



**European Committee  
of the Regions**

**COTER-VII/012**

**146th plenary session, 12-14 October 2021**

## **OPINION**

### **Effectively engaging local and regional authorities in the preparation of the Partnership Agreements and Operational Programmes for the 2021-2027 period**

#### **THE EUROPEAN COMMITTEE OF THE REGIONS**

- underlines that EU legislation on cohesion policy requires the involvement of local and regional authorities at all stages of the programming period, from planning through implementation and monitoring to evaluation;
- stresses that the involvement of local and regional authorities in the drawing up of partnership agreements and operational programmes is a key condition for these being configured strategically to mirror the real needs of the area in question and believes that effective implementation of partnership and multilevel governance is essential to better identify the investment priorities to be supported by the ESIF. Local and regional authorities should also be involved in selecting indicators and regional allocations, the volume of which should correspond to the area's structural problems;
- is most concerned that it is not possible to apply the partnership principle properly in all Member States. Negotiations on partnership agreements and operational programmes have shown that although in most cases local and regional authorities were consulted, their involvement did not mean full partnership as set out in the European Code of Conduct on Partnership;
- calls on the European Commission to closely monitor application of the partnership principle both in informal negotiations with the Member States and in the assessment of draft partnership agreements and operational programmes, and to provide recommendations to Member States and relevant authorities to improve partnership processes;
- calls for the partnership principles to be fully implemented under new instruments too, such as the Just Transition Mechanism, the Recovery and Resilience Facility and other new instruments financed under NGEU.

Rapporteur

Juraj Droba (SK/ECR), President of the Bratislava Region

## **Opinion of the European Committee of the Regions - Effectively engaging local and regional authorities in the preparation of the Partnership Agreements and Operational Programmes for the 2021-2027 period**

### **I. POLICY RECOMMENDATIONS**

#### THE EUROPEAN COMMITTEE OF THE REGIONS

1. points out that, as the EU's main investment tool, cohesion policy primarily aims at reducing the economic, social and territorial disparities between EU regions and at addressing structural challenges, such as job creation, protecting the existing jobs, competitiveness, economic growth, and tackling climate change, sustainable mobility and social exclusion; stresses, at the same time, that regions, cities and municipalities have a responsibility for the overall and sustainable development of their own areas and should therefore be equipped with the appropriate financial means to deliver this task;
2. emphasises that the added value of EU cohesion policy goes beyond the proven positive economic, social and territorial impact, as it also implies the commitment of Member States and regions towards strengthening European integration;
3. underlines that EU legislation on cohesion policy requires the involvement of local and regional authorities at all stages of the programming period, from planning through implementation and monitoring to evaluation; believes that, as part of the programming procedure, these authorities should be fully involved in the process of analysing needs and identifying measures for the purposes of preparing the partnership agreements and thematic operational programmes, with a view to addressing specific challenges in the regions and meeting cohesion policy objectives. Otherwise, there is a risk that the way these documents are put together will not meet needs on the ground;
4. highlights that the key rules for involving partners are enshrined in the European Code of Conduct on Partnership in the framework of the European Structural and Investment Funds<sup>1</sup> (European Code), which remains valid for the new programming period;
5. notes that strategic planning is the basis for successful implementation of cohesion policy. The key documents of that policy are the partnership agreements and operational programmes that set the strategic priorities, including the financial allocation and proposed measures, which will have a major impact on how the regions develop over the next decade;
6. calls for the main strategic documents for the new programming period to be adopted without delay so that implementation can get under way as soon as possible;

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<sup>1</sup> Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds.

7. welcomes the interest expressed by the Slovenian presidency of the Council of the EU in further exploring the topic of partnership in the ESIF with the aim to improve its application, and is ready to work together;

### **Applying the principles of partnership and multilevel governance**

8. the partnership principle and the multi-level governance model, which are based on enhanced coordination among public authorities, economic and social partners and civil society, can effectively contribute to better communicating EU policy objectives and results;
9. notes that the partnership approach is a participative and collective process involving public authorities at European, national, regional and local level, as well as relevant socio-economic partners and representatives of civil society;
10. points out that applying the principles of partnership and multilevel governance contributes to better identification of needs, a stronger collective commitment to meeting objectives, as well as a sense of "ownership" among the partners involved and better complementarity with other instruments. It also helps strengthen support for the common European project by communicating how cohesion policy contributes to solving local problems, thus bringing the EU closer to the people and reducing the democratic deficit;
11. takes the view that an in-depth analysis of their area by local and regional authorities provides the basis for good programme design. Moreover, cooperation between stakeholders at different levels of government contributes to better synergies between their policies and avoids duplication or conflicting approaches within a given area;
12. stresses that regional and local authorities already have a wealth of experience in preparing and implementing several programming periods, which must be built on in accordance with the partnership principle in order to better design the new programming period; points out, however, that their experience also shows that respect for the principles of partnership and multilevel governance varies from one EU Member State to another and that central administrations' processes are not necessarily inclusive;
13. notes, in general, that formal partnership is applied in decentralised states or federal states with established cooperation mechanisms, but there remains room for improvement; while the role of local and regional authorities is often limited in smaller unitary states. At the same time, the prevailing sentiment in many countries is that the further regions, cities and municipalities are from the capital, the weaker their role is in preparing the programming period; calls on all EU Member States to ensure a proper application of multilevel governance to ensure that all local and regional authorities benefit from it;
14. is most concerned that it is not possible to apply the partnership principle properly in all Member States. Negotiations on partnership agreements and operational programmes have shown that although in most cases local and regional authorities were consulted, their involvement did not mean full partnership as set out in the European Code of Conduct on Partnership;

15. is concerned about the limited progress in some Member States in opening up spaces for dialogue and communication with a view to drawing up the regional strategic documents for the 2021-2027 programming period, to the extent that the financial allocation from the Structural Funds to be made available for implementing the Operational Programmes is still not yet known;
16. is concerned about the main findings of a study<sup>2</sup>, which show that the involvement of partners in preparing the new programming period has improved only slightly compared to the 2014-2020 programming period, and that the way partnership is implemented has changed only slightly, thus not fully exploiting its potential; is equally concerned about the finding that an excessively high proportion of local and regional authorities are involved in public consultations only, and do not play a more direct role in compiling strategic documents. In countries where the partnership principle is not properly established and is purely superficial, the European Commission should also assist in examining mechanisms to ensure it is applied properly;
17. calls on the European Commission and Member States to boost the attractiveness of EU cohesion policy funding through further simplification and limitation of gold plating, and to consider reducing the complexity and, where appropriate, the number of regulations and guidelines;
18. takes the view that fully-fledged partnership cannot be imposed by any regulation or legislative act, but is the result of long-term dialogue based on mutual trust and respect, the political culture and the sincere interest of the parties involved in delivering the best solutions for the area concerned; points out that this long-term, trust-based dialogue also requires a clear and reliable legal and operational framework for which the EU institutions are also responsible;
19. finds it regrettable that, the regulation of the Recovery and Resilience Facility does not require the application of the Code of Conduct, but only recommends the involvement of local and regional authorities, which led to the preparation of the national recovery and resilience plans behind closed doors and with very little involvement of or significant contribution from local and regional authorities, jeopardising their ability to absorb and implement funds. In practice, this makes local and regional authorities merely bodies that implement decisions taken by the Member States in relation to their own competences;
20. points out that the potential of partnership is under-exploited and not taken sufficiently into account in a number of countries, and calls for examples of good practice to be sought out to enable stakeholders to play an effective role; finds it equally regrettable that governments in several Member States are not open to new approaches for involving partners, and replicate the established patterns of the past, which hinders the implementation of an effective partnership; in this context, however, welcomes the European Commission's intention to renew the European Community of Practice on Partnership, with a view to exchanging experience and building capacity, and is ready to contribute actively to this initiative;

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<sup>2</sup> *Application of the principles of partnership and multi-level governance in Cohesion Policy programming.*  
<https://op.europa.eu/en/publication-detail/-/publication/effcb753-a6ff-11eb-9585-01aa75ed71a1>.

21. stresses that mobilising stakeholders, strengthening their capacity and taking their views into account remains the biggest challenge in implementing partnership, and finds it regrettable that several of the local and regional authorities' objections from the last programming period have not been taken into account and that the problems of mobilising partners thus persist; calls therefore that the European Commission requires Member States to explain the reasons for non-consideration, and to present concrete measures aiming to mobilise and strengthen stakeholders in the new programming period;
22. takes the view that an effective set-up of multilevel governance processes requires not only a vertical approach involving the different levels of governance, but also a horizontal dimension involving relevant socio-economic partners, representatives of civil society or academia;
23. points out that local authorities often feel under-represented and that they play a minor role or are not listened to in preparatory processes. Given the large number of municipalities in the negotiations, they are mainly represented by their umbrella associations, which therefore play an important role in the preparation process. However, within their structures, there is a need for appropriate capacity to ensure an efficient flow of information to cities and municipalities, so that they are sufficiently aware of ongoing processes and have the possibility to influence them through their associations;
24. stresses the need for local and regional authorities to play a predominant role in operational programmes' monitoring committees, and calls on managing authorities to fully involve local and regional authorities in preparing Interreg programmes as well;
25. calls for the partnership principles to be fully implemented under new instruments too, such as the Just Transition Mechanism, the Recovery and Resilience Facility and other new instruments financed under NGEU; points to the major impact that the Recovery and Resilience Facility will have on cohesion policy and to the risk of possible duplications and inconsistencies between these instruments;
26. calls for the partnership principle to also be applied under the common agricultural policy (CAP) when drawing up and implementing the strategic plans; in this regard, local and regional authorities should be closely involved, in particular in European Agricultural Fund for Rural Development (EAFRD) actions; underlines the opportunities, which the application of the partnership principle in the CAP offers, particularly in relation to finding synergies between projects, financed under the ERDF and the second pillar of the CAP;
27. stresses the importance of parallel diplomacy by regional and local authorities at European level and calls on the European Commission to involve local and regional authorities in negotiations on the shape of the partnership agreements and operational programmes; by putting forward arguments based on their hard data and knowledge of local problems, these authorities can contribute to a more effective and realistic setting of priorities in the strategic documents;
28. highlights that local and regional authorities can shape their operational programmes in a way that gender mainstreaming is given a prominent place in line with Article 16 (f) of the

Interinstitutional Agreement and the European Commission's ambition to foresee gender mainstreaming included in EU programmes and the plan to implement a methodology on assessing the gender impact in impact assessments no later than 1 January 2023; calls on Member States and local and regional authorities to take this into consideration at all steps of the programming;

29. stresses that differences in the timing of the preparation of national recovery and resilience plans and partnership agreements may, in some cases, hinder effective institutional coordination and limit the search for synergies; the potential priority of RRF funding over cohesion policy, owing to the pressure for rapid implementation and take-up, may reduce the activities in the programming and implementation of cohesion policy 2027, contributing to further delays and take-up of cohesion funding; warns of the risk of an unequal recovery between the different regions of Europe and an increase in inequality due to the lack of a spatial approach to developing the plans financed by the RRF; calls, therefore, on European and national authorities to speed up the preparation of partnership agreements and operational programmes and to strengthen synergies between partnership agreements and national recovery and resilience plans;
30. calls for relevant documents to be sent to local and regional authorities in good time before working meetings; at the same time, finds it regrettable that partners often have very little time to comment on documents and therefore calls for them to be given an adequate timeframe commensurate with the importance of the documents being commented on. The involvement of regional and local authorities should not purely be a formality and feedback should always be given on comments made;
31. calls on the European Commission to closely monitor application of the partnership principle both in informal negotiations with the Member States and in the assessment of draft partnership agreements and operational programmes, and to provide recommendations to Member States and relevant authorities to improve partnership processes;
32. proposes organising, in cooperation with the Slovenian presidency of the Council of the EU, a joint workshop focused on involving regional and local authorities and taking account of their views in order to make the preparation and implementation of cohesion policy programmes more effective; furthermore, suggests that the topic of partnership in the ESIF is also dealt in the context of the "better regulation" initiative, and also be put on the agenda of Council meetings so as to highlight the benefits of effective partnership and multilevel governance in preparing and implementing cohesion policy programmes, demonstrating that this approach helps to achieve common EU policy objectives and should therefore be applied in other policy areas as well;

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

33. highlights the importance of the European Code of Conduct on Partnership and the role of the partnership principle in enhancing the collective commitment to and ownership of cohesion policy;

34. notes that the European Code of Conduct provides detailed recommendations for the effective implementation of partnership while taking into account specific needs at local and regional level;
35. stresses that Article 6 of the Commission Delegated Regulation requires the balanced involvement of partners in the drawing up of partnership agreements and operational programmes, as well as compliance with the European Code of Conduct; calls on the managing authorities and the central coordinating bodies, therefore, to fully implement these requirements and to involve partners beyond mere formal consultations;
36. intends to closely monitor the application of the European Code of Conduct during the drawing up of the partnership agreements and operational programmes, in keeping with its political priorities for 2020-2025<sup>3</sup>; similarly, requests that the Commission verify that the partnership principle has been properly applied before approving the national Partnership Agreements and Operational Programmes;
37. notes that the partnership principle was established in connection with the European Code of Conduct for the 2014-2020 programming period and hence does not reflect new instruments and the situation since the outbreak of the pandemic; takes the view that the partnership principle should therefore be strengthened in the European Code of Conduct, as it has already called for in its earlier opinions;
38. calls for regional and local governments to be fully involved in the mid-term review of the 2021-2027 programming period. This should include a CoR opinion on the experiences on the implementation in the first years and the expectations of local and regional authorities on the financial envelopes as well as on the technical implementation for the remainder of the current programming period; further it could result in the drafting of a study evaluating experience with the application of the recommendations of the European Code of Conduct ten years on from its introduction in 2024; the CoR should be involved in the drafting of the Terms of Reference of the study, discuss the study and be associated to the formulation of recommendations to follow up the conclusions of the study;
39. calls on the European Commission to closely monitor and evaluate the implementation of the European Code of Conduct and, if partnership is being insufficiently taken up, to revise it on the basis of examples of good practice in the Member States; calls on the European Commission to take this opinion's recommendations, as well as the conclusions of expert workshops, on board should the Code be revised;
40. recommends that the European Commission, on the basis of the collected good examples, call on the Member States to draw up action plans on how to improve the partnership approach in the implementation and monitoring of the current programming period;
41. at the same time, recommends that the European Commission contemplate setting up a barometer for the application of partnership that would encourage its greater use;

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<sup>3</sup> <https://cor.europa.eu/en/our-work/Pages/cor-priorities.aspx>



## **A place-based approach**

42. stresses that the involvement of local and regional authorities in the drawing up of partnership agreements and operational programmes is a key condition for these being configured strategically to mirror the real needs of the area in question and believes that effective implementation of partnership and multilevel governance is essential to better identify the investment priorities to be supported by the ESIF. In order to target investment effectively, it is essential that the regional and local specificities of the area concerned are considered and, including natural and demographic factors that put it at a disadvantage. Local and regional authorities should also be involved in selecting indicators and regional allocations, the volume of which should correspond to the area's structural problems; owing to disparities between regions and within regions, it is still necessary to invest in basic infrastructure, providing basic services in the areas of environment, transport, information and communication technologies, social services, health and education;
43. stresses that it is the regions, cities and municipalities that know their areas and their main challenges to achieve European objectives such as the Green Deal, and global agendas such as the Sustainable Development Goals; they are aware of the strengths and weaknesses of their socio-economic fabric (e.g. areas with problems in mobility, the environment and sustainable transition, climate, energy transition, social inclusion and the fight against inequalities, education, digitalisation etc.) and are able to gauge, drawing on data, the expected impact of each measure and make proposals for more targeted measures or redesign of existing measures.;
44. underlines that the COVID-19 pandemic has shown once more the importance local and regional authorities play in the implementation of structural and investment funds; at the same time, the lack of financial means in many local and regional authorities was brought to light; welcomes in this respect the flexibility measures, which were introduced by the European Commission in the CRII and CRII+ packages; calls on the Commission to put a proposal forward to extend the 100% co-financing rate for another year, extend the N+3 rule and temporarily increase the de-minimis state-aid threshold, so that local and regional authorities receive sufficient support in these challenging times;
45. is of the opinion that a place-based approach can significantly contribute to a sustainable green and digital transition and recommends that more frequent territorial impact assessments be conducted under the various cohesion policy objectives and those of the European Green Deal and the Digital Strategy;
46. takes the view that, in addressing territorial challenges, a place-based, integrated approach should be reinforced at the expense of a purely sectoral one. It is precisely the adverse consequences of sectoral compartmentalisation and the stifling of the interests of those involved that hamper a comprehensive and integrated approach to problem-solving;
47. takes the view that integrated territorial strategies for regions and cities (based on ITI and CLLD) have huge potential to beneficially influence the focus of national operational programmes so that the particular regional and local challenges are heeded; calls, therefore, for

operational programmes to be congruent with these strategies so they are accurately targeted. The regional dimension should also be factored into the relevant sections of the operational programmes in order to avoid inconsistencies between the different strategic documents;

48. welcomes the fact that the 2021-2027 programming period will have a strong emphasis on Integrated Territorial Investments in implementation and thinks that, where appropriate, the measures proposed in the integrated strategies should be supported as a matter of course without the need for demand-side calls for interest. The ITI strategies should be comprehensive and cover measures whatever the remits of the bodies involved (state, regions, municipalities);
49. points out that, as part of the implementation of ITI, EU regions have well-established cooperation platforms based on the principles of partnership and multilevel governance that are capable of clearly determining the key challenges and identifying the most apt responses;
50. calls for the establishment of effective mechanisms to enable local and regional authorities to participate in the selection of ITI measures on the basis of the territorial principle, regardless of the remits of the entities involved; recommends that the European Commission and the Member States analyse the existing effective collaborative mechanisms in the Member States, which can serve as examples of good practice;
51. believes it useful to address the identification of priorities within smaller dynamic thematic groups that, on the basis of verifiable territorial data, will analyse the challenges and propose responses within a given sectoral topic;
52. is aware that the lack of data at regional level and within cross-border regions is an obstacle to the effective targeting of investment; therefore calls on the European Commission to bolster the collection of statistical data (via Eurostat and ESPON) at NUTS 3 level within the various sectoral policies relevant to cohesion policy objectives – data which will also be used to measure the progress achieved in the area concerned; also regards the EU Social Progress Index, an updated version of which was presented by the European Commission at the end of 2020, as an appropriate instrument;
53. also sees the lack of administrative and analytical capacity as a hindrance to the effective involvement of local and regional authorities and calls for this to be reinforced in the new programming period;

#### **Use of digital tools and the consequences of the pandemic**

54. regrets that the outbreak of the pandemic has delayed the negotiations on EU programmes between the legislative authority and hence, the drafting of partnership agreements and operational programmes, which were not completed in time for the start of the new programming period, and calls for an immediate acceleration of the preparatory work and a stepping-up of the discussions;

55. also regrets that the measures taken to mitigate the spread of the pandemic have also set back or shelved collaboration with regional and local authorities, in some instances by up to a few months, which will have negative consequences on the development of their areas;
56. warns against trends towards centralisation in the programming and implementation of ESI Funds as a result of the pandemic and the parallel running of two programming periods;
57. notes that the pandemic crisis has also offered an opportunity to involve partners through the widespread use of digital communication tools, which have in some measure facilitated interactions between stakeholders and could have a positive impact on the balanced involvement of partners who would otherwise not be able to be part of the preparations;
58. notes, however, that the possibilities for partners to interact in online meetings are often limited and therefore considers it necessary to constantly improve the conditions for interaction with partners during online meetings. A range of techniques and approaches to leading discussions need to be adopted, together with support from technical assistance, to better facilitate online meetings;
59. recommends also building on examples of good practice in the use of online and interactive communication tools for the future, but takes the view that digital solutions cannot replace physical meetings and consultations and should only be used as a complementary means depending on the format and nature of the discussion.

Brussels, 12 October 2021

The President  
of the European Committee of the Regions

Apostolos Tzitzikostas

The Secretary-General  
of the European Committee of the Regions

Petr Blížkovský

## II. PROCEDURE

<b>Title</b>	Effectively engaging local and regional authorities in the preparation of the Partnership Agreements and Operational Programmes for the 2021-2027 period
<b>Reference(s)</b>	Not applicable
<b>Legal basis</b>	Article 307 TFEU
<b>Procedural basis</b>	Rule 41(b)(i) of the CoR Rules of Procedure
<b>Date of Council/EP referral/Date of Commission letter</b>	6 May 2021 Presidency referral
<b>Date of Bureau/President's decision</b>	4 May 2021
<b>Commission responsible</b>	Commission for Territorial Cohesion Policy and EU Budget
<b>Rapporteur</b>	Juraj DROBA (SK/ECR), President of the Bratislava Region
<b>Analysis</b>	25 May 2021
<b>Discussed in commission</b>	22 June 2021
<b>Date adopted by commission</b>	22 June 2021
<b>Result of vote in commission (majority, unanimity)</b>	Majority
<b>Date adopted in plenary</b>	12 October 2021
<b>Previous Committee opinions</b>	<ul style="list-style-type: none"> <li>– Opinion on <i>Code of Conduct on Partnership</i><sup>4</sup></li> <li>– Opinion on <i>Outcome of the negotiations on the partnership agreements and operational programmes</i><sup>5</sup></li> <li>– Opinion on <i>The future of Cohesion Policy beyond 2020</i><sup>6</sup></li> <li>– Opinion on <i>Final conclusions and recommendations of the High Level Group on Simplification post-2020</i><sup>7</sup></li> <li>– Opinion on <i>Common Provisions Regulation</i><sup>8</sup></li> <li>– Opinion on <i>Recommendations for the successful design of regional development strategies beyond 2020</i><sup>9</sup></li> </ul>
<b>Date of subsidiarity monitoring consultation</b>	–

<sup>4</sup> [OJ C 17, 19.1.2013, p. 13](#)

<sup>5</sup> [OJ C 313, 22.9.2015, p. 31](#)

<sup>6</sup> [OJ C 306, 15.9.2017, p. 8](#)

<sup>7</sup> [OJ C 176, 23.5.2018, p. 51](#)

<sup>8</sup> [OJ C 86, 7.3.2019, p. 41](#)

<sup>9</sup> [OJ C 39, 5.2.2020, p. 11](#)