Opinion of the European Economic and Social Committee on the Role of civil society organisations in the implementation of EU cohesion and regional development policy

(2006/C 309/26)

On 13 and 14 July 2005 the European Economic and Social Committee decided to draw up an opinion, under Rule 29(2) of its Rules of Procedure, on the: Role of civil society organisations in the implementation of EU cohesion and regional development policy.

The Section for Economic and Monetary Union and Economic and Social Cohesion, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 7 June 2006. The rapporteur was Ms Mendza-Drozd.

At its 428th plenary session, held on 5 and 6 July 2006 (meeting of 6 July 2006), the European Economic and Social Committee adopted the following opinion by 47 votes to 36 with 6 abstentions.

1. Introduction

1.1 Cohesion policy has long been an area of particular interest for the European Economic and Social Committee, which has repeatedly given its opinion on this matter, with regard to the Structural and Cohesion Fund rules and to one of the main principles of the Funds’ implementation — the partnership principle.

1.2 The Committee’s interest in the partnership principle has always been based on the belief — shared by the European Commission — that ‘the effectiveness of cohesion policy is closely dependent on involvement of economic and social actors, and other civil society organisations concerned (…)’ (2).

1.3 However, the EESC takes the view that much remains to be done to include civil society organisations in the implementation of cohesion policy. The Committee, in drawing up this opinion, would like to help ensure the better implementation of the partnership principle in the coming period and hopes that the Commission and the Council will still be able to introduce the necessary changes and to take concrete action to ensure the involvement of civil society organisations in the implementation of cohesion policy. The Committee hopes that, given the work currently underway on the Member States’ programming documents, this opinion will provide civil society organisations with a useful instrument in their contacts with national and regional authorities.


2. Civil society organisations

2.1 The Committee would prefer a broad definition of civil society including ‘all organisational structures whose members have objectives and responsibilities that are of general interest’ (3) and that meet the representativeness criteria it has set out in earlier opinions (4). The wording of this definition implies the inclusion of such civil society organisations as:

— the social partners — trade unions and employers’ organisations;

— NGOs whose official, legal statutes define the purpose of their activities and mission: associations, socio-occupational organisations, federations, forums, networks and foundations (in many new Member States the latter differ from associations only in their legal basis). These various types of organisations are described as ‘non-governmental organisations’, ‘non-profit organisations’ or the ‘third sector’ and their activity covers such areas as environmental protection, protection of consumer rights, local development, human rights, social assistance, combating social exclusion, enterprise development, the social economy and many other fields.

2.2 The Committee is aware that the use of such a broad definition of civil society can lead to practical difficulties, particularly as regards the issue of cohesion. The EESC is nonetheless of the opinion that a clear definition of representativeness could give civil society organisations a better right than at present to participate in the various phases of the implementation of cohesion policy. In its opinion on the representativeness of European civil society organisations, the Committee outlined

(3) Opinion on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Civil Society Dialogue between the EU and Candidate Countries, OJ C 28 of 3.02.2006, p. 97.

certain basic criteria, inviting others to make use of its findings (1), particularly in areas such as programming or monitoring at EU level. The Committee believes, however, that an appropriate list of criteria can also be drawn up at Member State or regional authority level, on the basis of the EESC's proposals particularly when it comes to participation in programming and monitoring. In the Committee's opinion, this list could include such criteria as:

— direct access to expertise;

— activity for the public good and in the general interest;

— having a sufficient number of members to ensure the effective and expert nature of its action as well as the exercise of democracy (appointment of officials, internal discussions and information, transparency of decision-making procedures, financial transparency …);

— having sufficient and independent financing to enable autonomy of action;

— possessing and demonstrating independence in the face of outside bodies and pressures;

— transparency, especially financially and in decision-making structures.

2.3 This issue of representativeness is absolutely fundamental. However, it should also take into consideration the qualitative criteria as set out in the above-mentioned EESC opinion. It should also make a clear distinction between participation and consultation in policy-shaping and eligibility for projects financed by the cohesion funds. All organisations that can contribute to the objectives of the policy in a special field shall be eligible for funding.

2.4 As regards the effective implementation of cohesion policy, the Committee believes that all efforts should be made to make greater use of the potential within civil society organisations which, according to their purpose, may more often than not have assets important for the implementation of cohesion policy, namely:

— experience and competence in economic and social fields;

— good knowledge of local and regional needs;

— direct contact with citizens and their members and, hence, the ability to speak on their behalf;

— direct contact with target groups and understanding of their needs;

— ability to mobilise local communities and volunteer workers;

— great effectiveness and readiness to apply innovative methods;

— monitoring role vis-à-vis government;

— good contacts with the media.

2.5 Furthermore, in the Committee's opinion the involvement of civil society organisations that have the support of the public generally represents the closest point of contact between the public and the EU and can help increase the transparency of procedures for the use of available funds. Their involvement could mean that decisions become more transparent and are taken only on the basis of specific criteria. The involvement of these organisations can also ensure that the action implemented does indeed reflect the needs of society. Lastly, civil society organisations can be important partners in the debate on the future of various areas of European policy, including cohesion policy, by bringing the discussion to the local level, closer to ordinary people.

2.6 The Committee also draws attention to the potential of civil society organisations, according to their specific nature and their statutory aims, in a number of specific fields, e.g.:

— the labour and employment market and enterprise — where they can lead to a better identification of priorities and action with an impact on economic development;

— in the field of economic change — where their competences can help combat negative, unintentional and unanticipated consequences;

— in the environmental protection field, where they can provide a guarantee that the strategic aims, priorities and project selection criteria are determined in accordance with the principles of sustainable development;

— in the field of social exclusion and gender equality issues, where their practical knowledge can ensure that cohesion policy is implemented with respect for the principle of equal opportunity, in compliance with the relevant laws, and with due regard to the social aspect of the proposed solutions;

— in the area of local development — where their knowledge of the problems and needs represents the first step towards their resolution;

— in the field of cross-border cooperation — where they can be a very good partner for implementing projects;

— in the monitoring of the use of public funds, identifying and publicising cases of corruption.

(1) To be considered representative, a European organisation should meet nine criteria, i.e. it should:

— exist permanently at Community level;

— provide direct access to expertise;

— represent general concerns that tally with the interests of European society;

— comprise bodies that are recognised at Member State level as representative of particular interests;

— have member organisations in most of the EU Member States;

— provide for accountability of its members;

— have authority to represent and act at European level;

— be independent, not bound by instructions from outside bodies;

— be transparent; especially financially and in its decision-making structures.
3. Role of civil society organisations in the implementation of cohesion policy

3.1 The Committee agrees with the proposals of the European Commission and the Council that the partnership principle must be applied throughout all stages of the implementation of cohesion policy, starting with planning, through implementation, right up to the impact assessment. The Committee also stresses that the involvement of civil society organisations can help ensure a better quality of implementation and achievement of the anticipated results. In the Committee’s view, the involvement of civil society organisations should be assured in the following areas:

— programming at Community level;

— programming at national level (creation of National Strategic Reference Frameworks and operational programmes);

— promotion of the Structural Funds and information on fund utilisation opportunities;

— implementation of the Structural Funds;

— monitoring and assessment of fund utilisation.

3.2 Lastly, the Committee draws attention to the fact that civil society organisations can fulfil a threefold role during the process of the implementation of cohesion policy: an advisory role — by identifying objectives and priorities; a monitoring role — over action taken by public administration; and, lastly, an executive role — as the bodies responsible for implementing and partners of projects jointly financed via the Structural Funds.

3.3 The Committee wishes to reiterate that it was critical of the handling of the partnership principle in its opinion on the general provisions of the Structural Funds (7), although it welcomes the fact that the Commission’s proposal (8) contains the first ever reference to civil society and NGOs. However, the removal of this clause during the course of the legislative work at the Council, the new text being simply limited to the phrase ‘any other appropriate body’, was noted with concern by the Committee. It is therefore all the more pleasing that the latest version of the document (April 2006) has reinstated the clause listing civil society organisations, environmental protection partners, NGOs and organisations working for gender equality among the organisations covered by the partnership principle. The Committee hopes that its comments contributed to these changes.

4. Fund programming at Community level

4.1 Conscious of the fact that programming at Community level is the first step in the implementation of the Structural Funds, the Committee would like to stress the importance of all consultations conducted at this level. The consultation on the draft Strategic Guidelines for Cohesion 2007-2013, recently carried out by the Commission, confirms the interest shown in this issue by civil society organisations (7). The Committee, which is itself making efforts to involve civil society organisations in its work, believes that such active involvement should be used to maximum possible effect in the drawing-up of strategic documents.

4.2 The Committee also believes that the active involvement of civil society organisations could be extremely valuable for all advisory bodies active at European level. The Committee is aware that the issue of representativeness and the need to establish appropriate criteria are clearly relevant to such involvement. The criteria for European NGOs recently outlined by the Committee could be very successfully applied here (7).

5. Structural Fund programming at national level

5.1 Although the simplifications planned by the Commission may well make cohesion policy more transparent, the EESC once again draws attention to the dangers inherent in these proposals. The EESC fears above all that all civil society organisations may be ignored by national and regional authorities, which are not always open to the inclusion of such organisations in procedures for the use of the Structural and Cohesion Funds (as confirmed by the report prepared by environmental groups (9) and the ETUC (10)), and, as a result, of restricting social monitoring of fund use.

5.2 The experiences of drawing up key programming documents for the years 2004-2006, as described in the report drawn up for the European Citizen Action Service by Brian Harvey (11), although referring only to new Member State NGOs, sadly do not provide much scope for optimism. Frequent changes in consultation dates, far-reaching modifications to programming documents after consultation (e.g. in environmental impact forecasts), delays in starting the consultation process and, as a result, a short timeframe for raising comments are just some of the shortcomings in the process which have been raised by representatives of civil society. In cases where the preparation of documents was outsourced to consulting agencies, which had no contacts with civil society organisations, the situation was even worse.


(10) Partnership in the 2000-2006 programming period — Analysis of the implementation of the partnership principle — Discussion paper of DG REGIO November 2005.

(11) Brian Harvey, ‘Illusion of inclusion’ ECAS.
5.3 This not only leads to waning interest in the consultation process, but, more significantly, also represents a wasted opportunity to introduce significant changes to programming documents. At this point, the Committee would like to particularly stress that the consultation process, appropriately implemented, must not only provide all organisations concerned with access to the documents under discussion but also allow enough time for raising comments (not so much as to affect the work timetable but enough for familiarisation with the documents).

5.4 Positive experiences — such as, for instance, the method used for holding consultations on the 2005 National Development Plan in Poland, where the national authorities adopted detailed rules for holding consultations, documenting their progress, maintaining registers of comments and for providing justifications for acceptance or rejection — represent examples of good practice and are proof that it is possible to carry out the whole process in a thorough and effective manner.

5.5 Information from various countries also shows that civil society organisations do not usually take part in the work of working groups involved in the preparation of programming documents, which already significantly limits their ability to raise comments from the very beginning.

5.6 Accordingly, the Commission takes the view that the definition by the Commission of a minimum set of requirements (or at least guidelines) to be complied with by Member States in the field of consultation and the need to present information on progress made could have a positive impact on changing the situation. Such action on the part of the Commission could at least help reduce the risk of situations arising where a good plan for including civil society organisations in the preparation of a National Development Plan in one of the Member States turns out to be little more than just a piece of paper.

6. **Promotion of the Structural Funds**

6.1 The Committee notes that whilst there has been some improvement in recent years in access to information on the Structural Funds, e.g. as far as its publication on official websites is concerned, it would point out that not all countries make use of other forms of promotion and information, such as the press, television, seminars or conferences, which are addressed specifically to target groups. It appears that this situation could be significantly improved by taking advantage of the opportunities offered by civil society organisations in this area.

6.2 In the Committee’s view, the promotion of the Structural Funds is, unfortunately, no better at regional level. Promotion and information plans are drawn up with no consultation of these organisations at all except, on occasion, such consultation as is required for the purposes of maintaining a good image, even though the involvement of civil society organisations in this process, by making use of their knowledge of the various groups and problems, could lead to the preparation of more realistic promotional-information strategies.

6.3 Taking into account the fact that Structural Funds are allocated for specific socio-economic objectives, and that funds for promotion and information activities are only a method leading to their implementation, one should approach the issue of the effectiveness of promotional and information activities with particular caution.

6.4 Naturally, it is difficult to establish conclusively which mechanism for utilising promotional and information resources is the most effective way of reaching beneficiaries. It is possible to find both good examples of promotional and information activities carried out independently by implementing institutions, as well as of activities outsourced to advertising agencies or PR firms. However, one can also point to cases where none of these options is effective in reaching the beneficiaries concerned, or where the product on offer is not adapted to the needs of the end users.

6.5 Consequently, this often leads to an absurd situation where, given the unavailability of funds allocated for promotion, civil society organisations are often forced to carry out their own information initiatives, at their own expense.

6.6 It would therefore appear that guaranteeing civil society organisations, able to conduct information activities well adapted to the needs of end users and prepared to carry out given activities, often for a smaller budget, access to promotion and information resources is one of the conditions for their effective utilisation.

6.7 The Committee is aware that the issue of promoting the Structural and Cohesion Funds involves more than just deciding who is responsible for the process and its organisation; the objectives behind the use of the Structural Funds and the problems they help resolve are also of key importance. The Committee believes that this issue must be examined in more detail through a public discussion ahead of the process for Structural and Cohesion Fund use.

7. **Implementation of the Structural Funds**

7.1 In its previous opinions, the EESC has drawn attention to the significance of global grants. It notes with concern that, of the ten new Member States, the only country to have adopted a system of global grants is the Czech Republic, and that even here the significance of this mechanism has been limited by the introduction of a whole range of formal barriers by the public authorities. The Committee, wary of such situations recurring in subsequent programming periods, would like to highlight the very positive experience of those countries that have adopted this mechanism, particularly where there was a need to reach particularly disadvantaged groups e.g. the long-term unemployed.

7.2 Another issue, which the Committee has already drawn attention to, is the availability of technical assistance for civil society organisations. The United Kingdom is an example of a country where the budget allocated for technical assistance
planned objectives and results of cohesion policy. Accordingly, the EESC firmly believes that monitoring and assessment projects financed from the Structural Funds. The Committee wishes to state very clearly that, in its view, civil society organisations' own (private) funds should be allowed to constitute part of the co-financing (at Member State level) for Structural Fund projects. The Committee calls for NGOs to be added to this clause as, in many cases, they implement projects financed from the Structural Funds.

7.4 The Committee would also like to draw attention to the need to ensure that civil society organisations are explicitly defined as final beneficiaries under operating programmes, which is, sadly, not usually the case. And yet the experiences of those countries in which civil society organisations have been able to benefit from the funds available — e.g. from Spain — bear witness to just how effective they can be, among other things, tourism, local development and combating social exclusion. The Committee believes that, in the context of achieving the objectives of the Lisbon Strategy and the Strategic Guidelines for 2007-2013, it is particularly important to ensure that civil society organisations are able to implement projects with financing from the Structural Funds.

7.5 The Committee is aware that, ultimately, it is the type of projects to which additional financing is allocated which is of key importance for the implementation of cohesion policy. It is these projects which, in reality, contribute — or not, as the case may be — to ensuring greater economic and social cohesion. The EESC takes the view that the institutions involved in the project selection process may make use of the competences of civil society organisations, which have an excellent understanding of local and regional needs, focusing in particular on potential conflicts of interest.

8. Monitoring and assessment of use of resources

8.1 The EESC firmly believes that monitoring and assessment are very important elements of the implementation of the Structural Funds; they not only ensure the efficient management of resources but also make it possible to achieve the planned objectives and results of cohesion policy. Accordingly, all efforts should be made to allow civil society organisations to put forward their opinion on the implementation process and its results where this is not yet standard practice, and for these views to be taken into account during the decision-making process. For this to be possible, it is necessary for monitoring committees for the implementation of National Reference Frameworks and individual operating programmes to include representatives of civil society organisations among their members.

8.2 In its 2003 opinion on partnership in the Structural Funds (1), the EESC drew attention to the fact that the information on the membership of monitoring committees varied significantly from country to country. And whilst it is not the Committee's intention to standardise the solutions used, it would like to ensure that all Member States apply certain minimum standards.

8.3 Of the new Member States, Poland and the Czech Republic, for example, have ensured the participation of civil society organisations on virtually all monitoring committees. With regard to non-governmental organisations, it was the NGOs themselves that proposed the recruitment procedure, which involved calling for applications from candidates with appropriate qualifications, voting via the Internet, and the appointment of those candidates who received the most votes. The EESC is conscious that this is not the case in all Member States. Moreover, even such positive experiences (which are often the result of protests) do not necessarily guarantee similar results in future programming periods. Accordingly, the extent and effectiveness of the involvement of representatives of civil society in the process currently depends to a very high degree on the goodwill of the various governments, and not on the need to observe any clearly defined principles. The EESC believes that, in the future, the recognition, by national and regional authorities, of the role of civil society will, on the one hand, arise from the need to comply with specific rules (or guidelines) and, on the other hand, from the ability of civil society organisations (primarily NGOs) to organise themselves and appoint their own representatives. The EESC emphasises that the place of civil society actors and national authorities respect for their role can only be achieved through incontestable representativeness, which confers legitimacy and thus eligibility for Structural Fund programmes allocated to their activities.

8.4 The Committee also believes that all efforts should be undertaken to increase the effectiveness of the monitoring committees to ensure that they are not simply formal bodies or — as is often the case — arenas for presenting decisions that have already been taken by the public authorities. It would also be worth ensuring that they represent a real forum for discussion and for identifying the most effective solutions possible. In the Committee's view, one way in which this could be achieved would be to involve civil society organisations, which can introduce a new point of view to such a debate.

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8.5 The Committee draws attention to the fact that among the most frequently encountered problems of involvement in Structural Fund monitoring are also: limited access to documents; the lack of funds required to carry out such functions as well as the non-transparent system for appointing representatives from civil society organisations. In the Committee's view, these observations are an important signal that efforts should be made to change the situation in the coming programming period. It believes that national and/or regional economic and social councils, where they exist, could be an advisory resource for civil society organisations that ask them for help in this area.

8.6 The EESC also believes that the representatives of civil society organisations in monitoring committees should have access to training (and be reimbursed for costs incurred e.g. travel expenses) to ensure that they are able to fulfil their role effectively.

9. The Committee's proposals

9.1 The Committee has repeatedly issued opinions on cohesion policy and the Structural Funds, drawing attention to the vital role of civil society organisations. Many other institutions have also commented on this. Given the objective set out in the Third Cohesion Report: 'to promote better governance, the social partners and representatives from civil society should become increasingly involved, through appropriate mechanisms, in the design, implementation and follow-up of the interventions', the Committee hopes that this view will be reflected in the rules that are ultimately adopted and in the next programming period. The EESC also hopes that the European Union will draw up guidelines for the Member States based on the comments contained in this opinion.

9.2 The Committee believes that it would be very useful to carry out a review of the solutions currently used in the Member States guaranteeing the effective implementation of the partnership principle. The EESC is also considering the possibility of setting up a partnership observatory within its framework.

9.3 The Committee is, however, conscious that whether its recommendations and proposals are taken into account or not will be largely dependent on the Member States. It therefore calls on both national and regional authorities to ensure the greater involvement of civil society organisations in the implementation of cohesion policy, whatever form the rules adopted take.

10. Taking the above into account, the Committee addresses the following recommendations to the Commission and the Council, and appeals to the Member States (national and regional authorities) as well as to civil society organisations:

10.1 Programming at Community level

— The Committee, which has performed an advisory role for the European Commission, Parliament and Council for many years, would like to emphasise that it strives to include other organisations in its work, so that its opinions take maximum possible account of the views and opinions of representatives of civil society.

— In its opinion on the representativeness of civil society organisations, the Committee outlined certain basic criteria for representativeness, inviting others to make use of its findings (15). A clear definition of representativeness could give civil society organisations a better right than at present to participate in the implementation of cohesion policy.

— The Committee proposes supplementing the Strategic Guidelines for 2007-2013 with details of a framework for the involvement of civil society organisations.

— The Committee hopes that the clause in the general Structural Fund regulation (of April 2006) on consultations at Community level will guarantee other representative European organisations the right to participation.

— The Committee requests that the Commission and the Council clearly specify in the rules concerning cross-border cooperation that civil society organisations may be partners in the activities undertaken.

— The Committee requests that the Commission promote and observe minimum standards for consultation on cohesion policy issues, and make wider use of electronic media.

10.2 Programming at national level

— The Committee requests that the Commission formulate guidelines for the process of consultation on strategic and programme documents drawn up in the Member States. The Committee believes that not only is the presentation of plans for social consultation of major importance, but also the provision of feedback on its implementation.

— The Committee wishes to encourage the Member States and the national and regional authorities responsible for the preparation of programming documents to undertake to conduct the consultation process in an appropriate manner, by taking into account such factors as: establishing an appropriate time frame within which the civil society organisations concerned can raise comments, ensuring the availability of documents which are the subject of consultation, documenting the consultation process or keeping records of comments put forward.

(15) that, to be considered representative, a European organisation should meet nine criteria, i.e. it should:
— exist permanently at Community level;
— provide direct access to expertise;
— represent general concerns that tally with the interests of European society;
— comprise bodies that are recognised at Member State level as representative of particular interests;
— have member organisations in most of the EU Member States;
— provide for accountability of its members;
— have authority to represent and act at European level;
— be independent, not bound by instructions from outside bodies;
— be transparent, especially financially and in its decision-making structures.
— The Committee wishes to encourage civil society organisations to take active part particularly in the consultation process.

— The Committee wishes to encourage the Member States and the national and regional authorities responsible for the preparation of programming documents to listen carefully to the views and comments of civil society organisations and to take them into account in the documents produced.

10.3 Promotional of the Structural Funds

— The Committee believes that the Member States and regional authorities should make greater use of the potential existing within civil society organisations by involving them in the preparation of promotion plans; grass-roots initiatives should also be supported by allocating adequate financial resources for this purpose from the funds available for the promotion of and information about the Structural Funds.

— The Committee calls on civil society organisations operating at national or regional level to become actively involved in informing their circles about the objectives of cohesion policy and the opportunities provided by the Structural Funds.

10.4 Implementation of the Structural Funds

— The Committee believes that efforts should be made to encourage Member States to use the global grants mechanism. The European Commission is most suited to this task but civil society organisations operating in the various countries could also take part in this process.

— The Committee calls on the Member States, particularly those that have, to date, opted not to introduce the global grants mechanism, to benefit from the valuable experience of others and to apply the mechanism during the period 2007-2013.

— The EESC believes that all efforts should be made to ensure that eligible civil society organisations within the meaning of point 2.2 of this opinion have access to technical assistance resources.

— The Committee, given the positive role that eligible civil society organisations within the meaning of point 2.2 of this opinion can play, calls on national and regional authorities in the Member States to simplify the procedures of the application process for technical assistance funds.

— The Committee also calls on the Member States to take account in the budgets drawn up of the own funds of eligible civil society organisations within the meaning of point 2.2 of this opinion (social partners and NGOs), as part of project co-financing.

— The Committee calls on the Member States to clearly define eligible civil society organisations within the meaning of point 2.2 of this opinion as final beneficiaries in operating programmes. At the same time, the Committee requests that the Commission make sure that the documents submitted by Member States guarantee civil society organisations access to Structural Fund resources.

— The Committee calls on the Member States to use the knowledge and experience of eligible civil society organisations within the meaning of point 2.2 of this opinion in the project selection process, and draws attention to the need to undertake efforts to avoid potential conflicts of interest.

— The Committee also draws attention to the need to remove or reduce certain formal or technical barriers that make it difficult for eligible civil society organisations within the meaning of point 2.2 of this opinion to use the Structural Funds.

10.5 Monitoring and assessment of use of resources

— The Committee takes the view that the Commission should set out guidelines for involving civil society organisations in the monitoring and assessment process and, in particular, including them in monitoring committees with full rights, taking into account the need to ensure the objectivity and impartiality of the individuals and organisations taking part.

— The Committee expects the reports presented by the Member States to include information on how the partnership principle is implemented in the context of the monitoring committees.

— The Committee calls on the Member States to provide representatives of civil society organisations with access to training to ensure that they can effectively fulfil the role of monitoring committee members.

The Committee calls on civil society organisations to remain in constant contact with their representatives on the monitoring committees and to ensure a mutual exchange of information.

Brussels, 6 July 2006.

The President
of the European Economic and Social Committee
Anne-Marie SIGMUND