

Environmental NGOs role in implementing EU Structural and Cohesion Funds

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Introduction

Romania's process of integration into the EU structures is long and complicated. The process assumes the adoption of the EU's legislation (aquis communautaire) and the realization of a compatible institutional system with those existing in the member states.

It implies the adoption of the procedures used in the EU and familiarizing with terms like "public participation" or "regional development". Passing, from the paternalist state, where the decisions were taken at national level and those on lower levels had to adapt to a model where the development strategy proposed by the local community is merged into the regional and national development strategy, is difficult and requires firm political commitment. The fact that the EU grants important funds for the less developed regions to reduce the difference through regional structures is hardly known for the wider public. Unfortunately, most of the people do not even know in which of the eight regions they are living in.

To make participation of the representatives of civil society (NGOs) possible, new practices have to be implemented, because NGO participation so far hardly knew any encouragement.

The funds available for Romania after adherence are far greater than pre-adherence funds or those ones that local communities, authorities or potential beneficiaries are used to. This is a good thing but also has to concern us because of potential hidden dangers that lie in the progress of great projects. At present time, Romania has an extremely valorous natural heritage, somehow unique in Europe, which can enrich the EU. We have to be aware that this heritage is fragile and can be destroyed very easily if its value is not recognized properly, while realizing great projects. If we wish for a durable development of our regions, must respect the principles of it in elaborating development strategies and implementing financial programs.

For the above mentioned reasons, all those preoccupied by environmental issues, especially ENGOs have to participate to the implementation of these projects from the elaborating phase until the monitoring of the implementation. According to the EU practices, there are mechanisms that allow NGOs to participate to different phases of the implementing process of various projects. Participation of ENGOs' representatives in different monitoring committees is essential, because they can intervene in cases that projects threatens to destroy natural values.

In order to work efficiently, we have to be well informed. We have learned during our present project that NGOs are scarcely informed about the process of Structural Funds programming. For this reason, we would like, through this brochure, to offer information to ENGOs as well as other social partners for supporting the implementation of EU's practices in utilizing Structural Funds.



EU Structural and Cohesion Funds 2007-2013

EU promotes a politics of economical and social for balancing the economical differences between regions of EU member states.

The economical and social cohesion policy is a fundamental one for the EU and it is allocated approx. 1/3 of the EU budget.

Between different member states there is a significant difference regarding economical development and this difference stressed out with newly adhered countries from the ex socialist block, some of the countries having the PIB/capita significantly less than EU average (ex. Romania 5,600 € PIB per capita is situated at approx. 30% of the EU average which is for EU-25 18,500 € PIB per capita)

Through this policy is wished

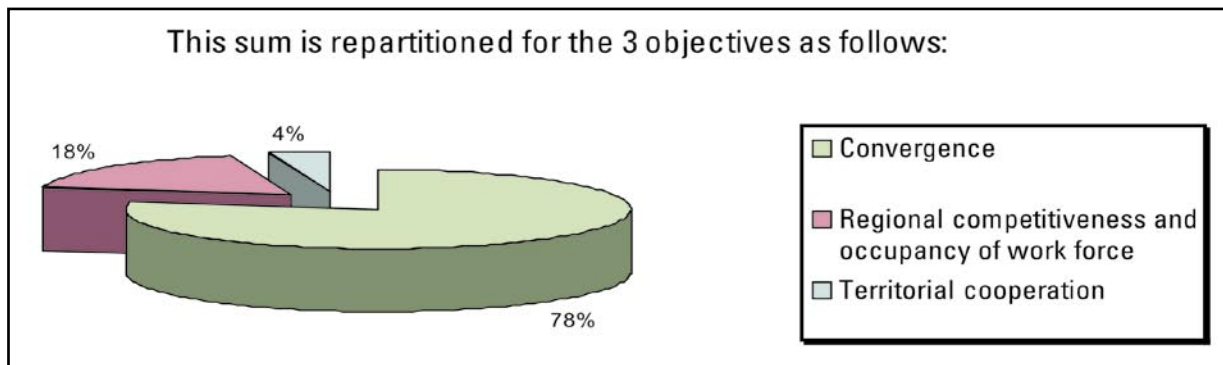
- To reduce economical and social development disparities between member states/Eu regions
- to improve the functioning of the EU market
- to promote stabile and sustainable development of the EU

For reaching the scope of reducing economical and social differences the following objectives of intervention have been established:

Convergence	This objective refers to the regions from the EU member states of which PIB per capita is situated under 75% of EU average. These regions are eligible for acceding funds meant to fulfill this objective.
Regional competitiveness and occupancy of work force	This objective refers to those regions that are not eligible for the Convergence objective
European territorial cooperation	Through this objective it is wished to realize a better collaboration between regions, counties and transnational areas.

The proposed sum, that shall be allocated to fulfill the proposed objectives within the 2007-2013 period, is:

336,1 billion Euro



As one can notice, the biggest sum is allocated to achieve the Convergence objective.



Structural instruments of the EU 2007 – 2013

In order to achieve the proposed objectives, EU agreed upon the following financial instruments necessary to apply the economical and financial cohesion politics:

- European Fund for Regional Development (EFRD)
- European Social Fund (ESF)
- Cohesion Fund (CF)
- European Fund for Agriculture and Rural Development (EFARD)
- European Fund for Fishing (EFF)



Romania is interested in fulfillment of the Convergence and European Territorial Cooperation objectives

For the Convergence objective there are the following domains of intervention:

Sustain the integrated and sustainable economical development at regional and local level by mobilizing the local capacities and diverting the economical structures, especially in the following domains:

- **Research and technological development, innovation and entrepreneurship**, uphold the researches and developing the small industry, technological transfers, improve the bonds between the small industry and research centers and universities, develop the network and centers of business, pillar the information centers for small industry through new instruments of financing dedicated for innovation and entrepreneurship
- **Informational society**, including development of local services and applications, improving internet access, uphold the small industry to a better use of the informational technology and communication
- **Environmental protection**, including investments for waste management, water supply, waste water treatment, air quality, pollution prevention, rehabilitation of contaminated areas, promoting biodiversity and nature protection, pillar for the small industry for promoting sustainable methods of production by introducing efficient environmental management and by adopting pollution preventing technologies
- **Risk prevention**, including the elaboration and implementation of natural and technological risk prevention and control plans
- **tourism**, including the promotion of cultural values and natural resources as potential for sustainable tourism development, protecting the cultural inheritance, improving services through new high added values services

- **transport**, including trans-european networks, integrated strategies for ecological urban transport that contributes to the improvement of access and service quality of public and merchandise transport

- **energy**, including trans-european networks that contribute to the improvement of energy providing, finalizing the internal energy market of the EU, improving energy efficiency, developing renewable energy sources

- **investments in education** which contribute to the improvement of life quality in the region

- **health**, including investments in improving the health conditions that contribute to the quality of life in the region and also to the development of the region

- **support for investments for small businesses** which lead to the creation and keeping of workplaces

For the European Territorial Cooperation there are the following domains of intervention:

- **developing international economical and social activities**, through common strategies for sustainable territorial development (ex. Developing small businesses, tourism, culture, infrastructure for health, environmental protection)

- establishing and developing international cooperation, including bilateral cooperation between maritime regions by financing networks and activities, which lead to integrated territorial development (water management, accessibility, risk prevention, scientific and technological cooperation networks).

- Promoting network work (**networking**) and exchange of experience between local authorities and regional ones, including cooperation programs and activities which demand studies, data collections, monitoring and analyzing the tendencies of development within the community.

EUROPEAN SOCIAL FUND (ESF)

For the Convergence objective there are the following domains of intervention:

- Enhancing the ability to adapt of the work force and enterprises
- Increasing the access to the work force market of a person seeking for a position as well as inactive person's, unemployment prevention, prolonging active life and raising the level of attending the work force market of women and immigrants.
- Supporting social inclusions of persons with disabilities and discrimination control

- Reform the social inclusions and domains, in particular by promoting partnership and convention development through networking of all relevant entities at national, regional and local levels.

- Amplification and improvement of the investing in human capital (education and professional training)

- Consolidation of institutional capacity and efficiency of public administrations and public services at national, regional and local levels for implementing reforms on economical, social, work force occupancy, environmental protection and judicial fields

COHESION FUNDS

There are the following domains of intervention:

- Trans-european transport networks
- Major projects for environmental infrastructure
- Domains that can sustainable develop and present

obvious benefits as far as environmental protection is concerned (energy efficiency, renewable energy, transport systems not included into the European corridor, railways, fluvial and maritime transport, systems of interpositional transport and operation altogether of these systems, urban transport and ecological public transport)

Objectives and scope of assistance of the proposed EU funding instruments

Instrument	Purpose/Objectives/Mission	Scope of assistance
ERDF European Regional Development Fund	Reducing regional disparities and supporting structural development and adjustment of regional economies. Strengthening competitiveness and innovation, creating sustainable jobs, and promoting environmentally sound growth.	<ul style="list-style-type: none"> • Productive investment • Infrastructure • Other development initiatives (services to enterprises, financing instruments...) • Environmental protection • Cooperation
ESF European Social Fund	Full employment, improving quality and productivity at work and promoting social inclusion and the reduction of regional disparities in employment. Strong link to the European Employment Strategy.	<ul style="list-style-type: none"> • Adaptability of workers and enterprises • Access to employment of job seekers and inactive people • Reinforcing social inclusion • Investment in human capital • Strengthening institutional capacity and the efficiency of public administrations • Innovative actions and cooperation
CF Cohesion Fund	Convergence of least developed Member States.	<ul style="list-style-type: none"> • Trans-European transport networks • Environmental projects • Sustainable development with clear environmental benefits: Energy efficiency, renewable energy, clean urban transport
EAFRD European Agricultural Fund for Rural Development	Sustainable rural development throughout the Community. Restructuring of the agricultural sector.	<ul style="list-style-type: none"> • Improving the competitiveness of agriculture and forestry • Improving the environment and the countryside • Improving the quality of life in rural areas and encouraging diversification of economic activity.
EFF European Fund for Fisheries	Sustainable development of the fisheries sector and coastal fisheries zones.	<ul style="list-style-type: none"> • Measures for the adjustment of Community fishing fleet • Aquaculture, processing, and trade of fisheries • Measures of collective interest • Sustainable development of fishing coastal zones
LIFE+ Financial Instrument for Environment	Development and implementation of Community environment policy and of environmental legislation, as a contribution to promoting sustainable development.	<ul style="list-style-type: none"> • Implementation and Governance of environmental policy • Information and Communication on environmental issues

Allocation mechanisms of SF and CF

SF and CF will be allocated according to a National Development Plan (NDP). This is a strategic planning and multiyear financial programming document, which has to be elaborated in a **large partnership frame**, which orients and stimulates the economical and social development of the country, according to the principles of the Eu's Cohesion Policy.

According to the NDP, Operational Programs are set up, that details the financing domains according to national and EU priorities.

The sum allocated to Romania for the 2007-2013 period will be cca. 17 billion Euros.

Differences between allocating the pre acceding and post acceding funds:

- Allocation by multiyear programs (7 years)
- Decentralized management (national) of the funds
- Greater amounts of funds
- Implies a greater co financing
- Operates on the refund principle
- Rule n+2



EU funds in Romania 2007-2013

The NDP in Romania is realized similar to the programs of the member states for the Convergence objective of the SF (promoting development and adjusting structures of the states/regions with delays in development by delivery of base infrastructure and encouragement of the investing in productive economical activities)

The NDP for the 2007-2013 period is the first NDP that will lay the basis of Romania's acceding to EU's Structural Instruments (SF and CF), after the date of adhering, in the quality of member state. In the in-

ternal plan, the NDP is an instrument of prioritizing public investments for development.

NDP 2007-2013 will realize a multiyear planning of the economical and social development of the country, integrated sectorial and regional on the basis of:

- national sectorial strategies of development
- national strategy of regional development
- strategic orientations at European level

the NDP has to be elaborated on partnership structures both on national and regional levels. These structures are

At national level	The Interinstitutional Committee for elaborating the National Plan for Development
	Thematic workgroups
At regional level	Regional Committee for elaborating the Regional Development Plan
	Thematic workgroups at county and regional levels

ENGO participation in those partner structures that participated on NDP elaboration

Although theoretically would have been the possibility of ENGO participation in the planning process by categorizing themselves as “social partners” for there is no discretion which to nominate exactly these partners. By our knowledge there were no representatives of the civil society (ENGOS) that took part in the programming process.

There may be opinions according to which civil society’s representatives participated to this process. This is the reason we must clarify what we understand by civil society’s representatives in order to prevent any incidental or intentional misunderstanding or misinterpretation.

The definition given by the UN’s Environment Program is:

„a non-profit group or association organized outside of institutionalized political structures to realize par-

ticular social objectives (such as environmental protection) or serve particular constituencies (such as indigenous peoples). NGO activities range from research, information distribution, training, local organization, and community service to legal advocacy, lobbying for legislative change, and civil disobedience. NGO’s range in size from small groups within a particular community to huge membership groups with a national or international scope.”

We would like to mention that we do not regard as civil society those organizations, whose activity is connected mainly to economics and represents the interests of the industry.

These NGOs can have an important role in the MCs that is why is required that authorities as well as interested NGOs resolve the representation of the NGOs in the MCs.



The place of the MC in the transaction of SF grant

The legislation of highest level regarding monitoring committees (MC) is Council Regulation 1260/1999/EC of the European Community. Article 35 thereof defines the role and framework of operation for MCs. In accordance with the regulation, all Community Support Framework, Single Programming Document and Operational Programme shall be supervised by a MC. MCs are established by the member state after consultations with partners, in agreement with the Managing Authority. Partners should also foster gender mainstreaming in the committees. Representatives of the European Commission and the European Investment Bank (EIB) might participate in the work of the monitoring committee with an advisory role.

The EU decree clearly enumerates the tasks of the MC.

According to this regulation the MCs:

- approves or modifies the completing documents of the programs, includes the physical and financial indicators used in the evaluation of applying the financial support. This approval has to be obtained before any modification.

- after the approval of the financial support within six months, analyzes and approves the conditions regarding the choice of financed operations within each measure

- regularly verifies the results achieved in the realization of the financial support's scopes.

- verifies the results of the activities giving special attention to the set up scopes of different measures and intermediate reports

- verifies and approves annual and final reports before sending them to the European Commission

- verifies and approves the proposals regarding the modification of the resolutions regarding the usage of SF

- in any situation may propose to the coordinating authorities the modification or resume of support given in order to improve the realizations of scopes or improve the coordination of support including financial coordination.

National Priorities for Development for NDP 2007-2008

In Romania has been set up 6 National Priorities for Development for NDP 2007-2013

- Increase of economical competitiveness and developing the economy by knowledge
- Developing and modernizing of transport infrastructure
- Protecting and improving the quality of the environment
- Developing human resources, raising the level of occupancy and control of social exclusion
- Developing rural economy and increasing productivity in agriculture
- Supporting balancing development of all the regions of the country

In Romania the following Operational Programs were set up:

Operational Program	Managing Authority
COORDINATOR - Ministry of Public Finance	
Increasing economical competitiveness	Ministry of Economy and Commerce
Transport Infrastructure	Ministry of Transport and Public Works
Environmental Infrastructure	Ministry of Water Management
Human Resource Development	Ministry of Work, Social Solidarity and of the Family
Regional Development	Ministry of European Integration
Technical Assistance	Ministry of Public Finance

The history of regional development in Romania 1997-2004

In 1997 the Green Charta of regional development has been elaborated, which fundament the regional policy and the model of Romania's regionalization.

In 1998 was adopted the Law of Regional Development (Law 151/1998) by which the development regions were created.

In 1998-1999 were set up specific institutions at central level (National Council for Regional Development and National Agency for Regional Development), and

at regional level eight Agencies for Regional Development, that have executive role together with the Councils for Regional Development.

In 1999 were laid down the concrete action plans: elaboration of Development Plans at regional and national levels and financing the development projects

In 2004 the new law of Regional development appeared (Law315/2004)



*T*HE FUNDAMENTAL OBJECTIVES OF REGIONAL DEVELOPMENT IN ROMANIA

- a) diminishing existing regional misbalances through stimulation of balanced development, urgent recovery of delays of the economic and social domains of the less developed areas because of historical, geographical, economical, social and political conditions and controlling the production of new misbalances.
- b) correlation of governmental sectorial politics at regional level by stimulating initiatives and making use of local and regional resources for sustainable economical, social and cultural developments
- c) stimulating the interregional cooperation, internal and international, inclusively euro regions as well as development region's participation at European structures and organizations which promote economical and social development for realizing public interest projects in accordance with international agreements that Romania has signed for.

*T*HE ADVANTAGES OF THE DEVELOPMENT REGIONS

- The regions are frame for implementing regional politics
 - Frame for comparative statistical analysis in the EU
 - Form of decentralization of decision in the process of development and financial resources
 - Permit a better allowance and concentration of financial resources
 - Avoid dispersing of the funds by financing small projects with reduced impact that resolve local matters
 - Permit a better allowance of the funds by facilitating the realization of intercounty projects, the level that funds are allocated in Romania at present
 - Permit a better use of resources
 - Permit a balanced development of the territory
- Lead to the reducing of disparities between regions, within the region between urban and rural, attractive areas and less attractive ones for investments

*T*HE ATTRIBUTIONS OF THE REGIONAL DEVELOPMENT AGENCY

- NGO, non profit, public utility which activates in the field of regional development
- Main institution at regional level
- Responsible for implementing measures of development in the region
- Unwound funds which are targeted to reduce disparities at regional level
- Represents the coordinating factor of regional partners
- Elaborates plans and strategies for regional development

*T*HE REGIONAL DEVELOPMENT AGENCY PROMOTES:

- Measures that targets on economical growth to offer equal life conditions for all communities of the Region
- Stimulates regional actors for involvement in growth and prosperity of the region
- Partnership and takeover of good practices
- Increase the competitiveness of firms
- Develop abilities
- Creation of new business opportunities

*R*EGIONAL DEVELOPMENT COUNCIL

Deliberative regional body, without juridical personality, which is constituted and functions on partnership principles at regional level for coordinating elaborating and monitoring activities of regional development policies

a) Analyses and approves strategies and programs of regional development

b) upholds in partnership the elaboration of the NDP

c) approves the projects of regional development, selected at regional level in accordance with the criteria, priorities and methodology elaborated by the national institute

d) approves the criteria, priorities, allocation and destination of funds from the Fund for Regional Development

e) coordinates and supports the development of regional partnerships

Region 7 Center Transylvania

- The 5th of Romania's development regions (34.100 kmp)

Region 7 Center Transylvania

counties	inhabitants
ALBA	382.747
BRA•OV	589.028
COVASNA	222.449
HARGHITA	326.222
MURE•	580.851
SIBIU	421.724

According to 2002 census, the number of inhabitants was 2.523.021

- it is partially overlaid on principality of Transylva-

nia, a multiethnic region

- In Center Region live 52,8%, of total number of the inhabitants, Hungarians, 24,5% Saxons and 18,7% Gypsies

- Romanians represent the majority in 4 counties of 6: Alba, Brasov, Mures si Sibiu

- Covasna and Harghita counties are populated mostly with Hungarians 76,72 and 85,94%

- In the Region there are also gypsies 3,96% and Saxons 0,58%.

- The 3rd region according to PIB/head – after Region Bucure•ti-Ifov and Region Vest



The NDP's regional development strategy 2007-2013

The priority of regional development of the NDP 2007-2013

"Supporting balanced development of all the country's regions"

The strategic objective of the regional development

"Diminishing development disparities between regions and also within regions parallel with stimulation of urban center's development as potential nucleus of economic growth"

Specific objectives

- Increasing the competitiveness of the regions as business locations
- Supporting the development of regional and local economies affected by industrial reorganization or which are traditionally underdeveloped
- Using tourist and cultural potential of the regions and growing the contribution of these domains to regional development
- Reviving the urban centers with economical growth potential to become nuclei for regional development
- Strengthening local authority's capabilities to manage development programs
- Stimulating territorial cooperation at interregional and international levels

Increasing the regions' competitiveness as business locations

- setting up similar conditions as far as infrastructure is concerned: transport, health, education, business and facilitate access to fundamental service access, using local development potentials and existing material and human resources

Supporting regional/local developing economy affected by industrial reorganization or which are traditionally underdeveloped

- developing, on innovative basis, regional and local economies, encourage small industry's access to innovative technology and service by creating connections between productive activities and researching, developing and innovating activities

Using tourism and culture as potentials of the regions and growing the contributions of these to regional development

- creating adequate infrastructure developing alternative forms of tourism, rehabilitation and promotion of natural and cultural heritage

Revival of urban centers with economical potentials

- developing a network of urban centers which acts as motors of economic growth

Strengthening local authority's capacity to manage developing programs



- securing at all levels (municipality, county, regional, etc.) at European standards the management of developing programs

Stimulating territorial cooperation at interregional and international levels

- developing the infrastructure (transport, communications, business, etc.)
- developing the productive sector
- developing human resources

*R*EGIONAL OPERATIONAL PROGRAM 2007- 2013

Priorities:

1. Improvement regional and local public infrastructure

- Improvement and development of transport network and connected public utilities
- Supporting and developing health and social services infrastructure
- Rehabilitating and developing educational infrastructure

2. Supporting regional and local economy development

- Creating/developing business infrastructure
- Supporting local business activities with innovative character
- Supporting innovative services for businesses

3. Developing regional and local tourism

- Rehabilitating tourist zones, renewing historical

and cultural heritage, protecting/rehabilitating natural heritage

- Supporting tourist activities which generate incomes

4. Supporting urban development

- Supporting integrated urban regeneration programs
- Improving urban transport infrastructure and connected public utilities

- Rehabilitation of industrial zones for developing new activities

5. Technical assistance

- Supporting the implementation and management of ROP
- Supporting the elaboration of POR's communication strategy
- Elaborating studies



CASE STUDIES



NGO Bodies and Activities in the Field of Regional Development and EU Regional Policy

Miroslav Parvonic, CpKP

Governmental Council for NGOs and Council's Committees

Governmental Council for NGOs is advisory body of the Czech government in NGO issues. Council:

- initiates, prepares and evaluates concepts and work materials for the government in the field of NGO support and development;
- coordinates cooperation between ministries and state regional offices aimed in NGO support and development and public budgets grant policy;
- analyses and publish information about NGO conditions and position in EU;
- in cooperation with ministries, NGOs and other organizations provides information on NGOs and state policy measures;
- monitors and gives information to the government about Foundation Investment Fund resources usage and efficiency.

Three committees are established to the council: Committee for EU Cooperation, Committee for Cooperation with Regions, Committee for Foundation Investment Fund.

*W*ORK GROUP "NGOS AND REGIONAL DEVELOPMENT"

WG "NGOs and Regional Development" is an open NGO platform dating from 2001 and targeting joint meetings and information exchange for NGOs involved and focused on the regional development. WG meets as needed, usually 4 times a year. Permanent members of WG are NGOs represented in EU structural funds partnership bodies, i.e. national monitoring committees of each operational programme (incl. pre-accession fund Phare) and EU initiatives (Equal, Interreg), then NGOs acting in regional monitoring committees (for JROP) and NGOs managing regional partnership between public administration and public (for all 14 regions).

Example of taken activities:

- In January 2004 the WG elaborated position paper on criteria of project selection within the EU SF; it was sent to managing authorities of all operational programmes.

- In May 2004 the WG elaborated position paper on the 3rd Report on Economic and Social Cohesion: A New Partnership for Cohesion; it was disseminated across the Czech NGO sector to get wider support and then sent the Czech representatives on the Brussels Cohesion Forum held on 11 – 12 May 2004.

*N*GOs IN MONITORING COMMITTEES OF OPERATIONAL PROGRAMMES

After the monitoring committees of operational programmes were established work group “NGOs and Regional Development” initiated the nominating process (in 2003) and worked out selection criteria for monitoring committees membership candidates. These criteria were discussed and approved by the Governmental Council for NGOs. The result is that NGOs have a seat in monitoring committees of all operational programmes. In 2004 these representatives of NGOs became members of the Committee for Cooperation with EU of the Governmental Council for NGOs.

*N*GOs INVOLVEMENT IN PLANNING OF EU PROGRAMMING PERIOD 2007-2013

Communication Strategy for Partnership of NGOs and Public Administration

On a demand of the Community Support Framework Department of the Ministry of Regional Development a group of NGO experts elaborated document called “Scheme of NGO Participation in the Preparation of EU 2007-2013 Programme Documents”. The paper describes main objectives and information about processing new programme documents, analyses experience from the former EU programming period, legislation framework for the upcoming period, NGOs information channels. For the new programming period 2007-2013 the document gives suggestions and recommendations for building a partnership (partnership principles, partnership system on a national and regional level, way and methodology of NGO representatives selection to the bodies, partnership organisation).

*T*HE NGO POSITION PAPER “RECOMMENDATIONS FOR EU STRUCTURAL FUNDS MANAGEMENT IN THE CZECH REPUBLIC IN THE PROGRAMMING PERIOD 2007 – 2013”

The position paper was elaborated by NGOs and is focusing on a preparation process for a new EU programming period 2007-2013. The document represents statements and recommendations of NGOs for EU structural funds management in the Czech Republic.

The document covers three areas of issues: general objectives of EU structural funds programming (requirements of public participation and proper ex-ante evaluation and SEA-strategic environment assessment), recommendations of the structural funds' funded activities from the NGOs' point of view (within the areas of human resources development, environment, industry and enterprise, rural development and urban development) and the last part of the paper gives proposals for EU programmes management and administration (projects preparation support, projects funding, simplification of financing system, monitoring and impacts monitoring, horizontal priorities and their implementation).

These days the paper is supposed to be finished. Then it will be widely disseminated. It will be sent to the Steering committees of Operational programmes, to the NGOs representatives in the Monitoring Committees of Operational programme and its English version will be sent to the Delegation of the European Commission.

*N*GO REPRESENTATIVES IN THE STEERING AND COORDINATING COMMITTEE FOR THE EU PROGRAMMING PERIOD 2007 – 2013

The Steering and Coordinating Committee (SCC) was established to update the National Development Plan (NDP) for the EU programming period 2007 – 2013. The SCC operates with 7 work groups, 5 of them are thematic and 2 are set up for horizontal issues. These are:

- WG Enterprise,
- WG Human Resources,
- WG Environment and Infrastructure,
- WG Innovations and Knowledge Economy,
- WG Regional Disparities,
- WG Horizontal Issues,
- WG Financial Issues.

There is one NGO representative in the SCC and one NGO representative in all work groups except the WG Financial Issues.

*N*GO PARTICIPATION IN THE PREPARATION OF EU 2007-2013 PROGRAMME DOCUMENTS

The Ministry of Regional Development called for proposals for projects of NDP opponency and information campaign realized by NGO sector. Requirements for the project activities were worked out according to suggestions made in the document "Scheme of NGO Participation in the Preparation of EU 2007-2013 Programme Documents" mentioned above. There is already a NGO consortium awarded and the project activities are to start in the early beginning of August 2005.

Activities set up in the project:

- establishing of the expert group consisted of NGO representatives delegated in the Steering and Coordinating Committee to provide professional and skilled opponency of the NDP,
- elaborating of other analysis and expertise to the NDP,
- system of partnership consultations on a national level as well as a regional:
 - 2 national seminars with workshops
 - 7 regional seminars (one in each cohesion region NUTS 2)
- information campaign for NGOs
 - introduction and closing conferences (national)
 - webpage, email conferences, information bulletins, information leaflet

CHALLENGES IN PLANNING PROCESS (...AND FUNDING NEEDS)

Even though, there are elementary partnership principles established for the participation of NGOs in a process of the new EU programming period planning it is desired to strengthen the NGO involvement in the whole process. Especially, it would be advisable to encourage NGOs for making suggestions and recommendations for programme documents which means to enrich the system of partnership consultations. The possibility of financial compensation to active NGO representative should be considered because to work out meaningful and useful notices and recommendations takes a time and a small fee for this would be reasonable.

Other and very important challenge for NGOs is a preparation of operational programmes documents (OP). Actual project for partnership support is linked just to the NDP 2007-2013 preparation and there is no follow-up for partnership in OPs preparation. NGOs wish to be equal partners in this process. Moreover, the realization and participation in the NDP partnership and experience from this process create good expectations and quality groundwork for on-going process on OPs level. Although it is not clear yet (until the future operational programmes are to be discussed) the focus on individual regions could be assumed (a possibility of regional operational programmes). In this case setting up of partnerships on regional level would be desired.

Creation of an independent infrastructure to monitor the management of EU funds in Slovakia

Juraj Zamkovský, CEPA¹

Since the 2001 corruption scandal in Slovakia, the Center for Environmental Public Advocacy (CEPA) has been closely monitoring practices of public institutions that were responsible for management of EU pre-accession funds. Roots of various forms of irregularities and even nepotism involved in the system of funds' administration revealed to lay much deeper than in a mere culture of behaviour of individual public officials.

Before the scandal, there were several NGOs trying to monitor the quality of programming and implementation of EU funds in Slovakia but they had no common strategy and communication among them did not work properly. There were no working common platform to discuss NGO priorities in this area and NGO responses to emerging problems lacked mutual coordination. The Gremium of the Third Sector, which previously used to be considered a major partner for official authorities representing NGO sector, practically disappeared after 1998. This network has become inactive and lost its mandate from many NGOs as well. NGOs gradually started to coordinate their activities through issue-oriented platforms but they did not form any horizontal cooperation on EU funds.

On the one hand, NGOs called for transparency and participation in the system of programming and management of EU funds but, on the other hand, they did not have sufficient potential for real participation, if such a possibility eventually emerged. NGO representatives who were given seats in a part of official structures (working groups, monitoring committees, etc.) usually did not properly report to their constituencies, they lacked clear priorities and therefore, their participation was not effective.

This is why CEPA initiated a formation of a national NGO watchdog team in early 2002 to campaign for systemic measures to combat bad practices in management of EU funds, especially the ones related to overall legal framework and institutional set-up. The team became a platform for critical NGO discussion about the issues related to the programming, implementation and monitoring of various programmes funded from the EU funds, and a tool for information exchange not only among the members of the team but also between other NGOs and the public as well.

The team currently consists of 20 NGO representatives involved in monitoring and steering committees of both pre-accession funds and Structural funds, past working groups for programming and people involved in the regional development issues. They discuss mostly via an internal e-mail conference facilitated by CEPA and meet four times a year. Based on information from the team members, CEPA created a comprehensive web site on EU funds. It contains

information on the structure of EU funds, programming, all measures included in operational programmes, advices for potential beneficiaries, financial aspects, reports of monitoring committees, and the latest developments including press releases and statements regarding the EU funds. It serves as an alternative information clearinghouse mainly for municipalities and NGOs in Slovakia.

Recently, the team adopted a code of conduct for its members and a statute in order to be transparent, standardize its operations and to prevent bad practices of its members.

The watchdog team worked out a number of policy and legal recommendations. Although many of them were ignored by relevant institutions, keeping the problems untouched, a few of them were accepted, leading to significant improvements of the framework for governance of the management of the EU funds in Slovakia (see next case).

At the moment, the watchdog team prepares a national strategy for involvement of the Slovak NGO sector in the programming for the 2007-2013 period. The strategy will build on lessons learned from the previous programming processes in order to prevent past failures regarding transparency and implementation of partnership principles and to make sure that sustainability aspects are reflected in final outputs of the process.

SYSTEMIC RESPONSE TO ALLEGATIONS OF NEPOTISM AND CONFLICT OF INTERESTS IN SLOVAKIA

Flaws in management of the PHARE-funded granting schemes in 2003 became a reason for the independent watchdog team (see previous case) to prepare another analysis of problems that were reported by many potential beneficiaries, ranging from NGOs and small businesses to municipalities. In January 2004, the analysis was submitted to the Anti-Corruption Unit of the Office of Government and the Ministry of Justice, which were responsible for fighting corruption in general but not explicitly in supervising of EU funds.

The watchdog team called for comprehensive review of all legal regulations and guidelines regulating the access of potential beneficiaries to information on EU funding, project evaluation and selection processes, monitoring and supervision, as well as all measures to ensure transparency and to eliminate conflict of interests in these areas. In addition, unification of practices used by different managing authorities was requested and the team asked for adoption of clear, strict, binding and enforceable rules to prevent past bad practices.

Surprisingly, the Government's Anti-Corruption Unit made a detailed legal survey on the quality of existing legal measures to prevent abuses, irregularities and corruption in management of EU funds in May. Although a few of the managing authorities seemed reluctant to cooperate, the others, namely Ministry of Social Affairs and Ministry of Finance actively supported this initiative.

The result revealed not only holes in existing legislation and unclear guidelines allowing arbitrary interpretation of rules but also lack of understanding of regulations by different authorities. In June, representatives of the watchdog team accepted the invitation of the Anti-Corruption Unit and Minister of Justice to assist in drafting a set of measures and actively participated in this process. The draft document was then submitted to all managing authorities and implementing agencies for comments. In July, the Minister of Justice submitted to the Government the report on outputs and recommendations resulting from a survey entitled "Legal Protection from Non-Transparency, Abuses and Conflicts of Interests Related to Decision-Making on EU Funds in Slovakia". The report included a proposal to transpose all measures into the current regulations of all relevant authorities.

On August 18, 2004, the Slovak Government adopted a resolution #797 requesting "unification and adjustment of all legal and other regulations of the central state authorities of the Slovak Republic including relevant manuals, handbooks and guidelines as well as other guiding acts according to the (above mentioned) report by October 30". Minister of Justice was appointed "to create a clear definition of conflict of interests and to define liability of persons involved including definition of sanctions for violations of principles on conflicts of interests" by the end of August. All tasks from the report became obligatory for all managing authorities and must be implemented by specific deadlines.

The first result has already emerged. On September 9, the Minister Justice announced the „Rule on Ban on Conflict of Interests“ (see below) which is generally seen as a very progressive achievement. The other actions are to follow.

Adoption of the resolution is good news for Slovakia and must be considered a good practice worth to follow in other countries with weak legislation as well. For years, the public officials on various levels enjoyed missing or vague rules which gave them a space for arbitrary decisions and they usually refused to listen to NGOs and change the rules. The August 18 resolution may end this period. It is one of the first resolutions related to the management of public funds in Slovakia that establishes responsibilities for public officials from the point of view of public interests, not state administration.

Nobody could expect that state administration would start a process that will end with limitations of its own domain. But also nobody could expect that the resolution itself will stop bad practices if not implemented properly and if such an implementation is not seriously monitored and supervised. This is why, NGO watchdog team had not only to initiate the process but must also ensure that the adopted measures are respected.

*T*HE RULE ON BAN ON CONFLICT OF INTERESTS

Art. I

Within all the decision-making processes connected to redistributing of the EU Structural Funds and the Cohesion Fund conflict of interest. If employees will be

involved, violation of the rule will be treated according to the relevant legal regulations as a breach of discipline or trespass of the work discipline. In case of persons in other than employment relations, the relevant contracts (e.g. contracts on the provision of work) must state, that violation of the rule on conflict of interests is a reason for unilateral abolition of the contractual relations.

Art. II

The rule on ban on conflict of interests is binding and refers to the following areas and involved persons. Definition of these areas and involved persons does not affect the right of Managing Authorities (MA) and Mediatorial Organs under the MA to adopt stronger rules to enforce the rule on the conflict of interests.

Preparation and submission of projects

- Persons entrusted by the MAs to provide information for applicants of proposals (at the level of the central bodies of the state administration and other public institutions, e.g. the Regional Self-Government) must not be involved in preparation, submission or implementation of projects.
- Persons participating on the preparation of the calls for proposals, granting schemes or state aid schemes (at the level of the central bodies of the state administration and other public institutions, e.g. the Regional Self-Government) must not be involved in preparation, submission or implementation of projects within the given call for proposals, granting schemes or state aid schemes.
- The persons participating on the preparation and implementation of the projects of the state administration (at the level of the central bodies of the state administration and other public institutions, e.g. the Regional Self-Government) must not be involved in evaluation and selection of projects within the given call for proposals, granting schemes or state aid schemes.

Assessment of administrative compliance

- Persons entrusted by the MAs to conduct assessment of the administrative compliance must not be involved in preparation, submission or implementation of projects.

Evaluation and selection of the projects

- Persons entrusted by the MAs to conduct evaluation of the projects must not be involved in preparation, monitoring or implementation of the projects within the given call for proposals, granting schemes or state aid schemes.
- External evaluators must not be involved in preparation, monitoring or implementation of the projects within the given call for proposals, granting schemes or state aid schemes.

- Members of selection committees must not be involved in preparation, monitoring or implementation of the projects within the given call for proposals, granting schemes or state aid schemes.
- Any other persons participating in the evaluation and selection of the projects or in supervision of these processes must not be involved in preparation, monitoring or implementation of the projects within the given call for proposals, granting schemes or state aid schemes.

¹ Best Available Practices. Public participation in programming, implementation and monitoring of EU funds, published by Institute of Environmental Economics, Friends of the Earth Europe and CEE Bankwatch Network in November 2004.

Sustainability assessment of RDOP projects

Dr. Farkas István, National Society of Conservationists

The Managing Authority (MA) of the Regional Development Operational Programme asked the National Society of Conservationists (NSC) to co-operate in the assessment of the submitted RDOP project proposals regarding environmental sustainability. The obtained project proposals are assessed at regional level; the MA however also assesses them against several criteria such as environment, equal opportunities, and financial questions as a sort of quality control. Based on the opinion of experts and regional development agencies, the Decision Preparation Committee makes a final suggestion for or against funding. In this committee, the Ministry of Environment and Water also has a vote. The NSC commissioned several local experts to co-operate, so that people with adequate knowledge of the region in question could assess each project. The expert team has the opportunity to propose whether the project proposal should be accepted, rejected or sent back to the project owner for amendment. Within a year, the experts assessed about 1000 project proposals. About 10 % of the projects were suggested to be rejected 20 % to be amended. Some projects were rejected due to financial reasons. The majority of the rest was supported by the committee, but strict environmental conditions were set for contraction. Some of the project proposals were not adequate from an environmental perspective and were therefore rejected. In many cases, this happened because of the determined stance of the representative of the Ministry of Environment and Water. As regards the projects with an assessment "to be amended", the MA sent them back to the proposers.

The main advantage of the re-assessment system of project proposals is that, as the MA regularly sends back those project proposals for amendment that are weak —from some environmental aspects, by today the regional agencies and project owners themselves have also realized that it was essential to submit project proposals with proper and in-depth information about "environmental sustainability". As a result, project proposals submitted to the MA are of much better quality now than they were a year ago.

Tic commitment of the RDOP MA to high environmental performance is ideal, especially in the matter of taking "environmental sustainability" as a decisive factor regarding project proposals. This stance should be realized in all operational programmes in the period of 2007-2013

*D*ELIVERING SUSTAINABILITY IN NATIONAL DEVELOPMENT PLANS

The National Society of Conservationists (NSC) was established in 1989 to represent an alliance of 32 environmental NGOs in Budapest. Today, the Society has more than 90 members already, most of whom are from the countryside. After ten years of work in nature and environment protection, several member groups initiated at the late 90s to focus on regional and economic development due to the environmental impacts thereof. In 1999, the NSC participated in the

international project of Friends of the Earth on the environmental impact of EU funds and published several booklets on this issue both in English and in Hungarian. From 2000 on, the NSC has also put a strong emphasis on the public debate on national level programmes and plans.

The National Society of Conservationists established a coalition of the biggest environmental and nature protection NGOs to comment on the draft and the final National Development Plan. The coalition has more than 20 member groups, including regional and national NGOs such as the Independent Ecological Center, BirdLife Hungary, WWF, Clean Air Action Group.

Public participation requires open-minded public authorities and governance. Since there had been no legal provisions for this until 2004, possibilities largely depended on the goodwill and open-mindedness of government officials. Though, due to fear from the EU, we did not face clear refusals, in the case of most ministries it was still difficult to provide in-depth inputs into documents. There were two delighting exceptions: the bodies responsible for the Regional Development Operational Programme and the Ministry of Environment. These institutions had always been real partners of environmental NGOs and considered our comments and views. In the first phase of programming, the president of NSC was allowed to participate in the working group at the Ministry of Environment as the representative of the National Environmental Council, a consultative body to the government.

After the change in the government, the Prime Minister's Office launched a larger-scale commenting procedure in which the NSC also participated. Upon request by the Ministry of Environment, we organized the public debate on the National Development Plan Strategy and the Operational Programmes, with 10 public forums and more than 250 organizations participating. These did not only include NGOs but other partners of the ministries, as well. Oral and written comments from the public made up about 300 pages and were sent to the NDP Office at the Prime Minister's Office, which was in charge of programming.

The governance appreciated our efforts and asked us as the only NGO to speak at a conference on partnership in the Parliament, along with representatives of the government, the business sector and science.

Despite numerous comments and proposals, the public debate has not changed the NDP from a sustainability point of view considerably. Positions of environmental NGOs were hardly taken into account, for two reasons. On the one hand, development policy is so far from sustainability that its basic ideas collide with NGO approaches, which work with a different logic. On the other hand, the participatory process started late, when the documents were almost ready. Thus, even recommendations with the same logic were difficult to integrate.

The fact that environmental NGOs have been allowed to participate in the monitoring committees of each Operational Programme and the Community Support Framework from the very beginning on, has enabled them to influence the preparation of Programme Complements and calls for project proposals. Of course, the approach of ministries was also diverse in this regard. It is worth noting that the representatives of the Ministry of Environment and environmental NGOs in the monitoring committee (MC) for human resource development were asked by the Ministry of Employment to give MC members a short training on sustainable development. As regards the Regional Development Operational Programme, two working groups elaborating specific measures also involved NGO delegates. This was the way and place where environmental and nature protection aspects could be integrated most efficiently.

ENGO participation in the implementation of EU Funds

Marta Smigrowska, Coalition of Polish Environmental NGOs on EU Funds

There are two types of advisory bodies supporting MAs in managing EU Funds in Poland: monitoring committees (MCs) responsible for monitoring the implementation and steering committees selecting the projects.

According to the Act on the National Development Plan of April 20, 2004, one-third of the members of each committee must be social and economic partners. Nevertheless it does not ensure just representation of the third sector neither the durability of the participation, which will be proved in the following chapter. We will analyse the quality and durability of the participation as concerns the committees where the ENGO representatives have their seats.

ENGO REPRESENTATIVES IN EU FUNDS COMMITTEES

In the second half of 2004 several new SF and CF committees were set up, some others were reorganised. Unfortunately the changes within the existing committees tended to be unfavourable to the ENGOs.

The number of the ENGO representatives in SCs and MCs is constantly changing.

On December 31, 2004 Polish ENGOs had their representatives on 12 national committees and 6 regional committees (responsible for monitoring the IRDOP' implementation or selecting the projects in the IRDOP' frame). The table below presents the ENGO representatives on national committees.

ENGO representatives selection procedures

2 types of election procedures were applied as concerns the majority of the committees established in the reporting period.

A. Recommendation for appointment by the Council of Public Benefit Activity (procedure written down in the Act on the NDP)

1. The Ministry of Economy and Labour releases the press and web page announcement.
2. The organisations can register candidates by filling in the form at the Ministry web page.

This committee is the only one IRDOP steering committee operating at the national level. The decisions concerning other IRDOP measures are taken by regional SCs.

3. The Council of Public Benefit Activity recommends the representatives to the Minister of Economy.

4. The Minister makes the final choice.

B. Open competition + vote (the Ministry of Environment' procedure worked out together with the ENGOs)

1. The Ministry of Environment releases the press and web page announcement.

2. The organisations can register candidates by filling in the form at the Ministry web page

3. Every ENGO can vote for two of the candidates.

4. The candidates with the largest number of votes are awarded seats on respective committees.

We will analyse the problems faced by the ENGO candidates as concerns the MAs interpretation and application of the above mentioned procedures.

*P*ROCEDURE A

SOP Transport Steering Committee

The committee had to be reorganised after the entry into force of the Act on NDP. The Ministry of Infrastructure (SOP Transport MA) ordered new election. The only ENGO representative in the previous committee stood for the membership of the new committee. He was recommended by the Council of Public Benefit Activity. Unfortunately, the recommendation was not followed by the Ministry.

The Coalition of Polish ENGOs on EU Funds widely endorsed by environmental organisations claimed for the ENGO representation in the committee. As a result, the previous ENGO representative was invited to the committee. He was granted observer status, with no voting right.

Nevertheless, due to the pressure from the economic partners in the committee new election shall be ordered soon. The final version of the decree on election procedure, including number of seats for social partners, is still unknown. The chance for ENGO representation is hard to estimate.

*P*ROCEDURE B

CF – Environment SC

Similarly to the SOP Transport SC, new election was ordered after the entry into

force of the Act on the NDP. The Ministry of Environment (CF – Environment MA) chose the democratic procedure applied to the previous committee. Due to the wide ENGO support two ENGO representatives for the previous committee were granted member status.

Still, there are some doubts concerning this election procedure. One of the candidates was supported by several Volunteer Fire Brigades, which are non-governmental organisations with some environmental objectives in their statute. Nevertheless it is doubtful if their representative would actually represent the environmental concerns.

The above mentioned examples reflect the problems that ENGOs might face due to the MAs incompetence or unwillingness to co-operate. Nevertheless, not all of them are bad practice examples. We will roughly estimate the elections to the committees in the reporting period.

GOOD, AVERAGE AND BAD PRACTICE EXAMPLES

Good practice examples (but not always the best ones)

The election procedure applied to the CF – Environment SC, is undoubtedly a good practice example. The ENGO representatives have a real ENGO mandate. Nevertheless, the procedure should precisely define the ecological non-governmental organisations authorized to vote, in order to eliminate the organisations dealing with environmental protection just theoretically.

Undoubtedly bad practice examples

The election procedure applied to the SOP Transport SC is not the only one bad practice example observed in the reporting period.

The interesting example of return to bad practice is removal of ENGO representative from the regional IRDOP SC in Lower Silesian Voivodeship after the political changes in the region. Some members representing the third sector were substituted by people formally linked to the NGO community but connected to the new political power.

In the light of above mentioned facts it is clear that there is a strong need for improvement not only in the field of ensuring the public participation in the EU Funds decision making processes, but also in the field of ensuring the durability of the partnership. The best election procedures are not enough if they are not binding and do not ensure the durability of the co-operation.

*R*EVIEW OF THE ENGO REPRESENTATIVES' STATUS IN EU FUNDS COMMITTEES

Needless to say that members of different types of EU Funds advisory bodies have different tasks. The Monitoring Committee members monitor the implementation of the funds and programmes, their compliance with EU guidelines and propriety of expenditures. The Steering Committee members select concrete projects on the basis of the list of criteria.

There are also important differences between different Steering Committees regarding the content of the projects.

Nevertheless it is possible to find an area of co-operation as some problems faced by the ENGO representatives are common for all types of committees. We will shortly present the main problem faced by Polish NGO representatives in the reporting period, which is lack of MA financial support for committee members.

*T*ECHNICAL ASSISTANCE

There seem to be two main obstacles to widen the ENGO participation in the EU Funds management. First of all, no technical assistance is provided to committee members. On the other

hand, the ENGO representatives have not enough capacity to comment on specific documents or projects.

It is to say that the lack of financial support for committee members does not have to be definitive.

The Ministry of Agriculture (SOP Agriculture and Rural Development Programme Managing Authority) provides some money for technical assistance at the ENGO representative's request.

Micro-regions and development in Harghita county

Peter Pal, AGORA

At the end of the 1990s, in Harghita county begun the creation of a micro-regions network, which did not exist in Romanian legislation. The level of the micro-regions, NUTS 4, is not known in Romania's administration, although it is common knowledge that the localities (level NUTS 5 – which incorporates villages, cities and municipalities) can not absorb totally the UE's funds. In Seklerland but also in every region of Romania, exist distinctive regions (population between 5.000-50.000) which cohesion has formed during time and which can be called micro-regions. In Harghita county these micro-regions – can be called traditional micro-regions – have the following characteristics:

- are mostly rural,
- have a cultural, economical center, which is usually a small size town,
- have their own regional identity.

Taking into account the above mentioned characteristics, as well as the need of county development (which is a county with economic potential below country average), the County Council decided the adaptation of micro-regional model of Hungary. There was a natural need of community level cooperation, and in 1998, the first Micro-regional Association was formed (Micro-region Csomád-Bálványos). Between the founders were: Harghita's County Council, local councils of Csomád and ENGOs from the country and Hungary. The promoters of the association were actually the ENGOs that worked for a longer time in the region.

A second wave of micro-regional associations was the fall of 1998 until the end of 1999, when 9 associations were set up.

In the present, there are 15 micro-regional associations in Harghita county, which include almost the entirely surface of the county.

Which was the main scope of these associations? According to the status, were founded in order to strengthen the economical, cultural and social cohesions, the development of the infrastructure, social services, environmental protection (through projects and common programs).

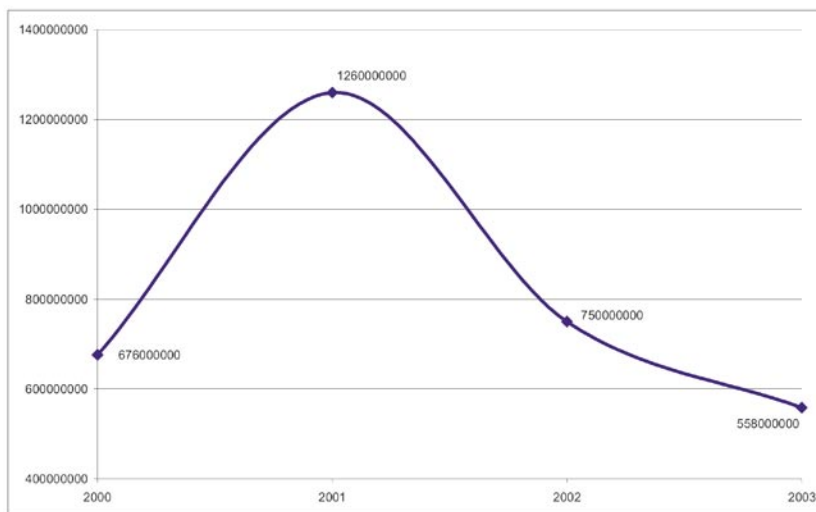
The associations hired their own personnel (1-3 employees), they were given offices from the mayor's office, and they started to elaborate the development strategies of the micro-regions.

Their income consists of:

- member's fee (local councils, county council, etc.),
- their own income (services for the community),
- funds for different micro-regional projects.

In the first period Harghita County Council supported the associations with infrastructure (telephone, fax, computer, photocopy), and from the beginning of 2001 elaborated a program through which micro-regional associations can access funds for projects in a competition system (grant system).

The below graphic presents the contribution of Harghita County Council for micro-regional associations between 2000-2003.



Has to be mentioned that in 2001 the sum is double of the sums of the other years, because here are included the project money (660 millions lei), not only the member fee of the County Council. In these years the County Council spent for the associations over 3,2 billion lei (approx. 100.000 Euro).

Apart from this money, the associations have been granted with over 21 milliard lei (620.000 Euro) in 220 projects.

The potential of attracting financial sources is very important, yet the existence of mid-term development strategies for these micro-regions is even more important.

We have talked so far about good practices. There are, of course, bad ones as well. One of these is the decline of activities proportional with diminishing of the County Council support. This fact shows that some micro-regional managers did not understand the role of micro-regions that the result of partnership of different entities show only on long term and they abandoned activities after not winning a few projects.

Those associations that from the very beginning collaborated with the inhabitants, NGOs and local authorities function well and have the promoter role in the region. In the very next period these associations will have to elaborate the

new strategy for the 2007-2013 period in order that micro-regions can access SF. Some micro-regions have already started this activity.

Because part of the SF and Funds for Rural Development (FRD) are available at administrative level NUTS 4, would be benefic that at country level took place an administrative reform that would promote micro-regions as well. The main benefits would be:

- increasing the cohesion and partnerships between communities,
- increasing the efficacy of regional statistic,
- would create a layer of micro-regional servants with knowledge in project management, regional politics, community development – they could be the promoters of rural adherence to EU values,
- would increase significantly de absorption potential of Eu funds (mainly SF and FRD),

In the Center Region, aside Harghita county, the formation of micro-regions has also started in Mures, Sibiu, Alba and Covasna counties, fact positively appreciated by Brussels servants, who visited several times these counties.

Actually, there were initiatives within the ministries for introduction of Level NUTS 4 in Romania, but these has failed so far.

Starting with 2007 the accession of development funds will be based on programs, development plans elaborated on three levels:

- county level (optional, but very important),
- development region level,
- national level.

These programs are complementary; usually the regional ones form the basis of the NDP, which is the basis for the Operational Programs (the sectorial and regional one(s)). These OPs form Community Support Frame, which is the total of the development funds and will be arriving in Romania between 2007-2013.

At the end of 2005 has outlined the programming for this period and contains 7 OPs, out of which 5 are Sectorial Operational Programs, elaborated by the resort ministers:

- Sectorial Operational Program (SOP) for increase of economic competitiveness;
- Sectorial Operational Program (SOP) Transport Infrastructure;
- Sectorial Operational Program (SOP) Environment Infrastructure;

- Sectorial Operational Program (SOP) Human Resource Development;
- Sectorial Operational Program (SOP) Agriculture, Rural development and Fishing;
- Regional Operational Program (ROP) – Regional Development;
- Operational Program for Technical Assistance

If micro-regions would exist, these would elaborate plans and development programs, and we would begin the new programming period with national programs based on real needs and necessities of regions and communities in Romania.

EC's web page:

<http://www.europa.eu.int/comm>

Rule proposals for SF and CF 2007-2013:

http://www.europa.eu.int/comm/regional_policy/sources/docoffic/official/regulation/newregl0713_en.htm

Web page for pre-adhereng funds, SF and CF:

<http://www.mfinante.ro/fonduriUE>

ROMANIA

Membership of the monitoring committees, alliances

A) RELATIONSHIP OF NGO DELEGATES AND THE COMMITTEE MEMBERS

The attitude of committee members towards NGO initiatives is quite varied. Examples include a committee where constructiveness and willingness prevailed from the very beginning, or where the openness of the government changed over time, from the initial rejections evolving into an atmosphere of cooperation.

The government side is characterized by a moderate openness. The reason for this might be that the decision-making competence of the committees is restricted — from the point of view of NGOs - regarding the proposals and comments put forward during the session, or that the limited timeframe does not allow the comprehensive discussion of the ideas. This is also underlined by the fact that the government proposed further consultations in the case of certain NGO comments, but later the substantial proposals and initiatives were refused on the grounds of binding circumstances or legislation. Sometimes the government suggests that we should shortly admit the impossibility of the idea, because it would be difficult to contradict the enormous background work behind the motion during the meeting. In these committees the attitude of the membership and especially of the government side aims to defer conflicts and to avoid relevant answers.

Unfortunately there are two committees where the comments and ideas of the NGO delegates are taken with reluctance or despised. In these cases the delegates feel that they should stand back and contribute as little as possible and only under the most critical conditions, in order to preserve their credibility. The lack of tolerance results in the ambiguous situation where the delegate remains silent instead of putting an idea forward, with the intention to be able to represent interests later.

On the other hand, the atmosphere of the RDOP MCs shows that members from the regions feel that NGOs are on the same platform. However, the establishment of alliances is hindered, because some of the members are having themselves represented by a substitute, and these substitutes sometimes are not aware of the previously created links and relations, and therefore they are in a kind of "role confusion", not reacting as usual or as expected.

The representatives of the European Commission should be highlighted among the committee members. Their participation was evaluated positively by almost all green delegates. Certain opinions argue that their role changed during the last two years. In the beginning they were encouraging the committee to fulfil its tasks and inspiring both the "monitored" and "those monitoring" to make full use of the opportunity; now they became a channel to announce the non-appealable opinion of Brussels.

It is important to emphasize that on several occasions Brussels supported the proposals and initiatives of the NGOs, mainly regarding rules of procedures and regulations, but also substantial issues.

For example during the discussion of the programme complement to the ^Agriculture and Rural Development Operational Programme the representative of the Commission stressed the need to take into consideration horizontal priorities (e.g. environmental protection, equal opportunities), when the selection criteria are defined. The National Rural Development Plan monitoring committee in the case of Natura 2000 sites illustrated that the conservation of natural values is also respected. The representative of the European Commission on the session of 15 October 2004 requested information for the MC on two issues related to the implementation of the National Rural Development Plan and its possible future modifications.

B.) ALLIANCES

As any other case, the interest of the environment and of civil society can only be advocated by cooperation and joint efforts. With regard to environment, NGO delegates could at least count on the representative of the Ministry of Environment and Water. Experience shows that the common position of a government body and an NGO is powerful and convincing. Alliances are often made with other NGOs working in different fields (women's organizations, handicapped, Roma), or with certain professional bodies, especially in the field of agriculture and rural development. Depending on the topic and on the committee, certainly other members may also support the green delegate (cooperation with local governments, regions, certain officers).

There are also ad-hoc alliances, and relationships can be formed on the basis of professionalism and competence (e.g. Environment and Infrastructure Operational Programme). Support is more easily given if issues of democracy or rules of procedure are at stake, than in the case of explicitly "green" motions.

Support is of course not unilateral, allies usually stand up mutually to each other's issues, unless other, conflicting considerations, such as the extent of radicalism. Support is usually felt "in the air", and outright formulation gives additional impetus.

C.) FORMS OF COOPERATION

The most effective way of cooperation is consultation before sessions, according to most of the MC delegates. Tire horizontal subcommittee can also be an effective scene (if such a subcommittee exists and appropriately operates, e.g. Economic Competitiveness Operational Programme).

D.) THE WEIGHT OF ENVIRONMENTAL ISSUES WITH REGARD TO THE COMPOSITION OF THE COMMITTEE

Due to the composition of the committees and the mode of involving the delegates, the presence of NGOs and independent experts is not very remarkable. Environmental issues are represented officially only by two persons, which does not give them sufficient weight compared to the size of the committee,

litis is especially striking in the case of committees making decisions with a consensus, where it is not clearly distinguished who is entitled to participate in decision-making. (Titus the non-governmental side is in a minority from the very beginning. However, this cannot be argued because of the consensus-based decision-making system, as in that case proportions do not matter anyway.) In this situation the need for cooperation on a wider scale is evident, often based on mutual sympathy rather than tactical considerations.

With regard to the National Rural Development Plan the most important insufficiency in the committee is that sectoral and industry-wide aspects playing a role in rural development were not appropriately taken into account, and that in spite of the written request of NGOs, the balanced participation of government and civil society was not implemented.

Having a look at the situation from the other side that environmental issues - which is already far off from sustainability, and it is degraded into "environmental sustainability" - are regarded by the government as some non-functional fancy ornament instead of treating it as a structural issue, litis is reflected by providing only one (or two, if the ministry is also included) seat(s) in the committees for representing environmental issues.

The composition and operational procedures of the committees gives place to another problem: the members are usually professionals in their thematic fields of expertise, enabling them to filter the background information they disseminate. Background information includes preliminary surveys, data collections, requested expert opinions; the NGO delegates have no information about the details and circumstances of these, therefore the decision is predetermined.

*P*ROCEDURES OF DECISION PREPARATION AND DECISION-MAKING

The practice of the Economic Competitiveness Operational Programme^{MC} is worth mentioning regarding the preparation of decisions: the Managing Authority sends out the well-prepared materials, so the members can send their opinion in writing prior to the meeting. The written responses are compiled into a single structured discussion paper, presented and discussed during the session.

The situation is more problematic when certain materials were sometimes only distributed at the meeting, as in the case of the Human Resources Development Operational Programme MC - although most of the proposals were also sent in advance electronically.

Green delegates (also) find consensus the best way to make decisions, as there is no opposition. However, when interests need to be reconciled, it is unavoidable to make specific decisions with the second best method, that is voting. In the work of the MCs a clear, transparent voting system is necessary. In the case of five committees (Agriculture and Rural Development OP, Economic Competitiveness OP, Environment and Infrastructure OP, Regional Development OP, National Rural Development Plan) decisions were made by voting, and consensus was required only in the case of Human Resources Development OP, EQUAL and the Community Support Framework, although in the case of the Regional Development OP reaching a consensus was targeted before voting. Iliereiore the argument that consensus-based decision is a requirement of

the EU is not valid, as it would not be logical to demand consensus from certain committees, while allow voting in others. In our opinion voting does not correspond with a lower level of democracy, just the opposite, the proportion of opinions and the decision becomes clearer, without "leaving a thorn" in the participants. At the same time voting rights should be clarified, in order to prevent counting the votes of members present only as advisors. According to the rules of procedures of the Human Resources Development OP MC, even the minority opinion should be put down in the minutes, though in practice it has never been necessary so far.

NGO PROPOSALS IN THE MONITORING COMMITTEES

The effectiveness of participation is reflected by the attitude of the committee towards NGO initiatives and the proportion of accepted proposals. In this matter, committees give a mixed picture.

In certain committees about 50% of verbal proposals or 2/3 of written proposals is accepted. In some of the committees there is no floor for open discussion or the way proposals are treated heavily depends on the chair of the session. There have been instances where the minutes were not delivered, or at least not to the NGO delegate, so the number of verbal proposals gone through cannot be checked. A general experience is that refining the so-called surface and issues not explicitly related to the horizontal objectives or to civil society are more readily accepted by the committees, while fundamental, substantial proposals usually get bogged up in the net of arguments.

This latter case can be illustrated by the Agriculture and Rural Development OP MC, where the NGO request to synchronize National Rural Development Plan and ARDOP was and also separate working groups were established. The separate working groups discussed issues with the involvement of external experts, but NGO proposals were not accepted allegedly because of the tight timeframe and the lack of statistical data.

In the case of the Human Resources Development OP MC the majority of NGOs represented organizations working in the field of employment. They often clarify definitions, technical-terms, target groups, access routes. Most of the green proposals were the same land, that is they were connected to the formulation of horizontal objectives for example in the programme complements. An obvious "green" success was achieved in 2005, when the delegates could prevent that the scores of the 2 horizontal objectives are reduced from 10 to 5 (which is not even dividable by two!) on the project evaluation sheet, and also attained that the concept of sustainability was also defined besides equal opportunities.

In several committees only the representatives of the government, the EU, sometimes the Academy and the greens were active, most of the members did not make any proposals, and real discussion rarely developed. Those who contribute often can feel that they are disliked by the other members of the committee and they are considered overcritical and time-consumer. The lack of worthy discussion is not a good sign, regardless of the decision-making method, because it implies that committees do not discuss issues in details, and might make hasty and inconsiderate decisions. This leads to formal, weightless committees.

Where a subcommittee dealing with horizontal issues exists - to be detailed later- cooperation in the subcommittee is smoother than in the "large" committee.

“How far is ‘Brussels’ for local NGOs?”

by: Paul Kosterink, Milieukontakt, Amsterdam

This article tries to give insight how relevant ‘Brussels’ is in environmental policy and practice on the local level in (future) EU Member States. Should small, local NGOs know anything about European matters, or even become involved in them? When I started to work on EU related issues, some five years ago, I was very sceptical and answered this question with a ‘no’. Experience learned, however, that NGOs can influence decisions that have a direct effect for the real work on the local level.

*D*ECISION MAKING IN EUROPE

First, a short reminder how decisions are being made on EU matters, before going into the lobbying process. The main decision makers are:

- the Council of the European Union is the main decision-making body. This is formed by representatives of the 25 Member States, usually Ministers. They decide on major areas with unanimous votes, and on most issues by qualified majority. Meetings are often prepared by the Committee of Permanent Representatives (COREPER), comprised of the permanent representatives of all Member States (the ‘ambassadors’ to the EU).
- the European Parliament has co-decision powers with the EU Council. Since the Amsterdam treaty the Parliament is of increasing importance. The Parliament has co-decision power with the Council on an increasing number of issues.
- the European Commission prepares legislation and discussions. Without proposals from the Commission, the Council and Parliament can not take any decisions. The Commission is also responsible for the daily management of EU. This means for instance to monitor and enforce that Member States comply with decisions, regulations and legislation. This is done by the 36 Directorate Generals (DGs,; the ‘Ministries’ of the EU). DG Environment is responsible for all environmental issues.

In principle the process is that Commission consults with and proposes to the Council and Parliament, so is the initiator for legislation). In practice this means that on most issues there is co-decision making and cooperation between these 3 bodies.

The Commission, however, has only 25,000 EU civil servants in the 36 DGs, which is less than most of the individual Member States have. The Commission solves this problem of having little staff in various ways, of which the two most

important are sub-contracting of third parties (companies, advisors, researchers, NGOs) and involving specialists from the Member States.

The involvement of specialists from the Member States is done through 450 Council working groups of national civil servants (specialists) on different issues and over 500 other formal and informal expert groups, set up to advise the Commission in drafting new laws and regulations, as well as monitoring of enforcement of existing laws and regulations.

This circus of advisors, also known as the 'comitology' or 'committee procedure' influences directly the European rules we will be confronted with on the ground in a year or three, four. It is a very un-transparent process, heavily criticized by NGOs and Parliament. Only last month the Commission revealed a list of around 1,300 of these formal and informal working groups. Their activities (e.g. minutes of meetings) can be searched on the internet now (http://europa.eu.int/comm/secretariat_general/regcomito/).

A quick search on "environment" learns that there are 104 Groups working on environment related issues. Links to the web-pages of the various groups learns, however, that only a minority fills the pages with relevant information, like minutes of meetings and decisions, and members of the groups. Most members are specialists of the Ministries from the Member States, but also independent specialists, experts from the European Environment Agency, representatives of industry associations (!) and in some cases a NGO representative. A research among 218 members of these working groups

THE LOBBYING CIRCUS

The 'comitology' leads us to one of the most important and un-transparent lobbying circles. Influencing members of Working Groups has direct effect on the decision making process. Due to its technical character of the discussions lobbying can only have effect when NGOs are also specialist in the given issue. From the 15,000 lobbyists walking around in Brussels there are only a dozen from environmental NGOs. NGOs have therefore limited time and people to follow the whole comitology circus in meetings that are held in Brussels. They are selective in attending meetings. But also local NGOs in the Member States have direct contact with the experts that attend the meetings, usually Ministry representatives. So local NGOs working on specific issues can approach their national representatives and find out what is on the agenda and influence their country's position. A research under 218 members of the working groups, 2 years ago, reveals that Member States are represented by relatively high-level officials from the Ministries, and is thus an indication that decisions taken there are of relevance.

At the same time NGOs plea for transparency of this foggy decision-making circus. During Spring 2005 NGOs set up the Alliance for Lobbying Transparency and Ethics Regulations (ALTER-EU). Any NGO can join this coalition (www.alter-eu.org) and increase pressure on the European institutions to improve the situation.

EUROPEAN COMMISSION

As mentioned, only a few dozen out of totally 15,000 lobbyists in Brussels are from environmental NGOs. The majority works for business associations. For example, the European Petroleum Industria Association ("EUROPEA") has three representatives in the Clean Air for Europe (CAFE) Steering Group. Nevertheless, the opinion of NGOs is taken into account at the European Commission independently from its number of lobbyists.

Especially DG Environment is very open to the comments of environmental NGOs and actively involves them in the decision making process. NGOs, on their behalf, have organized themselves in a coalition of (now) 10 green NGOs that lobby in Brussels. They include WWF, EEB, Friends of the Earth Europe, Birdlife International, and are known as the "Green10" and frequently combine lobbying efforts and formulate NGO positions. Local NGOs can join some of these NGO networks, like the EEB (European Environmental Bureau), or link up to the national NGOs that are part of the other NGOs or NGO networks. This works very well in for instance the old member state Netherlands; the big national Dutch NGOs are member of EEB, Birdlife International, FoEE, etc. and pass on opinions and information to the local NGOs and vice versa. In new member states such NGO coalitions are also coming of the ground. National Society of Conservationists (NSC) in Hungary is a good example how local NGOs can link up to 'Brussels' through NSC.

The very fact that local NGOs are linked up to the Brussels NGO networks is the most important reason that they are taken seriously. The Commission literally states that NGOs with their grass root membership are a direct link between the Commission and the European citizens, and for them an important source of information from the people! After the rejection of the European Convention in referenda by citizens in France and Netherlands, the influence of NGOs is likely to increase.

NGO COALITION ON STRUCTURAL FUNDS

For European NGO networks and NGOs in Brussels it is therefore of importance to have a well-functioning and broad alliance. That this is not automatic process, and at the same time really working well in practice, we have learned when we set up a coalition of NGOs working on EU Structural Funds in Central Europe. In 2002 we started to work together among NGOs from Poland, Czech Republic, Slovakia and Hungary that work on greening of these EU funds, coming to their local regions. We had in common that we worked on this issue with the same aims: (1) to build capacities among NGOs on Structural Funds and influence the official bodies deciding on spending the money, (2) to proof on the local level that EU funds can also be spent in an ecologically sustainable way, and (3) to have guidelines for the next EU budgetary period (2007-2013) which includes public participation in the whole process of EU Structural Funds

expenditures. We called our coalition the SFteam. The first and second aims we can manage to reach in the countries of course, but for the third aim it was important to have our voice also heard in Brussels. The Commission started to work on the new guidelines on Structural Funds, and we wanted to have provisions that the public and NGOs are indeed included in the process. Therefore we started to discuss with the Brussels representatives of the Green 10 that also work on EU Structural Funds. After having organized three meetings with WWF, Birdlife International, Friends of the Earth Europe, EEB and CEE Bank-watch Network, we decided to set up a broad NGO Coalition to Green the EU Structural and Cohesion Funds. Our first common position paper "Delivering Sustainable Development" on our view on Regional Policy after 2006 was translated in most of the European languages, including Romanian and Bulgarian, signed by hundreds of local NGOs throughout Europe and used on the national and international level to lobby for our common stand points.

This was only the beginning of a successful campaign to green the EU Funds for the coming period after 2006. During 2004 and 2005 the NGO Coalition lobbied at the necessary levels: the Commission (DG-Regio and DG-Environment), the European Parliament and the national governments. From these three decision making bodies we managed to get many of our stand points through at the Commission and especially also at the Parliament. The regulations that went to the Council in June 2005 included literally text from our NGO position papers. The Council should have decided about it, but due to conflicts between the Member States on the budget for 2007-2013 it is still not approved.

Although the outcome is thus still unsure, it is evident that NGOs were able to influence important policy in 'Brussels'. The initiative of the NGO Coalition was from local NGOs in the new EU Member States. Our SFteam now also includes NGOs from Latvia and Romania. Bulgarian NGOs are also involved in our work.

These are practical ways how we could get involved in European-wide issues, and actually influence decisions taken far away in Brussels, but will have direct effect for our local work of grass root NGOs. The key-words are: cooperation and building coalitions among NGOs. On three levels: regional levels in the countries, national levels in all (future) EU member states and at the European level through existing and new NGO networks.

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