

# **Partnerships for Sustainable Development?**

**Report on the Structural Funds  
Programming Process in  
Central Europe**

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Programming Process in  
Central Europe**

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## List of Abbreviations

CF	Cohesion Fund
CSF	Community Support Framework
EAGGF	European Agricultural Guidance and Guarantee Fund
EC	European Commission
EIA	Environmental Impact Assessment
ERD	European Regional Development Fund
EU	European Union
FIFG	Financial Instrument for Fisheries Guidance
ISPA	Instrument for Structural Policies for Pre-Accession Aid
JROP	Joint Regional Operational Programme (in the Czech study)
MA	Managing Authority
MC	Monitoring Committee
MoE	Ministry of Environment
MoRD	Ministry of Regional Development
NDP	National Development Plan
NGO	non-governmental organisation
NUTS	Nomenclature of Territorial Statistical Units
OP	Operational Programme
PC	Programme Complement
REC	Regional Environmental Center
SEA	Strategic Environmental Assessment
SF	Structural Funds
SOP	Sectoral Operational Programme
SPD	Single Programming Document (Latvian equivalent of NDP)
WG	working group



## Executive Summary

### Goal

This report concerns a study in five of the eight Central and Eastern Europe countries that join the European Union in May 2004: Czech Republic, Hungary, Latvia, Poland and Slovakia. The report examines to what extent the partnership principle (or: public participation) is implemented in the programming process for developing the National Development Plans and obtaining EU Structural Funds in each of the five countries. Aim of the study is to review the implementation of the partnership principle, draw conclusions and formulate recommendations for the next EU budgetary period, in order to prevent a weak implementation of the partnership principle of the European regional policy.

### Method

The method that is used is a review of the process by means of a set of 12 standardised questions. The questions are based on research studies that measured to what extent public participation was actually reached, and were adapted to the specific scope of the issue. The basis of the criteria to evaluate public participation is the Aarhus Convention. The study was executed by five NGOs that closely and actively followed the process of preparing for EU Structural Funds in their country from 2002 to October 2003. The authors were all directly involved in discussions on the issue with their governments, as well as within their environmental NGO community.

### Scope and Criteria

The partnership principle was evaluated in three of the five main phases of the process:

- A. Partnership in programming (i.e. public participation in preparation of the basic programming documents for the EU budgetary period 2004-2006);
- B. Partnership in implementation (i.e. participation of NGOs in project selection committees);
- C. Partnership in monitoring (i.e. participation of NGOs in monitoring committees).

The following nine criteria were evaluated in each of the three phases:

*A. Criteria in programming phase:*

1. Existence or non-existence of any national rules for public participation;

2. Quality of dissemination of information on the programming process;
  3. NGO representatives in the planning team;
  4. Mean/techniques of consultation;
  5. Public hearing organised by the responsible ministry;
  6. Quality of NGO participation (attendance in the meetings and timescale for participation);
  7. Existence of a country-wide NGO platform as lobby mechanism;
- B. Criteria in implementation phase:*
8. Partnership in project selection committees;
- C. Criteria in monitoring phase:*
9. Partnership in monitoring committees.

## Report

The above mentioned criteria were evaluated through answering the set of 12 standardised questions for each of the five countries. A full report of the outcomes is presented in this report by means of the five country reports (each 6-10 pages long). The 12 questions and their answers for the five countries are presented in one overview table at the top of chapter “Conclusions”. In summary, the conclusions for each of the nine criteria are as follows.

## Conclusions

### A. Partnership in Programming

#### A.1. Rules and Guidelines

In most countries there exist rules or guidelines which might serve as a basis for public participation. However, when evaluating the practice, these rules and guidelines are either non-binding, un-enforceable, or due to own interpretation by the competent authorities not implemented correctly. In the latter case the experience in all researched countries was that authorities considered also business associations, scientific institutions or municipalities as “NGOs”. The real NGOs were not invited or considered of less value in the process.

#### A.2. Dissemination of Information on the Programming Process

Information about the rules for programming, strategy and time schedule were not always clear in all countries, especially in Slovakia. In all five countries information on the programming process was not good. It did not meet the criteria to be “timely, sufficiently as well as up-to-date”. Generally speaking the efforts of State Authorities to inform the public at large can be characterised as “often quite poor”.

### **A.3. Involving Partners in the Programming Process**

Involvement of partners (specifically NGOs) in the process depended on their own efforts and the willingness, or initiative of the authorities. Committees were often not functioning well. In Hungary NGO involvement was not realised. In the other four countries it was partially realised, due to above mentioned factors, except for the Czech Republic. Czech Authorities invested relatively much effort into involvement of NGOs and other partners into the process. But eventually the impact depended too much on individual commitment of decision makers.

### **A.4. Public Consultations**

Public consultations and hearings on drafts of the programming documents with the partners and/or public were “more or less” held in all researched countries. In the Czech Republic and Hungary NGOs (also) organised such consultations, which resulted in the recognition of NGOs as being a ‘partner’ by the authorities. In all countries there was shortage of time to implement it well, or implement it at all (IF authorities intended that of course). In all cases the consultations were not really relevant for the outcome of documents; either through bad performance (no real discussion, e.g. the consultation was used to present information, instead of debate), bad timing (i.e. there was no possibility or time that documents could be amended), or unclear status of consultations.

### **A.5. NGO capacities**

An NGO platform for the consultation process exists in Hungary and Slovakia. In all countries there is a huge need for capacity building on regional development. The research reveals that in all countries is a lack of sufficient knowledge on EU policies, structures and development processes; not only among NGOs, but also among municipalities and other players in regional development. During the research period, environmental NGOs showed interest in the issue, especially when efforts were made to pass on the message of the importance of the process. Due to complicity of the process and lack of positive feedback (i.e. results from their participation in the process) the NGOs tend to leave the topic aside. Nevertheless, a country-wide NGO platform either emerged, or is acknowledged as being priority in all countries.

## **B. Partnership in Implementation**

As far as the National Development Plans are concerned, we may conclude that in some countries there had been still no comprehensive information on implementation structures available before the deadline for the competition of this study. In each country institutional and personal capacities are still seriously

underdeveloped. There is no uniform practice on NGOs (public) participation in Steering Committees or the project selection process.

### **C. Partnership in Monitoring**

By the time of the completion of the present report, all countries except for the Czech Republic and Latvia have their Monitoring Committees established and in every country, Monitoring Committees (or at least some of them) involve NGOs to some extent.

## **Recommendations**

The report finishes with extensive recommendations towards national governments, authorities, and planners in the process of regional policy of the Accession countries: These recommendations are already current for the coming two years (2004-2005) when new regulations concerning the budgetary period 2007-2013 will be formulated within the European Union. In summary the recommendations are as follows (the full text of the recommendations is in the last chapter of this report; “recommendations”).

### **1. Rules and Guidelines, Institutional Structure**

- Implement strategic environmental assessment (SEA) on each programming document;
- Adopt clear, binding, enforceable rules or guidelines to implement the partnership principle;
- Ensure clarity on rules/guidelines: they are published, clear and understood by all partners;
- Strengthen regional structures, institutions, partners that are target of EU Structural Funds.

### **2. Partnership in Programming**

- A thorough evaluation of current programming process and implement lessons learned;
- Invite (environmental) NGOs into the preparation teams for period '07-'13 from start;
- Set clear and open procedures (regarding rules, timing, public participation) for next period;
- Ensure active dissemination of information, as well as access to information: timely, full, and upon request (practical suggestions in “recommendations”);
- Ensure real consultation with partners (practical suggestions in “recommendations”);

- Participation of partners in planning process (details in “recommendations”);

### **3. Partnership as a Principle for Project Development and Selection**

- Invite NGOs and other partners to Management and Project Selection Committees of Operational Programmes (OPs) and working groups preparing calls for project proposals.

### **4. Participation of Citizens Organisation in Monitoring and Evaluation of SF Assistance**

- Involve and train (beforehand) environmental NGOs in each Monitoring Committee;
- Set clear statutes for each Monitoring Committee and its members,
- Make documents and minutes available publicly;
- Involve NGOs in working groups of ex-ante and ex-post evaluations, as well as in SEA;
- Make finances available to cover costs of NGO representatives in the process.

### **5. Building NGO Capacities for Participation in and Monitoring of Regional Policy**

- Support NGOs (and other partners in the process) to enable themselves to perform as a real partner in the process (practical suggestions in “recommendations”);

# Introduction

## About Partners

The report you hold in your hands right now is the outcome of the common efforts of five non-governmental, not-for-profit organisations operating in five Central European countries. These organisations are the National Society of Conservationists, Hungary (NSC), the Center for Environmental Public Advocacy, Slovakia (CEPA), the European Center of Sustainable Development, Poland (ECSO)<sup>1</sup>, the Centre for Community Organising, Czech Republic (CCO) and Green Liberty from Latvia. The origin of the network dates back to 2001 when three of the current partners (NSC, ECSO CCO) implemented the "Aarhus Convention and Regional Development" project with the financial support of the Regional Environmental Centre for CEE within its DANCEE Cooperative grants program. Recently, the organisations set up, together with Milieucontact Oost-Europa Netherlands, a stable partnership "SF TEAM CE Network" and launched a three-year project "Partnership in EU Structural Funds". The project has been supported by the Ministry of Environment, Housing Spatial Planning, Netherlands, by C.S. Mott Foundation and the Regional Environmental Centre for CEE, again within the DANCEE Cooperative grants program.

The project partners of the five country evaluation reports are all – formal or informal – national NGO focal points for following and influencing the 'greening' of the National Development Plans and EU Structural Funds. They were facilitating or organising input of environmental NGOs in this process. The authors were all directly involved in discussions with their governments on the issue, and were in their own country well-informed about the topic of this report: implementation of the partnership principle in the EU Structural Funds programming process. Where necessary the authors made interviews with better-informed people from governments, NGOs or other organisations in order to provide proper answers to the questions of the structured questionnaire.

The general idea behind the promotion of public participation is that this ensures that

- development documents reflect the real needs of the regions;
- the public accepts development goals and
- programs and plans serve sustainable development.

The study aims to review the implementation of the partnership principle in:

- programming (i.e. preparation of the basic programming documents for the period 2004-2006)
- implementation (i.e. participation of NGOs in project selection committees)
- monitoring (i.e. participation of NGOs in monitoring committees).

Based on the analysis the project partners draw conclusions and recommendations for the next budgetary period in order to prevent a weak implementation of the partnership principle of the European regional policy.

The study comprises of five country evaluation reports elaborated against common criteria<sup>2</sup> for each of the above mentioned sections of the quality of the planning process (from a participation point of view) that were shaped into simple questions to be answered by the project partners while reviewing the national situation. The report closes with common conclusions summarising the major findings of the national inputs. It also attempts to identify some common recommendations which should be of use in each of the countries where the evaluations were undertaken, in order to strengthen democracy and the transparency of the planning processes.

## Partnership Definition

The study uses the Aarhus Convention, as a main guideline for partnership. The Aarhus Convention sets basic provisions for public participation. Three key components of an effective public participation process can be extracted from the text of the Convention: (a) access to timely and adequate information; (b) active dissemination of the information amongst the public; (c) consultations with the public. To this, two more components should be added if a regional development planning/programming process is considered in particular: (d) effective public involvement in planning (membership in the planning team – working groups or committees); (e) in-depth evaluation of public participation.<sup>3</sup>

Within the study the partnership was evaluated against the following criteria:

- Existence or non-existence of any national rules for public participation;
- Quality of dissemination of information on the programming process;
- NGO representatives in the planning team;
- Means/techniques of consultation;
- Public hearing organised by the responsible ministry;
- Quality of NGO participation (attendance in the meetings and timescale for participation);
- Existence of a country-wide NGO platform as a lobby mechanism;
- Partnership in project selection committees;
- Partnership in monitoring committees.

The report was closed in October 2003.

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1. Earlier: European Environmental Center

2. Those criteria were developed by CCO just for the purpose of the above mentioned report and were inspired by two sources: (a) World Resource Institute worldwide research on public participation "Closing the Gap", WRI, Washington, 2002; (b) Guidelines "Public participation in Regional Development Planning" published within "Aarhus Convention Regional Development" project, CCO, ELC, MTvSZ, Prerov, Czech Republic, April 2002; sponsored by REC for CEE.

3. Based on: "Public participation in Regional Development Planning – basic methodological recommendations", CCO Czech Republic, Prerov, April 2002

# Country Reports

## Czech Republic

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### A. Partnership Principle in Programming

#### A.1 Rules and Guidelines

Act No. 128/1999 Coll. on Regional Development sets basic rules for programming. One of the articles enacts that regional development operations must be done in co-operation with economic and social partners.

There are two Acts on Access to Information<sup>4</sup> in the Czech Republic, which are almost in compliance with first pillar of the Aarhus Convention, but they require free access to information only upon request. For more dynamic processes such as regional development planning (or the writing of EU programming documents) existing piece of legislation are of very limited use.

In the Czech Republic no other explicit legal basis exists for public participation in regional development planning (with the exception of the Act on Regional Development and the Act on Access to Information mentioned above).

The Council Regulation (EC) No. 1260/1999, which lays down general provisions on the Structural Funds, will become binding for the Czech Republic after accession. The Regulation stipulates that, "Community actions ... shall be drawn up in close consultation, hereinafter referred to as 'partnership', between the Commission and the Member State together with the authorities and bodies designated by the Member State within the framework of its national rules and current practices, namely:

- the regional and local authorities and other competent authorities,
- economic and social partners,
- any other relevant competent bodies within this framework".<sup>5</sup>

Explanatory documents issued by the European Commission demand the partnership system to promote dialogue among the following entities:<sup>6</sup>

- the European Commission,
- member states,

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- regional and local offices (including environmental offices),
- economic and social partners,
- other relevant organisations (including environmental ones and those lobbying for equal opportunities for men and women).

Guidance materials and recommendations were also issued in most cases by one of the ministries. These do touch on the partnership principle during the EU Regional Policy programming process (and later also on the programming process). Public participation is explicitly mentioned in the “Guidelines on environmental assessment of regional development plans and programmes” published by the Ministry of Environment (MoE), edition Planet 3/2001 and also in the “Guiding Instruction for Developing the Sectoral Operational Programmes”, by the Ministry of Regional Development (MoRD), February 2002 issued for use by the National Programming Committee. Both guidelines are based on the recommendations included in the publication “Public Participation in Regional Development Planning – basic methodological recommendations”, by the Centre for Community Organising (CCO), 2001.

Unfortunately, none of these guidelines were wholly respected in the 2002 programming process. Both guiding materials were used by ministries (at best) as sources of inspiration, provided that they were open at all to initiate meaningful consultation (public participation) as part of the programming process.

The coordinating body for the Community Support Framework and EU Structural Funds-related issues as a whole is the Ministry of Regional Development (MoRD). A Steering and Coordinating Committee was established to coordinate the programming process (the elaboration of the NDP and all OPs). Within the Steering and Coordinating Committee, NGOs were given one seat for their representative. The Committee established a Working Group for Programming, which serves as the main tool for information exchange and coordination. NGOs are invited to its meetings on an ad hoc basis. Each operational programme has its managing authority (MA) – a body fully responsible for the preparation of the programme (i.e. the elaboration of the programming document) and its management. Governmental Resolution No 102/2002 appointed the managing authorities in January 2002.

### Table of Managing Authorities

Operational Programme	Managing Authority
<b>January 2002 – May 2003</b> (6+1 operational programmes)	
SOP Human Resources Development	Ministry of Labor and Social Affairs

SOP Environment	Ministry of Environment
SOP Transport	Ministry of Transport and
SOP Tourism	Ministry of Regional Development
SOP Agriculture and Rural Development	Ministry of Agriculture
SOP Industry and Entrepreneurship	Ministry of Industry and Trade
Joint Regional Operational Programme	Ministry of Regional Development
<b>May 2003 and beyond</b> (3+1 operational programmes) – No of programs and measures cut due to EC pressure	
SOP Human Resources Development	Ministry of Labor and Social Affairs
SOP Infrastructure (merged Environment and Transport)	Ministry of Environment
SOP Agriculture and Rural Development	Ministry of Agriculture
SOP Industry and Entrepreneurship	Ministry of Industry and Trade
Joint Regional Operational Programme (included SOP Tourism)	Ministry of Regional Development

## A.2 Dissemination of Information on the Programming Process

At first, the programming process was not managed properly due to a number of reasons:

- lack of experience by the ministries in developing documents such as operational programmes for EU Structural Funds;
- very complicated communication with European Commission and significant delay in receiving comments on the NDP & OPs from the European Commission;
- complicated inter-ministerial communication and a constant struggle for competences, power-games.

As a result, the work schedule for the programmes was constantly missed and left unobserved by officials. The working plan and schedule was not open to public because it could have caused great embarrassment to officials who were concerned that a failed working plan might turn away potentially interested

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members of the public (at least that was the ministries' interpretation of the events).

Competent ministries created a link on their websites (or a special web-page) to provide the public with information on the process and to publish draft documents. Tools to reach the broader public (e.g. working groups where NGOs were usually represented – see A4 below) were not widely used.

The information available on the web was not very up-to-date, especially in the later phases of the programming process, when the situation got a little bit out of control. No timetable was drawn up for up-coming or on-going activities, so most stakeholders knew little about the process, the deadlines for the various versions of the documents, and the further steps. As a result, some participants became confused, and some even resigned from later involvement.

To give an example, all the OPs were sent for review to the EC in May 2003. Major changes were made in all operational programmes (like ruling out whole priorities, merging measures etc.). Yet, the ministries' websites only contain the out-dated versions of the documents, while not a single sentence on the changes in the documents until November 2003. During the programming period, the NDP and the OPs were always developed simultaneously, therefore, if, for example, an outsider wanted to keep abreast of the changes in the process and the documents, he/she had to invest a great deal of time and energy into gathering the information from different sources, cross-evaluating their validity and only then develop a plan. Sometimes even ministries were less well-informed than NGOs on operational programmes handled by other Managing Authorities.

Some NGOs (e.g. CCO its regional partners) tried assist the ministries in disseminating information, mainly by holding regular meetings for the working group "NGOs Regional Development"<sup>7</sup> and an already existing e-conference called "Regions".

### **A.3 Involving Partners in the Programming Process**

The planning team the operational programmes consisted of one or more working group(s) which were established to discuss plenary draft materials, prepared in most cases by a consulting company hired by the competent ministry or managing authority.<sup>8</sup> The working groups consisted of MA officers, government agencies, representatives of the regional governments, the Chamber of Commerce, the Trade Unions, and other relevant bodies. The number and composition of the working groups were different for each operational programme. All the working group members were equal and had a right to access any information about new programmes and committed themselves to provide expert input for the programme and also to present the opinion of the groups they represent.

In the case of some operational programmes, NGO representatives were invited to participate in the planning team (= working groups) or even in the formal committees set up by the MAs to contribute to the programming process. In all cases it happened in response to NGO initiatives demanding representation for NGOs. In case of the Joint Regional Operational Programme (JROP), request of NGOs was backed by a statement by one of the regions (that is considered by many as a landmark in public participation – see below). For the NGO member of the working group often found it very difficult to present his opinion on behalf of the whole NGO sector because the documents were often sent with no prior (or without clear work-plan and time schedule clarified with working group members in advance). The NGO representatives were then forced to react in a hurry without a real chance to gather feedback from the NGO community.

So most NGO members interested in EU programming had to trust that their interests were defended knowing that there was hardly any meaningful communication between the representatives and other stakeholders. That environment was made even more dominant by the lack of funding for committee and working group members, because after all, communication is a time-, and, consequently, money-consuming activity. NGO members at working group meetings had to be paid by the organization they worked for, in other words, representation in the working groups were fully dependent on the sending organization's cash-flow situation as well as the working group members' personal ability to cope with a heavier workload.

Most of the NGO representatives were selected on an ad hoc basis by a network or association of a range of organizations (if there such a network existed in that particular field) based on previous involvement in the process, professionalism and knowledge of EU SF-related matters, and personal characteristics such as reliability. With NGO representatives there was no formal selection process.

For example in the case of the JROP five working groups were established, in which the NGO participants were nominated by the independent platform “NGOs & Regional Development” for each working group. The representative then briefed the platform on the meetings and results at an e-mail conference. The quality of representation varied in accordance with the personal commitment of each NGO working group member. All NGO representatives were invited informally (in most cases by the platform “NGOs & Regional Development”) and worked as effectively as those most intimately involved in the process.

NGO representation in the programming teams:

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	Creation of the WG	Number of meetings	Number of NGO representatives	Note
Regional OP	April 2002 6 WGs in total + official planning committee	2 – 6 each WG + 1 mtg of the planning committee	One per group incl. committee	NGO representatives involved upon request
SOP Industry and Services	n.a.	n.a.	n.a.	Trade Unions, Chamber of Commerce etc. involved
SOP Human Resources	April 2002 Already existing Monitoring Committee	4	One NGO representative in the Monitoring Committee	NGO representatives were not official members of the Programming WG, but invited as independent experts
SOP Environment	Only internal to MoE August 2002	n.a.	none	Close informal co-operation btw. MoE Environmental NGOs in workshops roundtables
SOP Transport	n.a.	n.a.	n.a.	n.a.
SOP Agriculture Rural Development	March 2002	n.a.	One	Hunting Association as NGO representative involved

(n.a. – not available)

## A.4. Public Consultations

### The Means & Forms of Consultation

If we start to think more deeply about how the consultations were organized in the Czech Republic, there always seems to be a number of difficult questions: what is the real purpose of consultations? Are the consultations organized to facilitate broader discussion on “What is the real development? And/or what should be the focus of European money to increase public wealth: sustainability or prosperity?” Or is the purpose of consultations to negotiate with partners who will be involved in programme implementation, at which stage comments and recommendations sent to planners are weighed according to their political and financial implications to further programme implementation. Unfortunately, Czech ministries chose to follow the latter approach, as consultations with the general public/partners and civil society organizations were not strong enough to reshape the concept more appropriately to their expectations.

As a result, the meetings and consultations were organized on an ad hoc basis, for each group which were affected by or interested in the programme. For example, in the case of the Joint Regional Operational Programme, regional administration (*Kraj* = regional self-governmental unit, county) was considered as a far more serious partner than any the other stakeholders involved in the discussions with the MoRD (managing authority – MA – for JROP). And, therefore, separate meetings were organized to make room for negotiations between MoRD and regional governments, because *kraj* (= regions) will have a highly significant role in managing the programme. Nevertheless, on the part of the ministries, at least an effort was made to follow the partnership principle, when circumstances allowed it. Unfortunately, the constant struggle among government agencies made the working environment so time-consuming that the in the subsequent phases of planning partnership was reduced to the necessary minimum of finalising key documents.

However, by August 2002 the standard mechanisms of programming process had been put in place (incl. minimum levels of communication with the public – via the internet). But by beginning of September 2002 those standard mechanisms of the programming process came to be ignored due to increasing time pressure to developing the documents, and the lack of consensus on the content of the documents (such as distribution of measures – and related competencies). The working groups did not meet for a significant period of time and were replaced by one-to-one negotiations of responsible officials on the most controversial tasks. Within such a process there was, of course, no room for broader discussion with other stakeholders.

As a reaction to this situation some consultations (round-tables) were organized by the NGO community itself and comments were gathered which were then passed on to the responsible officials of the MAs, the consultants

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working on the document, the SEA teams and other stakeholders. Some 14 roundtables were organized in total, with approximately 260 participants, and more than 200 comments. The comments gathered at the roundtables varied from minor textual changes to conceptual recommendations on shifting the focus of particular measures. In most cases the OP Human Resources Development was discussed at the round-tables (workshops) backed by discussions on the Joint Regional Operational Programme. A little less discussion characterised the OP Agriculture and Rural Development. Most of the roundtables focused on more than one OP. The working group “NGOs Regional Development” mentioned above had a significant coordinating role in organizing the roundtables.

Due to the pressure from MoE, the relevant ministries organized a two-day public hearing on all OPs as part of the environmental ex-ante evaluation at the end of the process to give a final chance (and in fact the only one official one) to discuss draft documents. The public hearings were organized two weeks before the deadline for submitting the programmes to the European Commission in English; therefore, no significant changes were expected in the structure and focus of the measures.

The NDP itself was an exception – two public workshops were organized by the relevant department of the MoRD, and then, at the end of the process, there was a closing formal public hearing. Unfortunately, the NDP (as the highest level planning document) was very general in its content and therefore the lowest interest from the NGOs/public side was visible despite efforts invested into communication.

All the public hearings were organized by the Ministry of Environment in cooperation with other ministries responsible for particular operational programmes. Within two days all the six operational programmes were discussed, with two hours set aside for each. Each part of the day was characterised by varying degrees of participation with 10 – 20 participants on average from NGOs, public institutions and other government agencies, companies involved previously in developing the programmes. Environmental NGOs were mostly represented by one of two people from the Green Circle Network office and one of two people from environmental organizations based in the regions.

The fact that the public hearings were organized by the responsible ministries could be seen as a major achievement but also as the biggest deficiency of the meetings. First, the ministries recognized the necessity to organize a formal occasion where the document is presented to the public and the floor is open for anyone to make comments or recommendations as an unavoidable part of the programming process. On the other hand, ministry officials are usually not apt in organising such events, which proved to be the case with the public

hearing. For example, NGO networks and some umbrella organizations were invited mostly from sectors in which NGOs are particularly active. In addition, the letter of invitation was distributed by some of the best NGO e-conferences, in which some competent ministerial officials are also registered, no sufficient energy was invested into distributing invitations and even those distributed were sent only 8 days in advance of the meeting itself. The weak arrangement for sending invitations to the public hearings was criticized by the participating NGOs and was also mentioned among the key factors responsible for low participation.

### **Attendance**

No type of meetings organized to comment on the drafts document (those organised by the NGOs themselves and those organised by ministries) was well attended by the public/NGOs. A possible cause might be the low level of public awareness of the process, which may be explained by the fact that no up-to-date information was available on the ministries' web sites. However, the main reason was the non-standard nature of the programming process, which dates from the beginning of September 2002 (mid-August). The meetings of programming working groups were replaced by negotiations "behind closed-doors", as the situation was becoming more serious and the threat of failing to finish the documents become increasingly real.

A return to the standard planning procedures would only have been possible if all key tasks and problems (e.g. division of the measures) had been agreed internally – in December 2002, when the official public hearings were organized by the competent ministries and the draft documents were published on the websites. But, at the time, the NGO community was too frustrated from previous experience to attend the public hearings. The responsible officials then experienced a rather weak participation of civil organizations and publics on the hearings again, which meant the complete failure of the public participation process.

Additional cause for low participation on the ministerial meetings was often underestimation of the preparation phase of the public meeting (mostly in the organisational aspects).

### **Schedule**

The time dedicated for NGO input was not sufficient, as all the process of developing EU programming documents was strongly affected by the rapidly changing situation and the constant time pressure. After the provisional comments of the EC on the NDP and the OPs that were delivered to the public authorities in February 2002, all OPs needed a comprehensive review. The ministries had to avoid the over-lapping of measures within the operational programmes and all programmes had to be designed as mono-funded. The

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demands made by the EC led to a major power struggle among ministries for competencies.

After several reviews the documents were still not ready even in August 2002. Then some kind of crisis-management had to be employed to finish the OPs before the end of 2002, as agreed with the Commission. The consultations were narrowed down to:

- distant work on draft documents involving the working group members only, who were given two weeks to read and comment on this quite complex and changed document; and
- ad hoc comments provided by the working group NGOs & Regional Development, which was followed by even more intense time pressure because the working group secretariat did not receive the relevant documents automatically, unlike official working group members.

Problems did not only lie with time pressure. Although it was always possible to send to responsible officials in ministries a position or comment via e-mail, one never knew if one was commenting on a relevant document because the ones available on web-sites were in most cases three or four months old, and thus web-pages were of no use as a source of information in some phases of the programming process, even despite it was also often the only tool used to inform the public. Besides, one never knew how the comments were dealt with, despite the fact that in most cases they were read very carefully as we found out during the data-collection for this report.

### **Results**

Unfortunately, it is almost impossible to measure the real impact of partnership (public consultations) on the content of the programming documents, because of the lack of data available (no statistics on number, quality and relevance of the comments exists) and the lack of capacity for more complex research. However, we can make some statements:

- some ministries as the managing authorities offered an opportunity on their website to write and send comments on the draft documents, but the documents available on the web-site were mostly out-dated, and thus commenting on them was of little use;
- comments of major importance seemed to be respected by both planners and responsible ministry officials,
- a list of all the comments gathered from the public during the programming period were never published, let alone publishing explicitly how they were taken into account;
- it was not clear who in the ministries was really in charge of collecting, compiling and evaluating the comments (both types: presented at official meetings orally or sent in writing to the ministry).

The authors of the present report believe that the biggest achievement of the process was the fact that NGOs earned respect as partners in the programming process, and are regarded as a force to be reckoned with both by the planner (hired consultancy) and/or the responsible ministry officials.

### **A.5 NGO Capacities**

In the Czech Republic NGOs working on similar issues have formed various platforms with various levels of coordination and communication. These include the Green Circle (membership network of eco-NGOs), the Czech Council of Humanitarian Organizations (also with regional units), the Donors' Forum, the Czech Council of Youth; in some regions the Regional NGO Associations (as cross-sector and mainly formalized networks in counties/regions = *kráj*) etc. Most of the networks also became active in the field of the EU Structural Funds programming process in 2002 and 2003.

One of the most active informal networks on EU Regional Policy issues is the working group (or independent discussion platform) called "NGOs Regional Development", which played quite a significant role in exchanging of information on the EU SF programming in a quite successful attempt to co-ordinate the consultation events organized by the NGO sector in the regions of the Czech Republic. The results of the consultation were then gathered, synthesized and sent by the platform to relevant public authorities.

The existence of an umbrella NGO body is foreseen as a necessity (pre-condition) for further communication and co-operation among public authorities and civil society organizations on the national level, be it in the field of EU programming process or other. There is a need for a cross-sectoral (all-encompassing) association, which might become an official place for commenting on existing legislation, planning documents, etc., and as the sole provider of NGO representatives into several government committees, working groups and advisory bodies. Such a platform should also facilitate discussion on EU programming documents for the next period.

However, within the NGO sector itself, there is growing opposition against such an association pleading for more informal and democratic means of co-operation and co-ordination of the NGO "political activities" such as their involvement in SF programming. The most powerful organizations (together with already existing sectoral platforms) regularly present their strong reservations to the NGO Association.

## **B. Partnership in Implementation (project selection)**

Comprehensive information on the implementation structures was not available by the time the national input for the report was to be finalised. However, it is clear that institutional and personal capacities within the

implementation structure are still seriously underdeveloped (on both national and regional levels), most of the components of the implementation structures for particular operational programmes were under preparation at the time of the elaboration of this text – early November 2003. Based on the information available from the first drafts of operation manuals for operational programmes and the drafts of programme complements, the schemes of implementation and the level of NGO involvement in the project selection process will vary significantly from one OP to the other.

Programme complements (PC) and operational manuals should define (decide) very practical issues, such as how and where the projects are selected, what the selection criteria are, who the possible final beneficiaries are within each measure etc. Currently, all the documents are under construction and are still not public. Thus, the information scattered in the NGO community is not very reliable. The only programme which is in a brighter situation is the JROP.

The Implementation scheme of the Joint Regional Operational Programme:

a) The projects are to be selected by Regional Councils, which were established on basis of the Act on Regional Development for each NUTS II region. The Regional Councils consists of the members of regional parliaments.

b) According to the same piece of legislation, Regional Development Committees should be established to serve as regional monitoring sub-committees.<sup>9</sup> NGOs are provided with at least two seats (one environmental, one social). In some NUTS II regions there are even four NGO representatives (2+2).

c) Scoring of the projects will be within the competence of the Regional Council Secretariat. To score more complex projects expert groups should be established in which NGOs are likely to be represented. On the other hand, it is very probable that nothing like broader project selection committees will exist at all in the case of JROP. The projects will be selected by the competent political body – Regional Council – and scored only by its managerial support body, by the Regional Council Secretariat. The implications of the project selection process might even slightly vary in each NUTS II region.

Only the Ministry of Environment explicitly expected to provide the non-governmental sector with a seat in the Management Committee (a body responsible for project selection).

### **C. Partnership in Monitoring**

Each operational programme assumes that the partnership principle will be observed during the process of defining the composition of the monitoring committees and their rules of procedure. There is a view suggesting that each monitoring committee should contain at least two representatives from the non-governmental sector (one social, one environmental). It should be

mentioned here that monitoring committees are the supreme bodies of the implementation structure/for each OP. The committees adopt the Programme Complements and design the project selection criteria for each measure of the OP within their competence.

The nomination of NGO representatives were made by the Council for Non-profit Organisations of the Government of the Czech Republic based on an open call for proposals on nominees. The Council (or in effect its Committee on Cooperation with the EU) select nominees and their deputies against a set of criteria such as previous experience and knowledge of the nominee in EU SF matters, reliability of the nominee, reliability of the sending organisation and its readiness to cover the expenses related to the work of the nominee within the Monitoring Committee. Each of the candidates had to submit an application providing the required information along with a CV and a cover letter, which were evaluated by the Committee on Cooperation with the EU at the Council for Non-profit Organisations. The Council then nominated NGO representatives into the Community Support Framework Monitoring Committee and the monitoring committees of each operational programme.

The monitoring committees were still not officially established by a ministerial resolutions by November 2003 but it seems likely that, as Managing Authorities, all the ministries will respect the nomination of the NGO representatives by the Council and thus each monitoring committee will include at least one NGO representative. It is still not clear if environmental non-governmental organisations will be offered a seat in each monitoring committee. An environmental representative was nominated for each operational programme as a nominee or his/her deputy.

No monitoring committee exists for the Cohesion Fund.

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4. Act No 123/1998 Coll. on Access to Environmental Information, Act No 106/1999 Coll. on Access to Information.

5. Article 8 section 1 of Council Regulation (EC) No 1260/99 (European Parliament and Commission) 21 June 1999 laying down general provisions on the Structural Funds.

6. European Commission: Structural actions 2000 – 2006 – Commentary and regulations, Luxembourg: Office for Official Publications of the European Communities, 2000.

7. The working group “NGOs Regional Development” is an informal open platform of organisations interested and/or involved in regional development operations from all over the Czech Republic. It meets regularly on a monthly or bimonthly basis to facilitate information exchange, co-ordinate its members activities in the field of regional development and produce its positions on various issues and documents.

8. The NDP itself was an exception – it was almost completely written by the ministries’ officials. the role of external consultants was also very small in the case of the SOP Environment (and later Infrastructure).

9. A real Monitoring Committee will be established on the national level because the JROP is a central program, despite the highly regionalized structure of its implementation.



# Hungary

*Katalin Hargitai*  
*National Society of Conservationists*

## **A. Partnership in Programming**

### **A.1 Rules and Guidelines**

#### **Legal Background**

Public participation is authorised on national level by Act No. LIII dated 1995 on the Protection of the Environment as well as Article 7 of the Aarhus Convention (implemented in Hungary by Act No. LXXXI. dated 2001). Even if they are legally binding instruments, given the absence of construing regulations and sanctions, it is largely up to the competent authorities to uphold such pieces of legislation. Further, despite the fact that Article 22 of Government Decree No. 184/1996 has detailed provisions pertaining to the issue of public participation, its implementation is often sporadic and inconsistent. With the National Development Plan as time pressure was increasing, the requirement for participation was observed on a regular basis, as by enacted Item 6 of government resolution No. 2246/2002 (dated: 15 August).

#### **Institutional Structure**

In accordance with government resolution No. 2171/1999 the Development Policy Co-ordination Inter-ministerial Committee shall be appointed as the central co-ordinating body of the planning process, the full members of which shall include the relevant line ministries, the National Development Plan and EU Subsidies Office at the Prime Minister's Office, along with its National Regional Development Office, its State Secretariat for Tourism, its State Secretariat for the Roma, the Government Audit Office, the Central Statistical Office, the Hungarian Competition Authority, and the Hungarian State Treasury. The administrative duties are performed by the National Development Plan and EU Subsidies Office at the Prime Minister's Office, in line with government resolution No. 148/2002. (From January 2004 on, the NDP Office will become independent from the Prime Minister's Office, under the name "National Development Office".) The Committee's work is assisted by sub-committees.

The managing authorities of the Structural Funds, responsible for individual operational programmes, are operated by the following government institutions:

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- Environment and Infrastructure OP – Ministry of Economy;
- Economic Competitiveness OP – Ministry of Economy;
- Human Resources OP – Ministry of Employment;
- Agriculture and Rural Development OP – Ministry of Agriculture and Rural Development;
- Regional Development OP – Prime Minister’s Office.

The financial responsibility lies with the Ministry of Finance and the National State Treasury.

Macro-level and sector-based forums of social dialogue (such as NGO involvement) were institutionalised during the last decade (the National Conciliation Council, the Council for European Integration, the National Regional Development Council, the National Environmental Council, and other sectoral forums run by the competent ministry). These forums were offered the opportunity to participate at national level in the discussion on the National Development Plan (NDP) and had created and maintained relations with the relevant partners. As regards the regions, in recent years the Regional Development Agencies have formed important partnerships with other bodies; still, there are enormous regional disparities in the levels of NGO involvement.

## **A.2 Dissemination of Information on the Programming Process**

Detailed planning commenced in 2001, and was co-ordinated by the then Ministry of Economic Affairs. Following a period of 18 months characterised by a rather isolationist attitude on the part of the government, the task of drawing up the National Development Plan was delegated to the new NDP Office which was incorporated into the Prime Minister’s Office. At long last, in June 2002 the three stages of the process and the corresponding documentation (the Strategy, the sectoral operational programmes (OPs) and finally the whole documentation) were made available to the public; by then, however, time had run out for a broad social debate. The pre-requisites and timetables for developing the National Development Plan were enacted by government resolution No. 2246/2002 (dated 15 August).

At the first stage of the process the NDP Strategy was discussed by key economic, social, sectoral/professional, regional and non-governmental organisations. The second stage was an open debate on the sectoral OPs with input from the most relevant professional and sectoral organisations involved in drawing up and implementing OPs. At the third stage the entire document was put up for discussion. Given the extremely strict deadlines, the Office and the organisations themselves had to make a strenuous effort to meet them, which they did in most cases. Because of the heavy time pressure, sometimes there were overlaps in the discussion on the Strategy and the sectoral OPs.

The full text and the background material (including general information on the aim of the NDP and the planning process) were published on a web-page designed specifically for that purpose by the NDP Office at the Prime Minister's Office. The public then was given the opportunity to make comments on the documents at interactive forums arranged by topic. The content of the home page was more or less up-to-date, despite the tight deadlines. Thus, apart from the NDP Office's debate involving 600 participants (who were approached directly), the government also provided some room for interactive evaluation (on the web-page, and at various events and discussions). A large number of comments were made, and, because of the mounting time-pressure, it was quite an effort by the Office and the ministries involved to deal with all of them.

In addition, several awareness-raising events were held on the NDP and its goals. The Office itself organised some events, or through its representatives took part in conferences or presentations organised by the social partners. These events focused on the NDP's significance, its strategy and the OPs. Those in charge of a particular OP also gave talks on the NDP at a number of events.

### **A.3 Involving Partners in the Programming Process**

The task of elaborating the NDP was assigned to working groups operated by the managing authorities. The planning groups had been set up at a time when the government's attitude to the process was rather isolationist. The planning groups sprang up in a fairly informal fashion, and their members included representatives of the Ministry of Economic Affairs in charge of co-ordination, the relevant ministries and those officially invited by them. In the planning groups only the professional and research institutes assisted the government in laying the foundations for the Strategy and the OPs. NGOs, including environmental ones, were not involved in the process. The only notable exception was the NDP Working Group at the Ministry of Environment and Water, which incorporated a non-governmental delegate from the National Environmental Council. This delegate was fully involved in the body's work, his active contribution was not regarded as an opportunity, but rather as an obligation.

From summer 2002, when the NDP planning process speeded up, the planning groups were essentially dissolved, since their operation was unsustainable because of the tight deadlines. NGOs were then invited to contribute to that stage of the process, and it was only then that real participation by the public could commence.

## **A.4 Public Consultations**

### **The Means & Forms of Consultation**

Discussions were organised by the NDP Office, the ministries and regional bodies. They focused on two subjects: the Strategy and the OPs. The discussions involved social partners, economic, professional regional and non-governmental organisations. The social partners (trade unions and employers' organisations), professional organisations and interest groups were the ones traditionally involved in conciliation at sectoral or macro levels. Regional Development Councils and Agencies played a key role in the regional discussions, which were conducted in accordance with the general rules of procedure to invite comments from the economic, social and non-governmental sectors. Due to the large number of potential partners, the over 3,000 Hungarian local and county municipalities were approached through the alliances of those municipalities. The Strategy was also evaluated by the organisations registered on the parliament's official lobby list as well as those recommended by professional and sectoral organisations and advocate civil society and horizontal interest at national level. National forums such as the National Conciliation Council, the National Regional Development Council, the National Environmental Council and the Regional Development Councils discussed the NDP on several occasions.

The discussion of the NDP Strategy went hand in hand with the massive information and awareness-raising campaign on the NDP and EU funds. The Office, therefore, signed co-operation agreements with a number of organisations, in which the parties agreed to co-operate in the creation of the NDP, in the co-ordination of the broad information and awareness raising campaign on public participation, and in the longer-term process of implementation, evaluation and control. Several open discussions were held by the NDP Office and the ministries involved; similarly, NGO debates were frequently attended by government representatives. The Ministry of Environment and Water in association with the National Society of Conservationists, Hungary launched a joint project on NDP-evaluation, in which the government, the municipalities, and a number of other groups advocating the interests of various strata of society were given an opportunity to express their views on the document under discussion. However, due to the tight schedule, it was impossible to make an in-depth analysis of the constantly changing material. However, a publication entitled "Greens Views on the NDP Strategy" was compiled by 20 environmental NGOs.

Direct approach was also used during discussions: the NDP Office established contact with over 600 partner organisations. Later, over 350 comments were received from these organisations. Active partners included NGOs, professional organisations, budgetary bodies, which contributed more or less equally to the process.

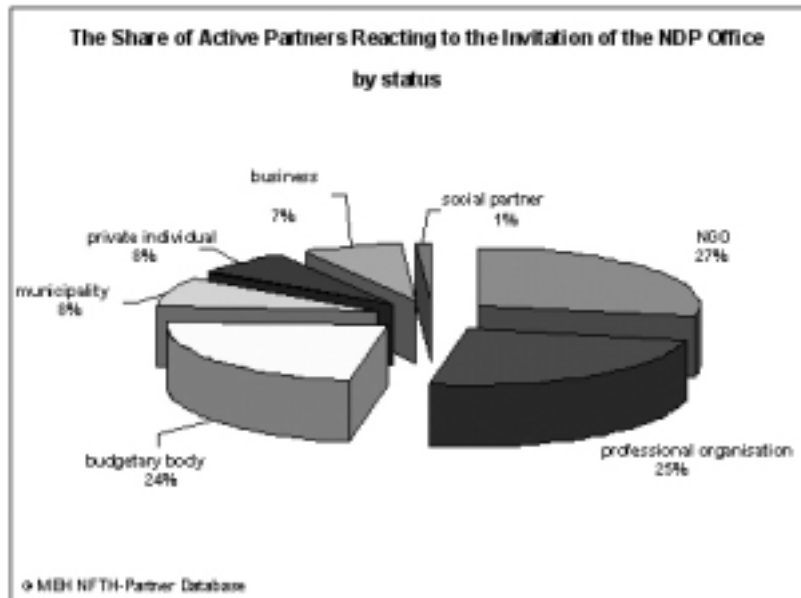
Apart from the above, anyone, at any stage of the process had a chance to voice their opinion through the web-page of the NDP Office.

As a next step of the process, the first versions of programme complements were prepared in the summer of 2003. NGOs got the documents for comments, with a deadline of merely three weeks in the first round, though. Then, we got the reshaped documents for a second round of comments at the end of November anew. The deadline was tight again, but we still welcomed the opportunity and sent comments to the authorities in charge.

### Attendance

NGOs were highly active during the meetings (in the regions as well as at events organised by the government), both in terms of the number of delegates and the number of contributions. Moreover, they organised meetings themselves to which government representatives were also invited.

During the discussion of NDP's text, the government established contact with over 900 partners, including 50 umbrella organisations, the member groups of which enabled the NDP Office to integrate the views of thousands of smaller partners into the dialogue. Out of the 600 partners the NDP Office itself had contacted, 350 responded in a positive manner. 75% of these were NGOs, professional or budgetary bodies, each with a more or less equal share of the 3,500 contributions.



## *National Society of Conservationists*

### **Schedule**

Following the rather isolationist attitude of the government in the first 18 months, the only bodies which published their working documents regularly and in a manner that allowed sufficient time for real participation were the Prime Minister's Office and the Ministry of Environment.

In an attempt to make up for a delay of 18 months, the NDP Office (set up in June 2002) organised a number of open debates on several issues, but time was running too short to bring that initiative to fruition. Most criticisms were levelled at the NDP Office because of the tight deadlines, for which the blame lies not with the NDP Office but with those promoting isolationism. The deadlines were set for the NDP Office by government resolution No. 2246/2002 (15 August). In preparation for the discussions, participants sometimes were given a few days to read 5-6,000-page documents written replete with technical terms.

In addition, the EU's requests caused further delays in the planning process: it made the government rewrite the entire NDP Strategy and the OPs, change its priorities, and even stop and centralise regional planning because it said the regional system was too weak to fulfil that task.

### **Results**

Green NGO comments were sometimes (though not terribly frequently) echoed by the NDP documents. Good examples of that were the promotion of renewable energy and environmental education. However, the basic unsustainable concept, so heavily criticised by environmental NGOs, has not changed. Moreover, latest information at the time of the completion of the present report suggests that some of the progressive measures, such as investment in alternative wastewater treatment, was taken out of the document in the course of the EU – Hungary negotiations.

## **A.5 NGO Capacities**

There was no NGO federation or platform encompassing the entire civil society that would have followed the programming process closely; however, with some areas several highly active NGOs and powerful lobby groups were involved in the debate and pro-active discussion of the programming documents. These organisations were actively involved in the process right from the moment they were given permission to do so. NGOs often complained of their limited capacity to take a substantial part in the processes. During the public debate the NGOs generally voiced the following view: the idea of the state as a provider of services and opportunities is unattainable without the useful activities of and the views expressed by the local communities and civil society organisations. Boosting public competitiveness, as pointed out by the NDP, is only possible if individual and collective responsibility is enhanced by promoting

partnership, awareness-raising among civil society organisations and local communities, and constant dialogue.

NGOs may play a vital role in implementing the NDP, as they may act as mediators between the public administration and the business world on the one hand, and citizens on the other. To that end, existing NGO networks will have to be strengthened along with the information/communication channels with the governmental sector.

Although to day there is no organisation incorporating all civil-society groups (though several initiatives are underway), environmental NGOs have a joint platform with a long history of 15 years. The platform allows NGOs to express their view of position on specific issues, and to elect representatives into national governmental and other institutions. Despite its obvious shortcomings, the co-operation has been fairly successful, green NGOs in Hungary do make use of these opportunities as well as the results of the meetings. Most of the shortcomings are related to the constant shortage of time (only a weekend) to merge often opposing views into a unified NGO position, and to discuss annual plans. There are other forms of co-operation during the year, but participants at these events are not authorised to formulate positions on behalf of the entire green NGO community, but only to represent partner organisations. With the short deadlines for the National Development Plan, it was impossible to formulate a common green position, yet, NGOs set up a network of 20 regional and national organisations. In addition, a voluminous background document of 208 pages was compiled consisting of green NGO comments from all over the country, of which a 26-page summary was sent to the NDP Office. In the last two years approximately 250 environmental NGOs participated in one way or another at the various events devoted to the NDP.

## **B. Partnership in Implementation (project selection)**

Project selection committees have not yet been set up. Informal sources say that the government does not plan to involve NGOs in the project selection committees. The government argues that monitoring committees, which involve NGO representatives, have similar powers as project selection committees.

## **C. Partnership in Monitoring**

### **Community Support Framework**

The co-operation that evolved during the discussion of the NDP will continue to exist. After the government had submitted the NDP and the OPs, it continued to keep NGOs up to date about the latest developments on its ensuing negotiations with the European Commission on the National Development Plan. On 19 September 2003, the Community Support Framework Monitoring Committee was set up in the Prime minister's Office.

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The role of the body, in which governmental and non-governmental organisations are represented more or less equally, is to supervise and assess the use of the EU's structural funds. Five monitoring committees were set up with each in charge of a particular operational programme of the NDP. In these bodies non-governmental delegates may outnumber their colleagues from governmental institutions. The government is represented by the OP's managing authorities, eight line ministries (including the economic affairs, finance, justice, informatics and environment), representatives of the minister without portfolio for equal opportunities, and delegates of CSF Managing Authority. NGO representatives include the employer and employee side National Conciliation Council, the council of women's associations, representatives of those living with disabilities, environmentalists, the Roma, the academy, and delegates of seven Regional Development Councils.

EU law stipulates that CSF Monitoring Committee must meet at least on a six-monthly basis, I current member states such committees are convened every four or five months. Decision-making will focus on consensus, if that is not possible, qualified majority will also do.

The Monitoring Committee's duties include evaluating the activities conducted to achieve CSF's goals, discussing and adopting annual and final implementation reports, and adopting CSF's national awareness-raising strategy. The committee also has the right to make proposals for amendments to subsidies.

### **The Cohesion Fund**

The Cohesion Fund Monitoring Committee will be formed from the current ISPA monitoring committee. In the ISPA monitoring committee, there are no NGO members and, according to the government's plans, the same will hold for the Cohesion Fund Monitoring Committee. The government explains this by the difference between the management system of the Structural Funds and the Cohesion Fund. Instead of participatory monitoring committees, the government plans to convene sector-specific forums for social partners on a regular basis to report about the progress of Cohesion Fund projects. However, there is a threat that these forums would not provide the same level of insight and leverage as public participation in monitoring committees.

# Latvia

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Green Liberty

## A. Partnership in Programming

### A.1 Rules and Guidelines

#### Legal Background

Starting in the late 1980s, the public participation process in Latvia was initiated by massive public protests against the new hydroelectric station project on the river Daugava. In the nineties, however, it was not formalised into normative legislation. The Aarhus Convention fostered this process with Latvia signing the Convention in 1998 and ratifying it in 2001.

To comply with the provisions of the Aarhus Convention, government amended several pieces of legislation. In 2000, the *Act on Environmental Protection* was amended. A section was added which states the right for public participation in environmental policy-making. This legislation envisions public participation in environmental policy formulation in regulatory acts, strategies, planning and the preparation of programmes on environmental issues. The responsibility for involving civil society in setting schedules for public meetings, providing for public involvement, ensuring examination of public opinion, and public access to information about specific projects lies with the government and the municipalities. The *Act on Strategic Environmental Assessment* was adopted by parliament on 2003, but it will come into force only in the middle of 2004; however, the budget planning documents, what the Single Programming Document (SPD) is to be considered, are not part of it.

There are other statutory instruments regulating public participation in policy-planning, but unfortunately, no legislation gives a definition for the national planning process. The *Act on Public Administration* stipulates that the discussion of key social issues should involve the whole society. The *Act on Order of the Cabinet of Ministers* stipulates that ministries submitting legislative proposals to the Cabinet of Ministers should incorporate comments from public, of course, if there are any.

Special guidelines were prepared for the SPD, including a definition of the main institutions and planning mechanisms involved. Although the guidelines and the Act on Public Administration enact that the SPD should be subject to inter-ministerial negotiations, it makes no mention of the necessity of public

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hearings. In addition, there is no legislation stating that the public should be involved in the preparation of SPD.

There are a number of other statutory instruments defining the regional planning process, which include provisions for public hearings. However, these cannot be directly applied to the SPD. Nevertheless, the partnership principle, referred to by the *Act on Regional Development*, was applied (informally) to the SPD.

Nevertheless, public participation mechanisms in national policy-making remain unclear. The designation of organizations to be updated regularly on legislative planning is not regulated. The deficiencies of participation mechanisms also result in the fact that organizations are rarely given the opportunity to participate in working group meetings. Discussions are underway to determine at which stage public participation would be the most effective in legislative and regulatory processes. Cooperation between government institutions and NGOs continues to depend on informal personal connections or the determination of NGO representatives.

### **Institutional Structure**

The main co-ordinating body for the SPD is the Ministry of Finance which also makes decisions on the degree of public involvement. Co-ordination of the work related to the SPD was organized on three levels of partnership:

Representatives of line ministries and planning regions, that worked together on a day-to-day basis to elaborate the SPD. As a result, each part of the SPD was dealt with by a small and flexible working group. On average, less than three institutions were represented in the first round of partnership.

Institutions and organizations that are competent in specific areas, but those areas are not within their primary competence. These include line ministries, boards of planning regions and development agencies, non-governmental organizations and other stakeholders.

Society – theoretically, any competent institution, organization or enterprise had an opportunity to influence the discussion, but, in fact, to get involved was not easy at all.

The greatest part of the work on planning the Development Plan was carried out by the Ministry of Finance as well as other line ministries, boards of planning regions, the Union of Latvia's Local Governments, the Latvian Association of Free Trade Unions and the Latvian Employers' Confederation. The role of NGOs, especially environmental ones, in the process was minor.

## **A.2 Dissemination of Information on the Programming Process**

### **Time Schedule**

Initially, the government was to adopt the SPD in October 2002, and submit it to the European Commission in December. However, this was not done. The Cabinet approved the draft SPD only on March 18, 2003. On the next day, it was sent to the Commission so that the negotiations could be launched. The Commission's first comments came in July 2003 and the negotiations between the Latvian government and the European Commission were closed in October 2003.

The deadline for the programme complement set by the Commission was April 2003. Unfortunately, the first draft, available to the public, was published as late as July 2003. The Final version of the PC will be published at the end of 2003.

At the same time, Cabinet of Ministers adopted regulations on the management of structural funds. They define the process of programme management and monitoring. The government bodies currently involved in the process should finish preparation for the management and monitoring of structural funds by May 2004.

Although the information on the timetable was not actively disseminated to the public, it was available on Cabinet's web-page. The timetable was changed several times as, from time to time, the government was forced to postpone deadlines.

### **Information**

In order to promote partnership and information exchange, the former Regional Policy and Planning Directorate (now re-named Ministry for Regional Development and Local Governments), in partnership with regional planning agencies, organized five information *seminars* on regional planning in Latvia, as well as another one for business representatives from March 2002 to July 2002. The main target groups were local municipalities and businesses, and they were given an opportunity to find out about the SPD and its aims. However, little attention was given to involving them in the actual planning process. Regional planning agencies (represented in the Management Group) were given the task of establishing a link between local needs and the SPD. Unfortunately, there was no evidence of active cooperation with the local communities that they were representing.

Furthermore, representatives of the Ministry of Finance and the former Regional Policy and Planning Directorate participated in several seminars organized by other institutions. The most important of these were regional seminars organized by the Chamber of Trade and Commerce, and a meeting with the National Economy Board. The main topic of the seminars included EU Structural Funds to Latvia; the preparation process of the SPD; opportunities for

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regional entrepreneurs to benefit from Structural Funds by improving the general business environment and providing direct assistance for business projects. Starting from June 2003 (especially prior to the referendum on joining EU- September 20, 2003) a series of information seminars were organized by different governmental institutions to provide leading businesses with information on the benefits of Structural Funds.

In addition to the seminars, information on the planning process was also available on the web page of the Regional Policy and Planning Directorate. The draft SPD was published on the Internet in September 2002, just before the public hearing. The documents on the web page include a report on the Strategic Environmental Assessment of SPD, an ex-ante evaluation, information on the EU's regional and structural policies and further information and guidelines for the Commission.

After the SPD was approved by the Cabinet of Ministers<sup>10</sup>, it was published on the web page of the Ministry of Finances. The line ministries also devoted a section to the SPD on their web page, with information on structural policy as seen by that particular ministry, but most of the information focused on the main priorities of the SPD relevant to the ministry.

Between 24 September and 10 October 2002, the Ministry of Finance, in co-operation with the National Economy Board, polled entrepreneurs. Questionnaires were also disseminated to members of the Cooperation Council of Agricultural Organizations. Some 49 out of the 70 questionnaires were sent back.

The polling also revealed some major weaknesses and constraints on the corporate side, which include:

Complicated and unclear administrative processes (75% of the respondents);

Lack of information (71%) - only 7.7% of the respondents pointed out that they have sufficient information about the EU's Structural Funds.

In conclusion, the main emphasis of the information campaign was on possible funding opportunities related to the Structural Funds; its main target group was the business community; little attention was given to encouraging broader public participation in the planning process; and, to some extent, NGOs were excluded. Furthermore, it should be noted that most of the information provided was fairly brief and general, and focussed on issues such as the programme's goals, the main priorities, and the available funding, and did not concentrate on its main benefits or the ways to avoid problems.

To fill this gap, a small group of NGOs, led by WWF and Friends of the Earth, organized a seminar (May 2003) to provide NGOs with information on the SPD's preparation process, and to encourage wider NGO involvement in

the planning process. The second seminar was organized by the same group in October 2003 with the intention to facilitate NGO participation in monitoring and steering committees.

### **A.3. Involving Partners in the Programming Process**

The chief administrative body dealing with the SPD is the *Management Group*,<sup>11</sup> which is lead by the Ministry of Finance. Its main goals are to prepare and manage the SPD and the programme eComplement. It was set up by the decree of the Cabinet of ministers and initially consisted of representatives of the line ministries, the planning regions, the Union of Local and Regional Governments of Latvia, the State Auditing Office, the Bank of Latvia, the Central Statistical Office, the State Chancellery, the Association of Latvian Towns and the Prime-Minister Office. However, the general elections of October 2002 were followed by a major restructuring of government institutions, which in practice meant that some ministries were closed and new ones were set up. The structure of the Management Group also changed. The new Management Group consisted of the representatives all the ministries, the Central bank, the State Chancellery, the regional planning regions, the Union of Local and Regional Governments of Latvia and the Central Statistical Office with some 24 persons in total.

As we can see, there were no NGOs (except from the Union of Local and Regional Governments of Latvia, which although registered as an NGO, is, in effect a union of Latvian municipalities) are represented in the Management Group. Unfortunately, NGOs also failed in applying firm enough pressure on the Management Group to include NGO representatives. It was partly because few NGOs were at that stage interested in the SPD (that can also be seen from the low turnout at the public hearing), but also because of the government's lack of interest in actively involving the NGO community.

While the SPD was drawn up, the discussions primarily involved state institutions. In addition, some professional associations and NGOs were also invited. Eight working groups were set up to elaborate the SPD. Lead by representatives of the Ministry of Finance, three of them were put in charge of the following chapters:

- 1) The working group for methodological issues was responsible for developing a methodology for some of the chapters, for approving these chapters before submitting them to the Management Group for discussion and approval.
- 2) The working group for socio-economic issues was responsible for analysing the socio-economic situation.
- 3) The working group for financial issues was responsible for drawing up a financial plan.

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In addition to the above groups, five priority working groups were established. These were managed by a competent public administration institution:

- 4) The working group for elaboration of European Social Fund priority is managed by a representative of the Ministry of Welfare;
- 5) The working group responsible for the priority to Promote Enterprise and Innovation by the European Regional Development Fund is managed by a representative of the Ministry for Regional Development and Local Governments;
- 6) The working group responsible for the priority to Promote Territorial Cohesion of the European Regional Development Fund is managed by a representative of the Ministry for Regional Development and Local Governments;
- 7) The Preparation of the European Agriculture Guidance and Guarantee Fund Priority is under the competence of the Rural Development Department of the Ministry of Agriculture, yet also involves partner institutions. Work on the SPD's chapters which is under the competence of the Ministry of Agriculture is carried out by the Rural Development Activities Management Group, chaired by the representative of the Ministry of Agriculture. The body also incorporates partner institutions.
- 8) The elaboration process of the Financial Instrument for Fisheries Guidance Priority involved all major stakeholders. The issues related to the priority were co-ordinated and reviewed by the Fisheries Advisory Council (chaired by the Minister of Agriculture).

Nevertheless, the work done by these groups was not fairly distributed. Most of the work on the SPD was carried out by the Ministry of Finance and some other line ministries, which is another proof of the fact that the SPD was prepared mostly by governmental institutions. Planning regions also played an important role, since they were represented in all working groups.

No working group was responsible for the assessment of the SPD's impact on the environment, social justice or sustainable development. Therefore, we recommend the government to set up such a group in the next programming period, for we believe that that would improve coherence between the SPD and the horizontal objectives and give an opportunity for NGOs to take part in the programming process.

## **A.4 Public Consultations**

### **The Means & Forms of Consultation**

At the beginning of September 2002, a public hearing on the draft SPD was announced. The purpose of the hearing was to consult with all potential recipients of Structural Funds and other stakeholders, including the non-governmental sector, before submitting the final version of the Development Plan to the government.

Invitations to the hearing were sent out to more than 70 NGOs and about the same number of businesses. Information on the public hearing was also placed on the web page and the public was invited to send their comments on line.

The comments received were sent to the working groups for review, and at the end of the public discussion process, a seminar was held for those who had any comments to discuss.

The public was consulted on only the first draft of the SPD, which was then substantially amended and changed. So the version adopted by the Cabinet in March 2003 was very different from the one discussed at the hearing. Unfortunately, no hearing was planned for the new SPD version, in other words, members of the public was not given an opportunity to express their views about the final version of the plan.

### **Attendance**

As part of the public consultation, four seminars were held for stakeholders, at which general information was provided on the SPD. In addition debates were organised on the different priorities and activities. Unfortunately, the public was not particularly active, and few people took part at these meetings. The meetings were mostly attended by representatives of the municipalities and the business community; they were highly informative, though not held to take feedback from the general public.

Unfortunately, public activity at the consultations and the commenting phase was extremely low and has not increased since the public hearing on the National Development Plan at the end of 2001. Only 15 comments were received from NGOs and universities. Some comments also came in from professional associations and businesses.

However, the quality of comments improved significantly. In most cases comments on the SPD had real substance, the remarks were essential and mostly worth considering. The comments helped reveal several imperfections, the most important of which were:

- The co-operation between ministries and non-governmental organizations is still unsatisfactory;

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- There is a lack of information in society concerning Structural Funds and the role of the SPD in the system of development planning documents (some of the submitted proposals were not in compliance with the aims and coverage of the Structural Funds. The SPD was perceived as a document that determines development of the country as a whole rather than as a programming document of the Structural Funds).

### **Schedule**

One month was dedicated to the public hearing. That should have been enough to mobilise the public to take part in the process. Unfortunately, the governmental did little to advertise the public hearing. Only 70 of Latvia's approximately 5,000 NGOs were invited to the meetings, and the basis on which organizations were selected was also unclear. The EU's role in promoting public participation is also quite unclear.

### **Results**

As mentioned earlier, consultations were only held on the first draft of the SPD. Although the document underwent some considerable changes, the public was excluded from consultation on later drafts. Therefore, we have no information on whether NGO comments were incorporated in the document.

## **A.5 NGO Capacities**

NGO interest in the Structural Funds issue is very low. The blame lies partly with the NGOs themselves as they were not active enough in disseminating information and did not have the readiness or desire to participate in policy development processes. Even though aware of the disadvantages of their failure to speak with one voice, NGOs are still not united or powerful enough to create a unified coalition and contribute to decision-making with joint proposals. Currently, an NGO advisory board is set up, which is to improve communication between NGOs and the MoE. However it includes not only environmental NGOs, but also professional associations such as the Waste Management Association or the Chemical Industry Union. Due to the sharp differences of opinion, the board did not prove to be a good platform for participation in national policy-making.

To mobilise NGOs to contribute to the monitoring the SPD's preparation and implementation, the Public Policy Centre PROVIDUS<sup>12</sup> funded several seminars to inform and promote NGO participation in SPD-monitoring. It resulted in the creation of an informal NGO working group, which consists of several environmental groups (WWF-Latvia, Friends of the Earth - Latvia, REC-Latvia, Latvia's Nature Fund), social organizations (Latvia's Adult Education Association, Latvia's Gender Equity Association) and transparency groups (Transparency International, Public Policy Centre – PROVIDUS). The

main goal of the working group is to ensure the transparency and integration of sustainable development principles in the preparation and implementation of the SPD.

The sustainability assessment of the Structural Funds in Latvia was made in the form of cooperation between the PROVIDUS and WWF-Latvia. Latvia's Nature Fund also prepared an assessment of the potential impacts of the SPD on biodiversity. At present, one of the group's main tasks is to clarify the NGOs' role in managing and steering committees. Its goal is to ensure effective NGO representation in these committees. To that end, it is drawing up a proposal to the Ministry of Finances for NGO participation in managing and steering committees.

## **B.Partnership in Implementation (project selection)**

A regulation by the Cabinet of Ministers,<sup>13</sup> sets up two types of Committees: one monitoring committee and four project selection committees (steering committees) – one for each of the funds ERDF, ESF, EAGGF, FIG. NGO participation in these committees can be even more important than participation in drafting the SPD, since these bodies select specific projects by deciding whether they have potentially positive or negative effects on Latvia's social, economic and environmental situation.

In order to ensure the sectoral monitoring of the implementation of the SPD in Latvia, four steering committees will be established. They will ensure regular operational monitoring and evaluation in relation to the relevant fund. To ensure the effectiveness and the quality of the implementation of measures funded under the relevant fund, the steering committees will consider the project selection criteria, the guidelines for making application forms, the process of monitoring implementation, and the fund priorities.

The steering committees will be set up in the first half of the year 2004 at the latest, and they will be chaired by a representative of the competent partner institution. The membership of the committees will include representatives of the following institutions:

- Managing Authority - Ministry of Finance;
- Line ministries involved;
- Intermediate Bodies;
- Grant scheme managing bodies;
- Latvia's Confederation of Employers and Latvia's Free Trade Union Association;
- Regional representatives and other social partners.

The regulation to above also enacts the appointment of social partners as members of the Steering Committee, but, unfortunately, it does not clearly

specify which institutions it refers to. It is still not clear how these Committees will operate, if NGOs will be part of them. Now there is NGO initiative to propose NGO representatives to the Committees, but it is not clear if the government will take this into account.

To ensure the effective implementation of the horizontal goals (environmental protection and gender equality) of the EU's Structural Policy, we recommend the government to set up a separate Sustainable Development Committee to monitor the programmes impact on sustainable development, with special focus on environmental and gender issues. Such committees are up and running in some EU member states and function fairly well in regions such as Calabria or Comanja.

## **C.Partnership in Monitoring**

### **Community Support Framework**

The Monitoring Committee was set up to monitor the elaboration and implementation of the SPD and the PC. It will confirm or amend the SPD Programme Complement and Communication Strategy, approve project selection criteria, periodically review progress made towards achieving the SPD's specific objectives, consider and approve the annual and final implementation reports.

In Latvia there will be one monitoring committee, to be set up by 1<sup>st</sup> of May 2004 at the latest, which will be managed by ministry of Finance. It will be chaired by a representative of the managing authority (Ministry of Finance) and its membership will include representatives of the following institutions:

- Managing Authority - Ministry of Finance;
- Paying Authority;
- Line ministries involved;
- Intermediate Bodies;
- Latvia's Confederation of Employers and Latvia's Free Trade Union Association;
- NGO's;
- Five Regional Development Councils;
- Union of Local and Regional Governments of Latvia;
- European Commission (as an observer);
- Various international financial institutions (as observers).

Existing regulations by the CoM stipulate that NGO representatives must be part of the Committee. After successful NGO lobby work several NGOs (WWF-Latvia, Soros fundation, Adult education center and Transparancy

International) at the beginning of year 2004 were appointed as official members of the Monitoring Committee.

### **The Cohesion Fund**

At present the structure of the implementation of the Cohesion Fund in Latvia is still not clear. Nevertheless, it is expected to have a similar structure to that of the ISPA programme. The government have plans to set up a Cohesion Fund Monitoring Committee by the end of 2003 or at beginning of 2004 (Ministry of Finance is currently working on regulations to be submitted to the Cabinet of Ministers).

There was a single monitoring committee for the ISPA, which was set up by a Cabinet of Ministers regulation (Nr.1. dated 02/01/2001.), yet the meetings for the transport and environmental sectors were held separately. There were no NGO representatives in this committee, but representatives of the 'Environmental Protection Club' received permission to participate as observers at the environmental sector's committee meetings. The Cohesion Fund will operate in a similar system, and NGOs are now fighting for a right to participate in the committee as legitimate members.

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10. 18/03/2003

11. Set up by a decree No. 134 of the Cabinet of Ministers on the Management Group of the Development Plan, dated 04.03.2003. (The decision was based upon order Nr. 134 by the Cabinet of Ministers in 2000)

12. Set up by the Soros Foundation – Latvia.

13. Regulation of CoM Nr. 500 on Management, monitoring, control and assessment system of EU structural funds, 2003.09.02.



# Poland

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## A. Partnership in Programming

### A.1 Rules and Guidelines

Access to environmental information and environmental protection is guaranteed by the Constitution. According to the par. 3 of the Article 74, of the Polish Constitution each citizen has the right to gain information about governmental activities and environmental protection. Article 74 claims that in other related Acts and Government documents the right to gain information has to be included but this Law is not working in practice. Article 12 claims: by formulating the voivodship strategy and realisation of the development policy, local governments should co-operate among others with non-governmental organisations. Detailed rules, course and procedure of facilitating information flow are laid down in the Environmental Protection Law of April 27, 2001 (Official Journal of 2001, Nr 62, pos. 627) and Access to Public Information Act of September 6, 2001 (Official Journal of 2001, Nr 112, pos.1198). The Environmental Protection Law also has regulated Public Participation procedures in range of programming and decision-making processes on every level of government and self-government administration. There is a lot of very detailed procedures for definite administrative procedures and every citizen and NGO could use this Act as a working law in definite cases.

As the result of the EU adaptation process Poland prepared or is at the moment preparing the following documents:

- 1) At the national level:
  - National Development Plan for 2000-2006 (NDP)
  - Long-term regional development strategy of the country
  - National Strategy of Regional Development for 2001-2006
  - Poland 2025. Long-term strategy of lasting and sustainable development
- 2) At the voivodship level (prepared by voivodship managing board and then resolved by voivodship parliament):
  - Strategies of voivodship development (elaborated in all regions in Poland)
  - Voivodship programmes
  - Voivodship management plans

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3) At the communal level (towns and villages) prepared by communal management board and resolved by communal councils

- study of conditioning and directions of communal spatial management;
- Local regional management plan.

The responsibility to prepare the National Development Plan in Poland was held by the Ministry of Economy. The National Development Plan defines the most important structural activities, which should be realised by Poland as an EU member in 2004-2006. The NDP is composed of sectoral operation programmes (SOP) and the Integrated Regional Operational Programme (IROP).

The NDP's purposes in the area of environment protection will be realised by investments in range of:

- Improve ground water quality
- Improve drinking water quality;
- Improve air quality;
- Rational waste management.

### **A.2 Dissemination of Information on the Programming Process**

Information concerning the NDP's programming process was given via the Internet service of the Ministries of Economy and on the Websites of particular Ministries responsible for given SOP's. Anyone without access to the Internet could make remarks to offices or ministries by Post but in practice only the Internet provided the possibility to comment the current version of the documents. This could mean a problem especially for people and NGOs from small cities and villages.

Ministries responsible for specific Sectoral Operational Programmes published its content on their own Websites and the Ministry of Economy responsible for all planning and programming process also published the National Development Plan and all sectoral operational programmes on its websites. What is very important regarding public participation procedures is that not only final versions of the documents but also working papers meant for consultations and comments during the process of consultation were published, as well.

### **A.3 Involving Partners in the Programming Process**

The table below shows that there were some cases when NGO representatives were involved in the planning team.

	Planning of the WG	Number of meetings	Number of NGO representatives	Note
Regional OP	31.07.2002	2-8 meetings in each voivodship (region)	30 NGO representatives	Organized meetings were held in each voivodship (region), where representatives of NGO were invited
SOP Competitive growth	25.09.2002	September (2) October (4)	16 NGO representatives	the most well-known non-governmental organisations (16) were invited
SOP Human Resources	11.07.2002	July (2) August (5) September (2) October (2)	20 NGO representatives (40-100 persons were invited for each meeting)	
SOP Environment	27-28.06.2002	June (1) July (1) October (4) November (1)	n.a.	
SOP Transport	28.08.2002	September (1) October (1)	n.a.	
SOP Agriculture Rural Development and Fisheries	23.07.2002	June (2) July (2) September (2) October (4) November (1)	13 NGO representatives	Participants of the meetings: NGO's, representatives of universities and institutes, agencies of agricultural development

(n.a. – not available)

Besides, regarding pre-accession funds (which should have served as a tool of preparation for the Structural Funds) partnership in the planning process should have been realised with the assistance of the Regional Steering Committees (these committees have been established when the pre-accession funds were launched in Poland and these committees will be terminated when the pre-accession support period ends). Actually, most often the Regional Steering Committees were not functioning well, the procedure of appointing membership was not clear and information about their “selection” was limited. Also, there were no organisations representing social groups and environmental NGOs among the members of the Regional Steering Committees in many voivodships, although formally they have such possibility (according to the regulations of the Regional Steering Committees this committee should include among others representatives of foundations and associations).

## **A.4 Public Consultations**

### **The Means & Forms of Consultation**

The public consultation process of the National Development Plan was lead by the Ministry of Economy at national and regional level. There were consultations on the strategic objectives and priorities of the after accession development of the country and proposals for the division of resources among particular measures. Discussion about priorities of particular operational programmes was also implemented by which the Community Support Framework shall be realised. The general objective was to obtain opinions and suggestions of environmental NGOs and other social partners, which makes further improvement possible and allows changes in the proposed document.

To co-operate in the elaboration of this document a wide range of partners representing administration of local governments at all levels, central and voivodship government administration, bank sector, economic, social and non-governmental organisations have been invited. Opinions, suggestions and proposals of new solutions serving changes of the National Development Plan, the Integrated Regional Operational Programme and the sectoral operational programmes were submitted. Generally, NGOs in Poland had sufficient possibility to express their opinions about the prepared documents during the consultation process. But in fact it is impossible to say how many of them have finally sent their opinions and – what is more important – how many of these opinions have actually been included in the prepared documents (for example: the European Environmental Centre has sent their own comments with propositions of changes in the National Development Plan without resulting any answers or changes in the prepared text).

Unfortunately, this process wasn't carried out in the case of the Sectoral Operational Programme on Environment Protection. The Ministry of Environment refused consultations with environmental NGOs (after many months' of correspondence in this matter) and then the Sectoral Operational Programme on Environment Protection has been deleted (!) on the initiative of the Government and the representatives of the European Commission due to its low quality. Because of this situation in Poland currently there is no Sectoral Operational Programme on Environment Protection and its components have been transferred to the other sectoral operational programmes (according to information from the Ministry of Economy, all money from SOP Environment Protection will be spent on environmental purposes).

As regards other forms of contact to civil society, there was no public hearing organised but some closed conferences only.

At the end of the process, the Ministry of Economy organised a series of conferences concerning the National Development Plan and sectoral operational programmes at national and regional level. Unfortunately, most conferences were organised only for local governments and representatives of government administration – NGOs had to thrust for these conferences; besides, these conferences had an information character and not consultative therefore the representatives of the Ministry informed only about the contents of the documents and about implications they have for local governments. There were no possibilities to comment on the final version regarding the form of these documents.

#### **Attendance**

Several meetings and conferences were held such as 2 national meetings and 4 thematic meetings concerning the National Development Plan, over 30 national meetings dealing with particular sector programmes, 16 regional meetings concerning projects of the National Development Plan and Integrated Operational Programme for Regional Development, thematic meetings addressed to particular education, social, ecological and economic topics at the national and regional level. Jointly, over 5 thousand people participated at meetings organised and directed by the Ministries and Marshall Offices between July and November 2002. The majority of participants were representatives from regional and local self-governments and the remaining about 10% came from universities, firms and NGOs. Such wide scale enterprise for the elaboration of documents of strategic character has been planned for the first time in Poland.

#### **Schedule**

NGOs and ecological NGOs were short of time to get involved in the consultation processes and make any comments. Only three months has been given by the Polish Government for public hearing and consultation. Several

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conferences were organised but in fact all of them played only informative role. To comment the sectoral operational programmes and the Regional Operational Programme was particularly problematic. Regarding the NDP the situation was better – a process of consultation was launched at the beginning of 2003 and NGOs had wider possibilities to get involved in the process. Also they had the capacity to create EIA for the NDP as a REC project.

### **Results**

In practice the documents were rather shaped along the interests of lobby groups of political or business agencies. So, the consultation process was exceptionally accessible but its practical results for NGOs were not significant.

### **A.5 NGO Capacities**

There are neither agreements nor non-governmental committees in Poland responsible for the participation in programming and planning processes in connection with the European integration representing the interests of the non-governmental side. There are only branch unions (for example the Forum of non-governmental initiatives, the Labour Community of Social Organisations or the Polish Green Network) which represent particular groups of NGOs in the frame of governmental consultations. Such consultations take place occasionally and only when decided by the Government administration. As a result, accidentally selected representatives of NGOs take part at these consultations in Poland, without merit knowledge and possibilities of participating in consultation process (financing travelling allowance, etc). In connection with the above-mentioned issue, interests of NGOs in Poland in the planning process are represented in a rather insufficient way.

## **B. Partnership in Implementation**

In Poland Steering Committees for the National Development Plan and sectoral operational programmes have been set up. Also at the regional level (in every of the 16 Polish voivodships) steering committees of the Regional Operation Programme will be established at the beginning of 2004. Each of these committees shall include NGOs representatives (some in each of them).

In each steering committee, there are NGO representatives – about 10% of the total number of membership.

Also one representative of environmental movement was selected to the Steering Committee for the Sectoral Operational Programme of Transport.

## **C. Partnership in Monitoring**

### **Structural Funds**

In the Monitoring Committee of the Sectoral Operational Programme of Transport, there is one representative of environmental NGOs.

### **Cohesion Fund**

Regarding the Cohesion Fund, there are two environmental NGO members in the steering committee for the environmental part of the Cohesion Fund. These persons were selected in May 2003 by environmental NGOs from all over Poland. The Ministry of Environment was responsible for the process and as a vote every NGO had to send the name of the selected person via Internet and confirm it by fax. Two persons were selected the same way as the members to the steering committee for the transport part of the Cohesion Fund.

The Cohesion Fund Monitoring Committees in Poland will be set up at the beginning of 2004 (at the latest after the accession of Poland to the European Union).

# Slovakia

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## A. Partnership in Programming

### A.1 Rules and Guidelines

The Act on Support for Regional Development<sup>14</sup> integrates the partnership principle into national programming including the preparation of the National Development Plan (NDP) and operational programmes (OPs). In practice, however, the act allows for a broad interpretation of this principle. In addition, its implementation is not legally enforceable.

The programming process of pre-accession and post-accession EU funds, including preparation of implementation schemes for Structural and Cohesion Funds, is coordinated by the Ministry of Construction and Regional Development (see also Appendix 1). To ensure the participation of various stakeholders in the process, the Ministry established the Preparatory Committee for Structural Funds.<sup>15</sup> The committee consists of representatives of 12 ministries, the Central Bank of Slovakia, the Guarantee and Development Bank, the Statistical Bureau, the State Aid Office, the Public Procurement Office, two municipal umbrella organizations, the Chamber of Commerce, and one NGO-representative. Since the statutes of the Preparatory Committee for Structural Funds does not include provisions for the rights and duties of its members, the committee represents only a limited source of information, and is a tool in NGOs hands for transferring proposals.

In theory, public participation in regional development programming is also stipulated by the Act on Environmental Impact Assessment (EIA)<sup>16</sup>. In practice, however, this law is not enforceable, and, for several reasons, strategic environmental assessment (SEA) has not been implemented in Slovakia. First, the provision for SEA in the EIA Act is not mandatory in drawing up strategies and plans. Second, the EIA Act does not require any standard procedures for SEA, enabling public officials to give arbitrary interpretations of the act, and thus, exclude assessment.

In January 2001, the Act on Free Access to Information entered in force<sup>17</sup>, providing each citizen with enforceable access to documents without a necessity to give reasons for any request for information. The law is based on the principle “that which is no secret, is public” and is one of the most efficient pieces of legislation on access to information in the world.

## **A.2 Dissemination of Information on the Programming Process**

In short, the government did not disseminate clear, timely and up-to-date information on the programming process.

From the very beginning, the programming process was characterised by organizational chaos and enormous time stress. Even in May 2002 - less than ten months before the NDP & OPs were to be submitted to the EC - there were not clear binding rules for programming, strategy and time schedule. Such conditions did not enable the government to actively disseminate sufficient and timely information on either the programming procedure or the purpose of individual documents.

For example, the draft Action Plan for Chapter 21 on Regional Policy, distributed to members of the Preparatory Committee for Structural Funds in 26 March 2002, assumed that the draft NDP would be submitted to the National Monitoring Committee and the Government Council for Regional Policy before July 2002, following the public discussion on the draft NDP held from March to May 2002. Then, six sectoral OPs and one regional OP were to be elaborated and submitted to the Government by January 2003. The programme complements for each OP were to be developed between September 2002 and February 2003.

In April 2002, however, the Ministry of Construction and Regional Development, the Managing Authority (MA) for the Community Support Framework developed a new proposal with a completely different timetable. The deadline for the submission of the NDP to the Government was December/January 2003, and public consultations were due in October 2002. The deadline for submission of OPs to the Government was January 2003, and public consultations were due in November 2002. The programme complements for each OP were to be ready by April 2003. The Government adopted this proposal only in 5 June 2002.<sup>18</sup>

In reality, the NDP and the OPs were developed simultaneously, rather than consecutively. All interviewed officials, experts and NGO representatives involved confirmed that too little time was given to the elaboration of programming documents, which affected the quality of both process and output.<sup>19</sup>

Most importantly, the structure and content of the NDP and the OPs substantially changed in later phases of the programming process (after the public consultations were concluded in November 2002), leaving social partners with no possibility to influence programming documents. (See also Section A.3.) The government did not provide the public with information about its intention to change the programming documents. The only channel of information was an NGO representative in the Preparatory Committee for Structural Funds. However, even this person did not receive belated information, and the most important documents, including the programme complements, remained

inaccessible to him for a long time, due to poor administration within the committee.<sup>20</sup>

### A.3 Involving Partners in the Programming Process

Each of the OPs and NDPs contains a special chapter on partnership, and each programming document states that the partnership principle was consistently observed throughout the drafting process. That was, however, not quite so, as you will see from the analysis below

Managing authorities created working groups to assist in preparing each of the original six OPs. The following table give further details of the working groups:

	Creation of the WG	Number of meetings	Number of NGO representatives	Note
<b>Regional OP</b>	July 2002	July (5 mtgs) August (4 mtgs) September (2 mtgs)	No	Statute of the WG n.a.
<b>SOP Industry and Services</b>	n.a.	February (1 mtg) March (1 mtg) April (1 mtg) July (2 mtgs) September (2 mtg) October (1 mtg) November (3 mtgs) February 03 (1 mtg)	No	Statute of the WG n.a.
<b>SOP Human Resources</b>	August 2002	October (1 mtg)	No	Statute of the WG n.a.
<b>SOP Environment</b>	n.a.	October (1 mtg) November (1 mtg)	One	NGO representative did not participate in any of the two meetings, he did not receive the minutes. Statute of the WG n.a.

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<b>SOP Transport</b>	n.a.	n.a.	n.a.	Request for information concerning the WG rejected. Statute of the WG n.a.
<b>SOP Agriculture, Rural Development and Fisheries</b>	n.a.	October (1mtg)	One	NGO representative did not participate at the meeting, NGO proposals not accepted by the WG. Statute of the WG n.a.

(n.a. = not available)  
(mtg = meeting)

No environmental NGO was consulted during the preparation of the NDP, despite of the fact that the document identifies sustainable development as a necessary condition for achieving the NDP overall goal in 2004-2006.<sup>21</sup>

As mentioned in the previous section, major changes in the NDP and OPs were made after the working groups finished their work and the public consultations drew to an end at the end of 2002.

For instance, after the general elections in September 2002, a new Minister of Labor, Social and Family Affairs decided to make significant changes in the sectoral OP for Human Resources. The new OP was finished in January 2003.

After the of the EC submitted its comments on the draft OPs to the Slovak Government in late January 2003, the programming documents' entire structure and content was changed. Within five weeks, the three OPs (Environmental OP, Transport OP and Regional OP) were merged into a single OP for Basic Infrastructure, which totally reshaped previous priorities and measures.

Peter Rusnak, a member of the working group assisting in preparing the original Regional Operational Programme, commented on this situation as follows: "The current definition and content of the priorities are a result of an inconsistent approach towards the OP, and prove that the new OP was created in a rush, with no room for broader discussion and consultations concerning its goals and purpose, without the involvement of the regions and the implementation of the partnership principle. It is a weak merger of three OPs by government bureaucrats. The concept mostly copies ministerial priorities, instead of focussing on regional needs..."<sup>22</sup>

The content of the OP for Basic Infrastructure was then revised again and then submitted to the EC in June 2003.

Following the start of official negotiations between the Slovak Government and the EC on the NDP and OPs in June 2003, the Slovak Government decided to shift a significant portion of the planned financial allocations from the OP for Agriculture and Regional Development to the OP for Basic Infrastructure.<sup>23</sup> These changes provoked strong reactions in the agricultural sector.

It must be emphasized that the most profound changes were made in an untransparent and non-participatory manner under a strong political pressure by the EC. Such an approach discredits the whole previous planning process and questions the quality of the ex-ante evaluation which was to ensure the correctness of the goals, priorities and measures identified in the draft programming documents, and the compatibility of the process with EC guidelines. Therefore, the final versions of the NDP and OPs reflect the political priorities of the EC and the decisions taken by government officials rather than the result of a long-term, democratic and independent programming process at a national level.

The preparation process of OP programme complements became completely dependent on state administration, and the public had no opportunity to participate. According to the Action Plan for Chapter 21 on Regional Policy, the programme complements were to be ready by the end of April 2003. The process of their preparation, however, started only in mid March 2003. That is why the Government decided on a closed process.

In late March 2003, the NGO representative at the Preparatory Committee for Structural Funds requested the Ministry of Construction and Regional Development to open the preparation process for Programme Complements for NGOs and municipalities. NGOs offered their assistance to the Ministry in such a process. For instance, NGOs promised to develop a special web site free of charge if the Ministry provides relevant information on the programme complements. The Ministry, however, did not respond. The NGO representative at the Committee then requested the Ministry to ask the EC for postponement of the deadline of the PC preparation until the end of June 2003 in order to ensure the fair participation of social partners. The Ministry refused. Therefore, the NGO member at the Committee made an inquiry at the EC to find out about the possibilities for deadline postponement. Only after the positive response of DG Regio, the Minister of Construction and Regional Development officially asked the EC for postponement of the deadline for submission of the programme complements. However, as the representatives of managing authorities later explained, the reason for such a step was not to make the process transparent and participatory but to allow state agencies to fulfil their tasks. The MAs clearly stated that the development of programme complements should not involve NGOs as "this would add even more chaos and problems to the process". This approach sharply contradicts with the partnership principle.

In addition, for months the managing authorities constantly refused to make the draft programme complements available even for members of the Preparatory Committee for Structural Funds. (See also section C.2.)

#### A.4 Public Consultations

The process of public consultations did not follow clear guidelines and was not coordinated among managing authorities. Therefore, it didn't make sense to divide the analysis of the process into "means & forms of consultation", "schedule" and "attendance".

The following table summarizes the responses of all the managing authorities responsible for public consultations to a questionnaire prepared by the NGO representative in the Preparatory Committee for Structural Funds:

	Form/date of consultation	How and when was the process announced	How was the public informed about the process of consultations	Number of comments received from NGOs/public
<b>Regional OP</b>	Public hearings (3 in September) Working sessions (1 in September, 1 in October). Organized by MA.	Letters of invitation distributed to selected NGOs by regional governments, web site of MA. Dates n.a.	n.a.	Most of the questions at hearings focused not on the content of the ROP but on other less relevant issues (e.g. when the SFs would become available). MA did not list any single example of relevant NGO/public comment to the draft ROP.
<b>SOP Industry and Services</b>	n.a.	Web site of the MA, 3 December	n.a.	n.a.

<b>SOP Human Resources</b>	n.a.	Web site of the MA, 31 December. (According to the MA the process lasted 8 days.)	n.a.	n.a.
<b>SOP Environment</b>	n.a.	n.a.	n.a.	None
<b>SOP Transport</b>	n.a.	n.a.	n.a.	n.a.
<b>SOP Agriculture, Rural Dev't and Fisheries</b>	n.a.	n.a. (According to the MA the process of consultations finished in February 2003.)	n.a.	None

(n.a. = not available)

The table suggests that most of the managing authorities replaced public consultations by a limited space for the public to provide feed-back on the draft OPs via the Internet. None of them provided the NGOs and the public with information about the process (e.g. what type of comments are welcome, how the managing authorities would consider the comments received, how one would know whether his/her comments were considered in the final document, and if not, why, what is the follow-up process, etc.). According to NGOs, there was an extremely short space of time devoted to studying the rather extensive draft documentation and no rule guaranteeing that the comments would be seriously considered.

As mentioned previously, major changes in programming documents including programme complements made in 2003 were not preceded by public consultations.

## A.5 NGO Capacities

In the last decade, the NGO sector in Slovakia was institutionalized to a certain degree. After the disintegration of the Gremium of the Third Sector, an informal NGO umbrella organisation, NGOs working on similar issues formed

platforms with differing levels of coordination and communication. These include the Rural Parliament, Ecoforum, the Slovak Humanitarian Council, the Youth Council of Slovakia, the Donors' Forum, etc.

The 2002 programming was characterised by insufficient level of expertise among the NGO platforms of EU Structural Funds. Generally speaking, NGOs have limited capacities to nominate qualified representatives into the bodies, such as monitoring committees, involved in the programming process, therefore their participation in programming is far from being substantial.

In addition to external factors (no clear and binding rules, organizational chaos in the process, bad coordination, etc.) there are a number of internal factors preventing NGOs to exert a more significant influence on the process: weak communication between NGO nominees in different committees and their parent NGOs; insufficient communication among NGOs, their platforms and their foreign partners; lack of coherent long-term strategies in the accession process; and a general lack of quality education on structural, regional and other EU policies, structures and development.

Last but not least, NGOs sensed no real progress from the 1999 pre-accession assistance programming, which was generally considered a complete failure. This might be another reason for apathy among NGOs, which contributed to low participation in programming.

The situation, however, is improving. In 2002, an independent supervising team was established. This team consists of NGO representatives in monitoring committees, steering committees, working groups as well as individuals from NGOs specialising in EU funds. The team frequently discusses the problems and challenges related to programming and implementation, and makes recommendations for the next budgetary period in order to prevent failures. In addition, there is a new NGO-operated web-site on EU funds which provides complex information on these issues for Slovakian NGOs and municipalities.

## **B. Partnership in Implementation (project selection)**

No official information on detailed implementation structures was available by date of the completion of the present report (October 2003), except an overview of the structures included in the NDP and OPs. Slovakia was repeatedly criticized by the EC for insufficient progress in building administrative capacities for managing the Structural and Cohesion Funds.

The implementation structures will be described in detail in the programme complements which have still not been completed. (See also section A.3.) Until October 2003, none of the draft programme complements have been made public, despite several official requests by the NGO representative at the Preparatory Committee for Structural Funds. The managing authority for Community Support Framework released the draft versions of three programme

complements as late as mid October 2003, after a series of articles were published in the press and legal action was taken against the Ministry of Construction and Regional Development.

According to these documents, the composition of the project selection committees is likely to respect the partnership principle. That, however, does not necessarily mean that NGOs will be given a chance to nominate their representative to the project selection committees. No details in this respect were provided by the managing authorities before October 2003. Based on previous experiences with the arbitrary interpretation of the "partnership principle" and state institutions' definition of an "NGO" one might anticipate attempts to allocate partners' seats in project selection committees to business and municipal agencies in an effort to eliminate NGOs from the selection process.

### **C. Partnership in Monitoring**

According to the Action Plan for the Chapter 21 on Regional Policy and for the National Development Plan, the Monitoring Committees (MCs) for the operational programmes and the single programming documents should be in place by September 2002. Although these MCs were formally created, none of them convened before October 2003. In addition, due to a merger of three OPs in early 2003, the original structure of MCs was changed.

The MCs are to play an important role not only in implementation, but in the programming of the SFs. For example, they must adopt the programme complements within three months of approval of the basic programming documents by the EC. Although the EC puts considerable pressure on the Government to prepare the programme complements before the official deadline, and these documents are being prepared in an untransparent and non-participatory manner, there is a danger that they will be adopted without prior discussion within MCs.

Each MC should consist of representatives of state agencies (25%), local partners (25%), social partners (25%) and representatives of the business sector (25%).<sup>24</sup> Such a composition of the MCs will not be reached because NGOs are usually offered only one seat in the MCs. In October 2003 it is not clear if NGO nominees will be accepted by the relevant managing authorities. For example, the Ministry of Economy, the managing authority for OP Industry and Services, refused to appoint the NGO's candidate for a representative. The NGOs appealed to the Minister and currently the Ministry is conducting an inquiry into the nominee's qualification.<sup>25</sup> The managing authority for the Cohesion Fund does not plan to include NGOs into the relevant MC (just like with the MC for ISPA, predecessor of the Cohesion Fund).

Pre-accession assistance should be monitored by the National Monitoring Committee with one NGO representative.<sup>26</sup> After signing an agreement on the

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Community Support Framework in December 2003, the National Monitoring Committee will be transformed into the MC for Community Support Framework. NGOs will have one representative there.

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14. Act No 503/2001 on Support of Regional Development entered in force on 1 January 2002.
  15. The Preparatory Committee for Structural Funds was created by a resolution No 69 dated 2 February 2000 of the Slovak Government.
  16. Art. 35 of the Act No 127/1944 on EIA which entered in force on 1 September 1994.
  17. Act No 211/200 on Free Access to Information entered in force on 1 January 2001.
  18. Resolution No 606 dated 5 June 2002 on Proposal of Content and Logistics Concerning NDP Preparation of the Slovak Government.
  19. A private consulting company involved in developing the NDP was selected by the Ministry of Construction and Regional Development with no public invitation for tender. The Ministry justified its approach by referring to the shortage of time as well as the Ministry's insufficient capacities to prepare the NDP.
  20. In August 2002, NGOs replaced their representative in the Preparatory Committee for Structural Funds. Although the new member received an official letter of appointment signed by Minister of Construction and Regional Development, until late February 2003 he was registered by the Committee administrator only as an alternative member. In addition, according to the Committee's statutes the minutes have to be to members within 10 days of each working session. This deadline was often missed, and since June 2003 no minutes have been taken at all.
  21. Jaromir Sibl: Evaluation of National Development Plan – Slovak Republic. First draft. BROZ – Regional Association for Nature Conservation and Sustainable Development, Bratislava. 8 March 2003.
  22. "Proposal for Change of OP for Basic Infrastructure". Peter Rusnak, 22 March 2003.
  23. Approximately EUR 65 million were re-allocated from the agricultural sector to road construction.
  24. Resolution No 678 dated 19 June 2002 of the Slovak Government.
  25. The MC for OP Industry and Services is to consist of 18 members: 6 members represent the Government, 7 members regional municipalities and the remaining 5 include the Association of Cities and Villages, the Association of Employers' Unions and Syndicates, the Slovakian Chamber of Commerce, the Association of Industrial Unions, and the Slovakian Academy of Sciences. The last five institutions are all defined as "non-governmental organizations".
  26. In effect, this committee does not function properly. For example, there was no meeting in 2003 (the last and busiest year before accession), although according to its statutes, the National Monitoring Committee must meet at least twice a year.

## Conclusions

The basis of partnership exists in each country reviewed within this report, although it must be guided and developed further in order to bring the first real fruits of such a cooperative approach to programming and decision-making. The next programming period is very close and the design of the programs for 2007-2013 will be launched very soon. Most probably as soon as 2005.

	Czech Republic	Hungary	Latvia	Poland	Slovak Republic
<b>A. Partnership in programming (these subtitles should correspond with the report's sections)</b>					
1. Do any national rules exist for public participation in regional development programming?	NO	YES	partially	YES	partially
2. Was the information on the programming process disseminated by the government timely, sufficient and up-to-date?	partially	NO/ YES	partially	partially	NO
3. Were NGO representatives involved in the planning teams?	partially	NO	partially	partially	partially
4.a. Within the process, did any type of consultation take place on the drafts of any EU programming documents?	partially	YES	YES	YES	partially

	Czech Republic	Hungary	Latvia	Poland	Slovak Republic
4.b Was a public hearing organised by the responsible ministry at the end of the programming process?	YES	NO	YES	NO	NO
4.c Were the meetings organized for commenting on the documents' drafts well attended by the public/NGOs?	NO	YES	NO	partially	NO
4.d Was the time dedicated for NGO input (comments) sufficient?	NO	NO	YES	YES	NO
5. Do any country-wide NGO platforms exist that are able to participate in programming and implementation of SFs?	NO	YES	NO	NO	YES
<b>B. Partnership in implementation</b>					
Will NGOs have members in project selection committees (steering committees)?	unclear	NO	unclear	YES	According to several draft program complements yes, but no guarantee
<b>C. Partnership in monitoring</b>					
Are there monitoring committees already established in your country?	NO	YES	NO	YES	Partially, but not working (except Preparatory Committee for Structural Funds)

Are there / Will there be any NGO representatives in SF Monitoring Committees?	YES	YES	YES	In one of the MCs yes.	YES
Are there / Will there be any NGO representatives in CF Monitoring Committees?	unclear	NO	unclear	MC: unclear; Steering Committee: yes	NO

## A. Partnership in Programming

### A.1 Rules and Guidelines

There are certain national rules, or at least guidelines, in each of the four countries, which might serve as a basis for public participation. Unfortunately, in many cases it was either up to the competent authorities to interpret such pieces of legislation or the level of enforceability of the respective regulations was very low, so they represented very limited tools for effective public participation.

According to the definition of UNEP, an NGO is „a non-profit group or association organized outside of institutionalised political structures to realize particular social objectives (such as environmental protection) or serve particular constituencies (such as indigenous peoples). NGO activities range from research, information distribution, training, local organisation and community service to legal advocacy, lobbying for legislative change, and civil disobedience. NGOs range in size from small groups within a particular community to huge membership groups with a national or international scope”.<sup>27</sup> However, in our experience, some government officials tend to mix business associations, scientific institutions and municipalities with NGOs. In some cases it isn't clear to government officials, either, whom the concept of “partnership” includes and how this term has to be interpreted.

Planning, public participation and content requirements (e.g. on the integration of environmental or sustainability aspects) were ad hoc, there were no prior firm guidelines. This is the reason for different practices among countries and even governmental departments within one country. In some countries formal Strategic Environmental Assessment (SEA) procedures were undertaken, though without any real impact on the quality of the documents to date (they must still be discussed in depth).

## **A.2 Dissemination of Information on the Programming Process**

Generally speaking, a difference in stages of progress with programming can be observed between countries (in terms of what stage the documents are at, if monitoring committees exist etc.). In Slovakia, rules for programming, strategy and time schedule were not clear during the programming process.

The information disseminated on the programming process was at best partially sufficient in each of the countries. Responsible institutions created (sub)websites for this purpose where the information was published. However, these often provided fragmented, late and changing information with no other means for distribution of relevant information available at the national level. Under such circumstances, the real impacts of the efforts of state authorities to inform NGOs/public were often quite poor, which caused irremediable deficiencies in latter (other) stages of the planning process and the following work.

## **A.3 Involving Partners in the Programming Process**

In some countries NGOs were involved in the earliest phase as members of the planning team, but mainly at their own request, and just partially. In Hungary even that possibility was ruled out, except by the Ministry of the Environment. In the Slovak Republic involvement existed mostly in theory. Committees were often not functioning well, in other words, only lip service was paid to the commitment to involvement. In the Czech Republic rather remarkable efforts were invested into involving NGOs' representatives into the planning process (at least in the case of some operational programs). However, any impact on the design of the documents often depended on the individuals and their personal commitment rather than a structured system of involving relevant stakeholders and facilitating an information flow.

## **A.4 Public Consultations**

Generally speaking, we have seen various forms of consultation on the drafts of the programming documents in each country. Often, NGOs themselves had to take the initiative in organising public roundtables or conferences on NDP documents to contribute to the programming process – this was the case in the Czech Republic and Hungary. However, because of the shortage of time, there was often no room for real discussion, or reaching a consensus. Despite all these efforts, NGO proposals were not included in the final documents, so the practical results for NGOs were barely significant. Wherever there was a possibility to comment on the documents, feedback was lacking or NGO proposals were hardly reflected in the documents. Consultations were often held too late in the process when no significant changes in the documents could be expected. It is also to be noted that in

## Conclusions

Slovakia and Poland consultations were followed by considerable changes, after which the rewritten documents have not been consulted on again. Therefore, the documents often do not reflect the real priorities and needs of all potential stakeholders and regions but rather the priorities of limited groups of participating officials (ranging from the European Commission to national governments) and some lobby groups.

In some but not all the countries, however, public hearings were held on the final document. Yet these events were not terribly successful, either because of the low turnout, or the meetings' information-based character.

The meetings organised to comment on the documents attracted differing numbers of civil participants. Because of the outdated information available, there was low level of awareness in the Czech Republic, while in Hungary NGOs took a very active part in the process.

As regards the preparation of programme complements, this process was completely closed in Slovakia and the Czech Republic, while Hungarian civil society received draft PCs for comments – with tight deadlines, though.

Time pressure dominated the process in every country. Except for Latvia, each country complained that the time dedicated for NGO input was not sufficient, which affected the process as well as the quality of the final document. The competent institutions themselves followed an extremely tight schedule, so in many cases there was little chance for real discussion with stakeholders such as NGOs. The reason for this was partly the improper procedures at the very beginning of the programming process, insufficient personnel capacities of the institutions (both in terms of quality and quantity), and the lack of standards for documents. In the case of the Czech Republic and Hungary, one may say that the biggest achievement of the process was that NGOs earned respect as partners in the programming process.

### **A.5 NGO Capacities**

It is also apparent from the country reports that NGOs, municipalities and other players lack sufficient knowledge on EU policies, structures and development processes. This underlines the need for education and trainings on these issues.

With the exception of Hungary and partly Slovakia as well, there was no countrywide (not even sector-based) NGO platform for the consultation process. In other cases, however, NGOs or at least some of them, played a highly active role when they were offered the chance. However, in some cases NGOs were losing interest in participation because they haven't seen any results (lack of feedback) or – in the case of Slovakia – any progress from the 1999 pre-accession programming practice. In Latvia, the case was different: NGOs were not active

from the beginning of the process but from later on, and the quality of comments became better. The necessity of a countrywide NGO platform emerged in almost all countries but apparently civil society is not receptive to this idea (not mature enough for this).

## **B. Partnership in Implementation**

As far as the National Development Plans are concerned, we may conclude that in some countries there was still no comprehensive information on implementation structures available before the deadline for the completion of this study. In each country institutional and personal capacities are still seriously underdeveloped.

There is no uniform practice on NGO (public) participation in steering committees or the project selection process.

## **C. Partnership in Monitoring**

By the time of the completion of the present report, all countries, except for the Czech Republic and Latvia, have their monitoring committees established and in every country monitoring committees (or at least some of them) involve NGOs to some extent. In the case of Cohesion Fund Monitoring Committees, the partnership principle has not been applied.

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27.[http://biodiversity-chm.eea.eu.int/CHMIndexTerms/Glossary/N/non-governmental\\_organization\\_ngo](http://biodiversity-chm.eea.eu.int/CHMIndexTerms/Glossary/N/non-governmental_organization_ngo)

## **Recommendations on NGO Involvement in Structural Funds Operation**

The European Union theoretically claims a wide and effective partnership in Structural Funds assistance with social and other relevant partners (including organisations working on environment and equal opportunities issues) on the national and regional level. Partnership should cover the area of preparation, financing, monitoring and evaluation of Structural Funds assistance. Because there are no binding guidelines developed by the European Union, the real practice of the member states differ state by state (differences in the culture of decision-making, new legislation, formalism, non-binding rules, etc....).

As NGOs from accession countries that have allocated a significant contribution in terms of personnel capacity and financial resources to strengthen public participation in programming processes, we highly recommend the adoption of clear, binding and enforceable regulations at European Union level for national authorities to implement the partnership principle of EU regional policy in the following ways.

### **1. Rules and Guidelines, Institutional Structure**

In order to make sure that the partnership principle is seriously implemented, the national authorities should:

- Implement Strategic Environmental Assessment on each programming document (SEA process has to have a clear, and binding process regulated by a specific law). This would also be a tool for enhancing the quality of the documents from an environmental perspective and sustainability point of view;
- Adopt clear, binding and enforceable guidelines/rules for programming of public funds that do not allow arbitrary interpretation of individual processes in which the partnership principle should be implemented (e.g. access to information, active dissemination of information, consultations, commenting process, planning processes, etc.). The rules must include a clear definition of the relationships among partners in the programming and implementation processes. This should prevent the by-passing of the very essence of the partnership principle in the real processes, and ensure the effectiveness of partnership, as well as a clear definition of partners, in order to avoid mixing various categories of institutions (NGOs, business, municipalities, state, scientific, etc.). Environmental NGOs should be defined as equal partners to participate in the programming process.

- Develop clear and enforceable legislation on access to environmental information;
- Ensure that guidelines concerning processes in which the partnership principle should be implemented are published and understood by all potential stakeholders before the processes start and that these processes will have a clear time schedule in order to avoid time stress.
- Strengthen regional institutions in every country so that they are capable and allowed to administer regional level programming and implementation. Also, the EU should strengthen its capacity to enable it to work not only with countries but also with regions. These are essential to ensure that programming documents reflect the real needs of regions instead of those of government officials or lobby groups.

## 2. Partnership in Programming

- It is necessary to thoroughly evaluate the current programming process, as concerning the structural and cohesion funds, from the point of view of participation. Furthermore, there is a need to explore how the experience gathered and lessons learned during this process can be applied in the next programming period. NGOs must be involved in the working groups performing this task.
- The national authorities should invite NGOs, including environmental ones, onto the preparation teams of the next planning processes from the very early stage;
- The national authorities should also set clear and open procedures for the next programming period (regarding schedule and public participation);
- To ensure that NGO views concerning sustainability are taken seriously when redesigning documents, every country should develop a sustainable development strategy and take that as a basis for any future planning.

### The partnership in programming should cover the following areas:

#### *Access to timely and full information*

- All materials submitted during the planning process should be available to the public (including documents and drafts, working group minutes, decisions of bodies) in a timely manner;
- On request, available information must be provided by the planner.

#### *Active dissemination of information*

- The authorities should make timely information public about the processes (procedures, schedule, responsible bodies, commenting possibilities);

## *Recommendations*

- The authorities should establish a web page and an information centre. The information centre should have regional info points. Information must be provided in a reader-friendly way and must not be fragmented over a number of sites;
- In the key stages, the planners should prepare and present information that matches the purpose of public participation as for its length, content and form. The information should be disseminated in wide range of ways, including internet, regional media, direct letters to stakeholders. The national authorities must inform the public about any significant changes and progress regarding the programming process.
- The negotiation procedure with European Union should be also open to the public.

### *Consultation with partners*

- in the key stages, the planners should initiate consultations with the defined partners. Key stages should be defined, include at least the concepts, analysis, strategy, operational programmes, program documents, ex ante evaluation (and/or SEA) and call for proposals. Any significant change in the programming documents must undergo a public discussion and all comments received from the public must be published.
- The planners should organise internet consultation and public hearings in the key stages;
- The authorities should provide reasonable time for commenting;
- The authorities should decide about the comments in a transparent way. Those who contribute through comments must be notified what comments were accepted and what were not and why;
- The authorities should organise specific consultations during the negotiation phase with the European Union.

### *Direct participation in planning*

- The authorities should invite NGOs to planning teams preparing the programming documents;
- Special attention must be paid to programme complements: social partners must participate in their development, draft versions must be published and all members of the MCs must be trained before the MCs will vote on programme complements.

## **3. Partnership as a Principle for Project Development and Selection**

- the procedures for programming of structural funds should constitute a partnership with several stakeholders, especially with NGOs, which should be involved in drafting the scoring criteria for project selection.

- National authorities should invite environmental NGOs to management and project selection committees of operational programmes and working groups preparing calls for project proposals.

#### **4. Participation of Citizens Organisations in Monitoring and Evaluation of Structural Funds Assistance**

For a transparent and democratic financing and for the sustainable use of EU funds

- The national authorities should involve environmental NGOs in each monitoring committee of the Community Support Framework, the operational programmes of Structural Funds and the Cohesion Fund, and provide training for them before the MC begins work;
- Each MC must have a clear statute with a clear definition of the rights and duties of members and the rules of their meetings and operations - this must all be publicly available;
- Each MC member should have full access to documents (also draft versions) related to SFs/CF;
- Minutes from MC sessions should be made public;
- A special committee or sub-committees of MCs must be set up to assess and monitor the programs' and plans' impact on sustainable development;
- NGOs, especially environmental ones, should be involved in the working groups of ex-ante and ex-post evaluation, as well as Strategic Environmental Assessment;
- Set aside funding from technical assistance to cover at least the travel and lodging costs of non-governmental members of working groups and monitoring committees.

#### **5. Building NGO Capacities for Participation in and Monitoring of Regional Policy**

Using domestic resources and the technical assistance measures of Structural Funds the national authorities should

- Support the establishment of independent NGO information centres on the operation of Structural Funds;
- Support national and regional networks of ngos for monitoring of regional policy;
- Build the capacity of social partners through training, consultancy and financial assistance, in project preparation for Structural Funds,
- Design financial and administrative tools enabling NGOs (as significantly financially weak beneficiaries) to operate EU funded projects.

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