up following recommendations from civil society organisations. About 4000 partner organisations, including trade unions, employee interest groups and NGOs, representatives of business, education and science, were invited to advise on the orientation of the NSRF and the Operational Programmes (OPs). The general public was also able to access and comment on the NSRF and the OPs via a webpage. Workshops were organised to discuss draft versions with professional and social partners and ministerial representatives⁽⁹⁾.

⁽⁸⁾ Community of Practice on Partnership in the ESF, Guidebook 'How ESF managing authorities and intermediate bodies support partnership', 2011.

⁽⁹⁾ Community of Practice on Partnership in the ESF, Guidebook 'How ESF managing authorities and intermediate bodies support partnership', 2011.

Good practices for involving different categories of partners in the preparation of the Partnership Agreement and programmes, information to be provided on their involvement, as well as at various stages of implementation

In the United Kingdom, between 2007 and 2013, partners were already involved in consultations at different points in the programming cycle. For the new 2014-2020 programming period, the UK Government has published guidance on European Union Investment Strategies, to explain the role partners will be invited to play, the support that will be available to them, and the timetable for implementation.

In Latvia, preparations for the period 2014-2020 involved an extensive and transparent public participation process, conducted around the National Development Plan. Informative meetings were held about partnership in programming. Furthermore, it was possible to comment on negotiations between Member State representatives and the European Commission and there was a follow-up meeting to discuss comments from social partners, held at the Ministry of Finance.

For the 2014-2020 programming period **in France**, the *Instance Nationale de Préparation de l'Accord de Partenariat* launched an official public consultation ahead of drafting the French Partnership Agreement. About 80 organisations representing the state, local authorities, social partners, civil society and economic actors, took part in thematic workshops in March and April 2013 to feed the drafting of the agreement. A national partnership, made up of 300 organisations

The European Community of Practice on Partnership shall facilitate exchange of experience, capacity building, as well as dissemination of relevant outcomes.

2. The Commission shall make available examples of good practice in organising the partnership.
3. The exchange of experience on the identification, transfer and dissemination of good practice and innovative approaches in relation to the implementation of interregional cooperation programmes and actions under Article 2(3)(c) of Regulation (EU) No 1299/2013 of the European Parliament and of the Council⁽⁷⁾ shall include experience of partnership in cooperation programmes.

Chapter VII Final provisions

Article 19 Entry into force

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7.1.2014

For the Commission

The President
José Manuel BARROSO

⁽⁷⁾ Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal

1. INTRODUCTION

Partnership has been for many years one of the key principles of the implementation of the European Union's shared management funds, in particular the European Social Fund (ESF). The partnership principle implies close cooperation between the Commission and public authorities at national, regional and local levels in the Member States, social partners and organisations representing civil society.

Partnership has a clear added value in enhancing the effectiveness of the implementation of the European Structural and Investment (ESI) Funds. It enhances collective commitment and ownership of Union policies, increases the available knowledge, expertise and viewpoints in the design and implementation of strategies and ensures greater transparency in decision-making processes.

The partnership principle is now endorsed for all ESI Funds. Indeed, Article 5 of the Common Provisions Regulation provided the legal basis for adoption of a delegated act on a European Code of Conduct on Partnership (ECCP), which shall help Member States in organising a meaningful partnership with the relevant stakeholders.

The main principles of the ECCP include the following:

- partners selected should be representative of the relevant stakeholders;
- selection procedures should be transparent and take into account the different institutional and legal frameworks of the Member States;
- partners should be involved in the preparation and implementation of the Partnership Agreement and programmes; for this purpose, it is necessary to establish minimum procedural requirements in order to ensure timely, meaningful and transparent consultation (i.e. sufficient time for consultation, availability of documents, etc.);
- partners should be represented within the monitoring committees of programmes, throughout the whole cycle (i.e. preparation, implementation, monitoring and evaluation);
- effective implementation of a partnership should be ensured by strengthening the institutional capacity of relevant partners through capacity building activities targeting social partners and organisations representing civil society who are involved in the programmes;
- exchange of experience and mutual learning should be facilitated, in particular through the establishment of a Community of Practice on Partnership covering all the ESI Funds;
- the role of the partners in the implementation of the Partnership Agreement, as well as the performance and effectiveness of the partnership during the programming period should be subject to assessment.

2. COMMISSION DELEGATED REGULATION⁽¹⁾

Commission delegated Regulation (EU) of 7.1.2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund repealing Regulation (EC) No 1083/2006, and in particular Article 5(3) thereof,

Whereas:

- (1) The aim of this Regulation is to provide for a European code of conduct in order to support and facilitate Member States in the organisation of partnerships for Partnership Agreements and programmes supported by the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund, the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF). These funds now operate under a common framework and are referred to as the 'European Structural and Investment Funds (hereinafter 'the ESI Funds')'.
- (2) Working in partnership is a long-established principle in the implementation of the ESI Funds. Partnership implies close cooperation between public authorities, economic and social partners and bodies representing civil society at national, regional and local levels throughout the whole programme cycle consisting of preparation, implementation, monitoring and evaluation.
- (3) The partners selected should be the most representative of the relevant stakeholders. Selection procedures should be transparent and take into account the different institutional and legal frameworks of the Member States and their national and regional competences.
- (4) The partners should include public authorities, economic and social partners and bodies representing civil society, including environmental partners, community-based and voluntary organisations, which can significantly influence or be significantly affected by implementation of the Partnership Agreement and programmes. Specific attention should be paid to including groups who may be affected by programmes but who find it difficult to influence them, in particular the most vulnerable and marginalised communities, which are at highest risk of discrimination or social exclusion, in particular persons with disabilities, migrants and Roma people.

⁽¹⁾ The delegated act will enter into force 2 months following its adoption provided that the European Parliament and the Council do not express any objections.

Article 16

Involvement of partners in the evaluation of programmes

1. Managing authorities shall involve the relevant partners in the evaluation of programmes within the framework of the monitoring committees and, where appropriate, specific working groups established by the monitoring committees for this purpose.
2. Managing authorities for the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund programmes shall consult the partners on the reports summarising the findings of evaluations carried out during the programming period in accordance with Article 114(2) of Regulation (EU) No 1303/2013.

Chapter VI

Indicative areas, themes and good practices concerning the use of the ESI Funds to strengthen the institutional capacity of relevant partners and the role of the Commission in dissemination of good practices

Article 17

Strengthening the institutional capacity of relevant partners

1. The managing authority shall examine the need to make use of technical assistance in order to support the strengthening of the institutional capacity of partners, in particular as regards small local authorities, economic and social partners and non-governmental organisations, in order to help them so that they can effectively participate in the preparation, implementation, monitoring and evaluation of the programmes.
2. The support referred to in paragraph 1 may take the form of, inter alia, dedicated workshops, training sessions, coordination and networking structures or contributions to the cost of participating in meetings on the preparation, implementation, monitoring and evaluation of a programme.
3. For rural development programmes, the support referred to in paragraph 1 may be provided through the national rural network established in accordance with Article 54 of Regulation (EU) No 1305./2013.
4. For ESF programmes, managing authorities in less developed or transition regions or in Member States eligible for Cohesion Fund support shall ensure that, according to need, appropriate ESF resources are allocated to the capacity building activities of social partners and non-governmental organisations that are involved in the programmes.
5. For European territorial cooperation, support under paragraphs 1 and 2 may also cover support for partners to strengthen their institutional capacity for participating in international cooperation activities.

Article 18

Role of the Commission in the dissemination of good practices

1. The Commission shall set up a cooperation mechanism called the European Community of Practice on Partnership, which shall be common to the ESI Funds and open to interested Member States, managing authorities and organisations representing the partners at Union level.

- (d) the procedure for adoption, publication and accessibility of the minutes;
- (e) the arrangements for the establishment and activities of working groups under the monitoring committees;
- (f) the provisions on conflict of interest for partners involved in monitoring, evaluation and calls for proposals;
- (g) the conditions, principles and arrangements for reimbursement rules, capacity building opportunities and use of technical assistance.

Chapter V

Main principles and good practices concerning the involvement of relevant partners in the preparation of calls of proposals, progress reports and in relation to monitoring and evaluation of programmes

Article 12

Obligations relating to data protection, confidentiality and conflict of interest

Member States shall ensure that partners involved in the preparation of calls of proposals, progress reports and in monitoring and evaluation of programmes are aware of their obligations related to data protection, confidentiality and conflict of interest.

Article 13

Involvement of relevant partners in the preparation of calls for proposals

Managing authorities shall take appropriate measures to avoid potential conflict of interest where involving relevant partners in the preparation of calls for proposals or in their assessment.

Article 14

Involvement of relevant partners in the preparation of progress reports

Member States shall involve relevant partners in the preparation of the progress reports on implementation of the Partnership Agreement referred to in Article 52 of Regulation (EU) No 1303/2013, in particular concerning the assessment of the role of partners in the implementation of the Partnership Agreement and the overview of the opinions given by the partners during the consultation, including, where appropriate, the description of the way in which the opinions of partners have been taken into account.

Article 15

Involvement of relevant partners in the monitoring of programmes

Managing authorities shall involve the partners, within the framework of the monitoring committee and their working groups, in assessing performance of the programme, including the conclusions of the performance review, and in the preparation of the annual implementation reports on the programmes.

- (5) For the selection of partners, it is necessary to take into account the differences between Partnership Agreements and programmes. Partnership Agreements cover all the ESI Funds providing support to each Member State, while programmes refer only to the ESI Funds contributing to them. The partners for Partnership Agreements should be those relevant in view of the planned use of all the ESI Funds, while for programmes it is sufficient that the partners are those relevant in view of the planned use of the ESI Funds contributing to the programme.
- (6) The partners should be involved in preparing and implementing Partnership Agreements and programmes. For this purpose, it is necessary to establish main principles and good practices concerning timely, meaningful and transparent consultation of the partners on the analysis of challenges and needs to be tackled, the selection of objectives and priorities to address them, and the coordination structures and multi-level governance agreements necessary for effective policy delivery.
- (7) The partners should be represented on the monitoring committees of programmes. The rules governing membership and committee procedures should promote continuity and ownership of programming and implementation, and working arrangements that are clear and transparent, as well as timeliness and non-discrimination.
- (8) Through their active participation in the monitoring committees, the partners should be involved in assessing performance on the different priorities, the relevant reports on the programmes and, where appropriate, calls for proposals.
- (9) Effective partnership should be facilitated by helping the relevant partners to strengthen their institutional capacity in view of the preparation and implementation of programmes.
- (10) The Commission should facilitate the exchange of good practice, strengthening institutional capacity and the dissemination of relevant outcomes among Member States, managing authorities and representatives of the partners by setting up a Community of Practice on Partnership covering all the ESI Funds.
- (11) The role of the partners in implementing the Partnership Agreements and the performance and effectiveness of the partnership in the programming period should be subject to assessment by the Member States.
- (12) In order to support and facilitate Member States in the organisation of the partnership, the Commission should make available examples of best practices existing in Member States.

HAS ADOPTED THIS REGULATION:

Chapter I General provisions

Article 1 Subject matter and scope

This Regulation establishes the European code of conduct on partnership for Partnership Agreements and programmes supported by the European Structural and Investment Funds.

Chapter II

Main principles concerning transparent procedures for identification of relevant partners

Article 2

Representativeness of partners

Member States shall ensure that the partners referred to in Article 5(1) of Regulation (EU) No 1303/2013 are the most representative of the relevant stakeholders and are nominated as duly mandated representatives, taking into consideration their competence, capacity to participate actively and appropriate level of representation.

Article 3

Identification of relevant partners for the Partnership Agreement

1. For the Partnership Agreement, Member States shall identify the relevant partners among at least the following:

- (a) competent regional, local, urban and other public authorities, including:
 - (i) regional authorities, national representatives of local authorities and local authorities representing the largest cities and urban areas, whose competences are related to the planned use of the ESI Funds;
 - (ii) national representatives of higher educational institutions, educational and training providers and research centres in view of the planned use of the ESI Funds;
 - (iii) other national public authorities responsible for the application of horizontal principles referred to in Articles 4 to 8 of Regulation (EU) No 1303/2013, in view of the planned use of the ESI Funds; and in particular the bodies for the promotion of equal treatment established in accordance with Council Directive 2000/43/EC⁽³⁾, Council Directive 2004/113/EC⁽⁴⁾ and Directive 2006/54/EC⁽⁵⁾ of the European Parliament and of the Council;
- (b) economic and social partners, including:
 - (i) nationally recognised social partners' organisations, in particular general cross-industry organisations and sectoral organisations, whose sectors are related to the planned use of the ESI Funds;
 - (ii) national chambers of commerce and business associations representing the general interest of industries and branches, in view of the planned use of the ESI Funds and with a view to ensuring balanced representation of large, medium-sized, small and microenterprises, together with representatives of the social economy;

(3) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

(4) Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

(5) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23).

- (e) the implementation of the horizontal principles as defined in Articles 7 and 8 of Regulation (EU) No 1303/2013;
- (f) the composition of the monitoring committee.

Article 9

Information on the involvement of relevant partners in programmes

Member States shall provide for programmes at least the following information:

- (a) the actions taken to involve the relevant partners in the preparation of the programmes and their amendments;
- (b) the planned actions to ensure the participation of the partners in the implementation of the programmes.

Chapter IV

Good practices concerning the formulation of the rules of membership and internal procedures of monitoring committees

Article 10

Rules of membership of the monitoring committee

1. When formulating the rules of membership of the monitoring committee, Member States shall take into account the involvement of partners that have been involved in the preparation of the programmes and shall aim to promote equality between men and women and non-discrimination.
2. As regards the monitoring committees of European territorial cooperation programmes, partners may be represented by umbrella organisations at Union or transnational level for interregional and transnational cooperation programmes. Member States may involve partners in the preparations of the monitoring committee, in particular through their participation in coordination committees at national level organised in the participating Member States.

Article 11

Rules of procedure of the monitoring committee

When formulating the rules of procedure, monitoring committees shall take into account the following elements:

- (a) the members' voting rights;
- (b) the notice given of meetings and the transmission of documents, which, as a general rule, shall not be less than 10 working days;
- (c) the arrangements for publication and accessibility of the preparatory documents submitted to the monitoring committees;

- (c) the selection of the thematic objectives, the indicative allocations of the ESI Funds and their main expected results;
- (d) the list of programmes and the mechanisms at national and regional level to ensure coordination of the ESI Funds with one another and with other Union and national funding instruments and with the European Investment Bank;
- (e) the arrangements for ensuring an integrated approach to the use of ESI Funds for the territorial development of urban, rural, coastal and fisheries areas and areas with particular territorial features;
- (f) the arrangements for ensuring an integrated approach to addressing the specific needs of geographical areas most affected by poverty and of target groups at the highest risk of discrimination or exclusion, with special regard to marginalised communities;
- (g) the implementation of the horizontal principles referred to in Articles 5, 7 and 8 of Regulation (EU) No 1303/2013.

Article 7

Information on the involvement of relevant partners in the Partnership Agreement

Member States shall provide for the Partnership Agreement at least the following information:

- (a) the list of partners involved in the preparation of the Partnership Agreement;
- (b) the actions taken to ensure the active participation of the partners, including actions taken in terms of accessibility, in particular for persons with disabilities;
- (c) the role of the partners in the preparation of the Partnership Agreement;
- (d) the results of the consultation with partners and a description of its added value in the preparation of the Partnership Agreement.

Article 8

Preparation of programmes

Member States shall involve relevant partners, in accordance with their institutional and legal framework, in the preparation of programmes, and in particular concerning:

- (a) the analysis and identification of needs;
- (b) the definition or selection of priorities and related specific objectives;
- (c) the allocation of funding;
- (d) the definition of programmes' specific indicators;

- (c) bodies representing civil society, such as environmental partners, non-governmental organisations, and bodies responsible for promoting social inclusion, gender equality and non-discrimination, including:
 - (i) bodies working in the areas related to the planned use of the ESI Funds and to the application of horizontal principles referred to in Articles 4 to 8 of Regulation (EU) No 1303/2013 based on their representativeness, and taking into account geographic and thematic coverage, management capacity, expertise and innovative approaches;
 - (ii) other organisations or groups which are significantly affected or likely to be significantly affected by the implementation of the ESI Funds, in particular groups considered to be at risk of discrimination and social exclusion.
2. Where public authorities, economic and social partners, and bodies representing civil society have established an organisation regrouping their interests to facilitate their involvement in the partnership (umbrella organisation), they may nominate a single representative to present the views of the umbrella organisation in the partnership.

Article 4

Identification of relevant partners for programmes

1. For each programme, Member States shall identify the relevant partners among at least the following:
- (a) competent regional, local, urban and other public authorities, including:
 - (i) regional authorities, national representatives of local authorities and local authorities representing the largest cities and urban areas, whose competences are related to the planned use of the ESI Funds contributing to the programme;
 - (ii) national or regional representatives of higher educational institutions, education, training and advisory services providers and research centres, in view of the planned use of the ESI Funds contributing to the programme;
 - (iii) other public authorities responsible for the application of horizontal principles referred to in Articles 4 to 8 of Regulation (EU) No 1303/2013, in view of the planned use of the ESI Funds contributing to the programme, and in particular the bodies for the promotion of equal treatment established in accordance with Council Directive 2000/43/EC, Council Directive 2004/113/EC and Directive 2006/54/EC of the European Parliament and of the Council;
 - (iv) other bodies organised at national, regional or local level and authorities representing the areas where integrated territorial investments and local development strategies funded by the programme are carried out;
 - (b) economic and social partners, including:
 - (i) nationally or regionally recognised social partners' organisations, in particular general

cross-industry organisations and sectoral organisations whose sectors are related to the planned use of the ESI Funds contributing to the programme;

- (ii) national or regional chambers of commerce and business associations representing the general interest of industries or branches, with a view to ensuring balanced representation of large, medium-sized, small and microenterprises, together with representatives of the social economy;
 - (iii) other similar bodies organised at national or regional level;
- (c) bodies representing civil society, such as environmental partners, non-governmental organisations, and bodies responsible for promoting social inclusion, gender equality and non-discrimination, including:
- (i) bodies working in the areas related to the planned use of the ESI Funds contributing to the programme and to the application of horizontal principles, referred to in Articles 4 to 8 of Regulation (EU) No 1303/2013 based on their representativeness, and taking into account geographic and thematic coverage, management capacity, expertise and innovative approaches;
 - (ii) bodies representing the local action groups referred to in Article 34(1) of Regulation (EU) No 1303/2013;
 - (iii) other organisations or groups which are significantly affected or likely to be significantly affected by the implementation of the ESI Funds; in particular, groups considered to be at risk of discrimination and social exclusion.
2. As regards European territorial cooperation programmes, Member States may involve in the partnership:
- (i) European groupings of territorial cooperation operating in the respective cross-border or transnational programme area;
 - (ii) authorities or bodies that are involved in the development or implementation of a macro-regional or sea-basin strategy in the programme area, including priority area coordinators for macro-regional strategies.
3. Where public authorities, economic and social partners, and bodies representing civil society have established an umbrella organisation, they may nominate a single representative to present the views of the umbrella organisation in the partnership.

Chapter III

Main principles and good practices concerning the involvement of relevant partners in the preparation of the Partnership Agreement and programmes

Article 5

Consultation of relevant partners in the preparation of the Partnership Agreement and programmes

1. In order to ensure transparent and effective involvement of relevant partners, Member States and managing authorities shall consult them on the process and timetable of the preparation of the Partnership Agreement and programmes. In doing so, they shall keep them fully informed of their content and any changes thereof.
2. As regards the consultation of relevant partners, Member States shall take account of the need for:
 - (a) timely disclosure of and easy access to relevant information;
 - (b) sufficient time for partners to analyse and comment on key preparatory documents and on the draft Partnership Agreement and draft programmes;
 - (c) available channels through which partners may ask questions, may provide contributions and will be informed of the way in which their proposals have been taken into consideration;
 - (d) the dissemination of the outcome of the consultation.
3. As regards the rural development programmes, Member States shall take account of the role that the national rural networks established in accordance with Article 54 of the Regulation (EU) No 1305/2013 of the European Parliament and of the Council⁽⁶⁾ can play involving relevant partners.
4. Where formal agreements have been established between the different tiers of government below national level, the Member State shall take account of these multi-level governance agreements in accordance with its institutional and legal framework.

Article 6

Preparation of the Partnership Agreement

Member States shall involve relevant partners, in accordance with their institutional and legal framework, in the preparation of the Partnership Agreement, and in particular concerning:

- (a) the analysis of disparities, development needs and growth potential with reference to the thematic objectives, including those addressed by the country-specific recommendations;
- (b) summaries of the *ex ante* conditionalities of the programmes and key findings of any *ex ante* evaluations of the Partnership Agreement undertaken at the Member State's initiative;

⁽⁶⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).