



European Structural & Investment Funds 2014-2020

TRADE UNION GUIDE



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With the support of the European Commission

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**SYNDICAT
EUROPÉEN
TRADE UNION**

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Section 1

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Section 1 - Introduction

Foreword – Luca Visentini, ETUC Confederal Secretary

The principles of cohesion and solidarity are written into the Treaty and constitute two of the most important pillars for the integration of Peoples and Territories.

The Treaty of Lisbon reaffirms these principles and stipulates under article 174 that *“in order to promote its overall harmonious development, the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion”*. In particular, the Treaty stresses that *“the Union shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions”*.

The aim of the European Union’s structural policies is to help reduce disparities between regions and to promote a society with full employment, equal opportunities, social inclusion and cohesion and hence, more broadly, the European Social Model.

In addition to this, the EU cohesion policy, and in particular the European Structural and Investment Funds, should support the implementation of any investment programme for a recovery in the EU economy and to create quality jobs within the EU.

The partnership principle implies the full involvement of social partners in the management of the structural funds through a real consultation.

For the ETUC, the partnership principle is key to guaranteeing the successful operation of structural funds measures. High-quality partnerships should be pursued, involving the social partners in every phase of funds interventions.

Following the adoption of the new Regulations and the European Code of Conduct on partnership, the ETUC secretariat has launched a project on *“trade unions for economic and social cohesion”*.

The objectives of the project were to ensure, at the same time:

- ▶ full involvement of social partners/trade unions at EU, national and regional level in the ESF, the ERDF and the Cohesion Fund;
- ▶ full implementation of social partners/trade unions involvement in all the stages of programming, implementation, monitoring and evaluation of the structural funds’ use;
- ▶ full access for the social partners to the structural funds’ projects and capacity building activities, particularly when the Europe 2020 objectives are concerned;
- ▶ implementation and development of the existing and future EURES Cross Border Partnerships.

The methodology consisted in the organisation of 5 decentralised seminars (in Warsaw, Barcelona, Helsinki, Rome and Berlin) and a final Conference held in Brussels on 6 November 2014 to draw the conclusions of the seminars and define the next steps and guidelines, as well as the updating of the *“ETUC Guide for trade union representatives for the implementation of partnerships and the use of Structural Funds”*.

The purpose of this Handbook is to support trade union representatives involved in the various committees, negotiations and monitoring processes established under the European Structural and Investment Funds.

How to use the Handbook

The aim of this handbook is to provide a comprehensive resource for trade unionists with regards to two aspects:

1. Their role in the management and use of European structural and investment funds (ESI Funds)
2. The use of ESI funds to support trade union activity

The funds are explained in general terms, with particular focus on the ESF as it is particularly relevant to the activity of trade unions regarding education and training. The various technical aspects are outlined and linked to the overarching EU policy which is being promoted by the use of EU funds.

Regarding the management and use of structural funds, the guide explains some aspects of the **European Code of Conduct on Partnership** (ECCP) which is new to the 2014-2020 funding period. This delegated Act codifies the Partnership Principle which has long been recognised as an important feature of cohesion policy.

As well as this guide, the ETUC has organised a series of regional seminars with the aim of promoting trade union involvement in the management and use of structural funds. These seminars are aimed at the sharing of experiences among trade union colleagues across different Member States, and as a result, we have selected some examples of trade union projects which make use of structural funds.

The efficient use of structural funds relies on the active and informed involvement of Trade Unions. Therefore, this guide also outlines how, through fora such as the ESF Committee and Structured Dialogue, the positive and negative experiences of trade union involvement can be relayed to the European Commission.

European funds are well known for having a high level of technical content, and the guide endeavours to explain the most relevant aspects to provide a global picture of how funds are designed and the interaction trade unionists can have at European, national and regional level with the European Structural and Investment Funds. If you would like more in-depth explanations of different aspects of EU funds please use the links which can be found throughout the guide.

Lastly, while the programming takes place at the beginning of the 2014-2020 period, there will be continual involvement of trade unions through monitoring committees, the ESF committee, Structured Dialogue and, importantly, through the utilisation of funds for trade union projects. Therefore we encourage you to push for an active involvement in all these aspects of the ESI funds, to ensure that the knowledge and experience of trade unions can maximise the economic and social cohesion across all regions of the EU.





The European Structural and Investment Funds and ETUC's Strategy

– *Claude Denagtergal, ETUC Advisor*

The cohesion policy of the EU is essential to support sustainable growth and quality employment. The recently approved new **Regulation** for the European Structural and Investment Funds for the period 2014-2020 strengthened EU top priorities linked to such objectives, including (in particular for the European Social Fund) employment, fair mobility, fight against poverty, social inclusion, and education and training. The new principles of thematic concentration and focus on the outcomes of expenditure drew a positive line for the future use of European resources in the current economic crisis.

The ESF has been charged with new tasks, such as the Youth Employment Initiative, the European Alliance for Apprenticeship, the new Fund to fight against poverty, and the reformed EURES Network for EU employment.

New programmes have been launched or reformed and strengthened, in particular Erasmus+, the renewed European Globalisation Fund, and the Employment and Social Innovation Programme.

The Partnership Principle has been clearly enshrined, as well as strengthened and widened through the adoption of the **European Code of Conduct on Partnership**, which governs the involvement of local authorities, social partners and other stakeholders in all stages of programming, implementation and monitoring of Structural Funds.

This is an important success of social partners and in particular of the ETUC.

Nevertheless, some negative elements raise concerns for the ETUC. The overall amount of the EU Budget has been reduced, as well as the ESF allocation, and the so-called macroeconomic conditionalities have been introduced despite the efforts put in place by the European Parliament with the support of the ETUC. These measures could lead to the suspension of funds in the event of a national macroeconomic imbalance or excessive budget deficit.

Furthermore the Partnership Principle does not cover all funds outside the Regulation for European Structural and Investment Funds. In addition to that, the European Code of Conduct on Partnership is not yet fully implemented and respected by all Member States. The good point is that the European Parliament will carry out a midterm review of the EU Budget, which should take place in 2016.



In this scenario, the ETUC is committed to:

- ▶ Monitoring the achievement of top priorities for sustainable growth and employment in European Structural and Investment Funds' use, as well as to ensure that such funds and, more generally, the EU Budget contribute to the EU policy for investment;
- ▶ Monitoring the use of the ESF, in particular within the ESF Committee, to ensure that social priorities and new tasks assigned to the fund are properly defined and implemented, with the involvement of social partners;
- ▶ Monitoring the use of all other funds in the EU Budget and ensuring any use is in line with the priorities quoted above, also by introducing forms of structured dialogue, ensuring effective and proper participation of social partners;
- ▶ Ensuring that the Partnership Principle and the European Code of Conduct on Partnership are properly used and implemented, by involving social partners in the management of funds at all levels;
- ▶ Influencing the midterm review of the EU Budget in 2016, in order to correct the shortages met at the launch of the Multiannual Financial Framework 2014-2020 and to increase the most sensitive and socially-relevant chapters of the EU Budget;
- ▶ Supporting its affiliates in increasing their capacity building, in terms of better participation in strategic decisions on all EU funds, and better access to the funds' use, in particular for the ESF.

Besides these priorities, the ETUC favourably looks at all initiatives aimed at increasing economic and social cohesion, as well as cross border cooperation, in the regional and local dimension.

The ETUC therefore supports the EU macro-regional strategies (Baltic, Danube, Adriatic-Ionian and Alpine Macro-Regions), by boosting the social dimension and strengthening trade union networks and social partners' involvement in such strategies.

Furthermore the ETUC supports all trade union networks active in the regional, local, cross-border and interregional dimension, such as the IRTUCs (Interregional Trade Union Councils), the ECTUN (European Capitals Trade Union Network), and the EURES Cross-Border Partnerships within the EURES Network.

Section 2

THE ESI FUNDS AND TRADE UNIONS

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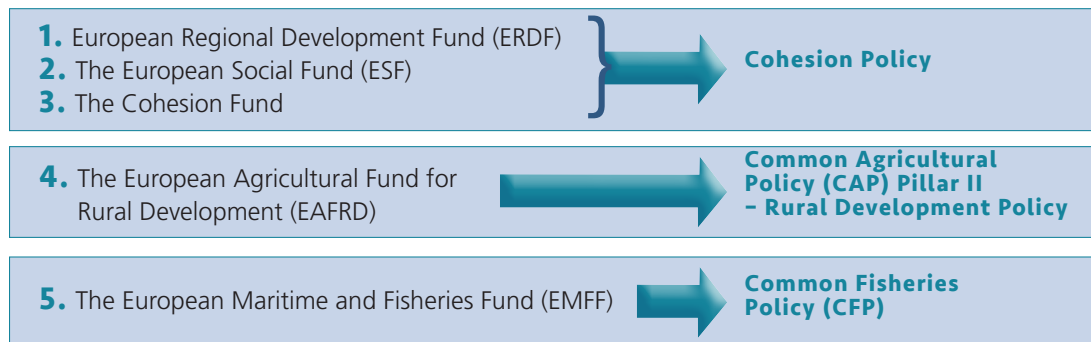
THE ESI FUNDS AND TRADE UNIONS

A. The European Structural and Investment Funds 2014-2020 in a nutshell

This sub-section focuses on how the ESI funds are designed and gives both a général overview and a more specific look at some technical aspects within individual funds.

What are the ESI Funds?

Five main Funds work together to support economic development across all EU countries, in line with the objectives of the Europe 2020 strategy:



Together, these funds form the European Structural and Investment Funds (ESI Funds), which are governed by a common regulation, the **Common Provisions Regulation**. In addition, some funds have their own separate regulation which provides some further details. This means that a common strategy is required so that all funds can be used in a complementary way.

Figure 1 shows the breakdown of the individual funds which together form the ESI Funds. From the point of view of trade unions, it is important to focus on Cohesion Policy (Cohesion Fund, ESF, ERDF), and in particular, the ESF.

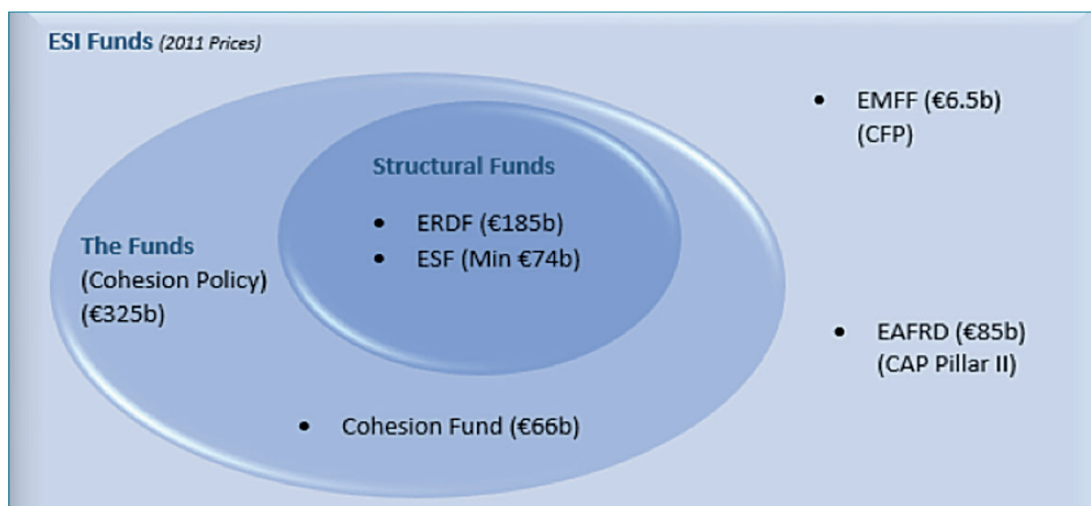


Figure 1 - ESI Funds 2014 - 2020

Cohesion policy consists of three funds:

- ▶ The **European Regional development fund** is used for investment which promotes the reduction of imbalances between regions. The funds can be used for infrastructure projects providing basic services, such as transport, energy and education, as well as to support initiatives in areas of economic activity with potential growth, such as tourism infrastructure and support of research and innovation.
- ▶ The **European Social Fund** is specifically aimed at promoting employment, labour mobility, education and training measures, as well as combating poverty, social exclusion and discrimination.
- ▶ The **Cohesion Fund** can be used to support trans-European transport networks and environmental policies in Member States which have a GNI less than 90% of EU average.¹

How are different Regions funded?

In order to better target the use of these funds, 274 regions based on population have been defined and each region falls into one of three categories:

- Less developed region (GDP per capita less than 75% of EU-27 average)
- Transition region (GDP per capita between 75% and 90% of EU-27 average)
- More developed region (GDP per capita greater than 90% of EU-27 average)

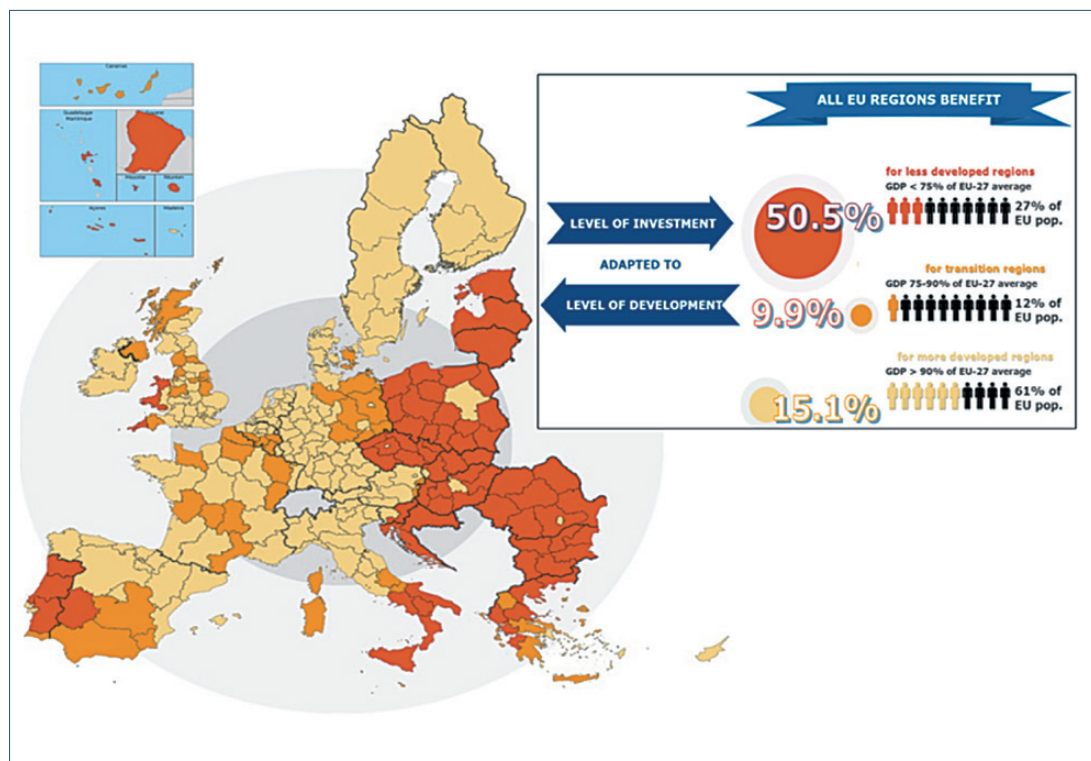


Figure 2 - Regional Funding (ERDF & ESF) Source: European Commission

¹ For the 2014-2020 period these Member States are Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia and Slovenia.

As Figure 2 shows, the level of funding for each region depends upon its category, with most resources being made available to the less developed regions. In addition, the rules about how funds can be used vary depending on the type of region. For example, only less developed regions and transition regions are permitted to use ESF resources for capacity building of social partners.



How are funds used?

For the period 2014-2020, there has been an attempt to simplify the process while also ensuring that funds are used in a way which complements the aims and goals of the European Union. To achieve this a Common Strategic Framework was established, which reflects the political aspirations set out in the Europe 2020 strategy, notably smart, sustainable and inclusive growth.

► Partnership Agreements

This Common Strategic Framework works as a guide in the development of **Partnership Agreements**, which are prepared by each Member State in conjunction with the European Commission. These agreements outline the priorities in each Member State for the whole funding period for all five ESI Funds.

The submission of a Partnership Agreement is the first stage of the programming process in each Member State.

► Operational Programmes

Once the Partnership Agreement has been submitted, a Member State must develop one or more **Operational Programmes**. These are regional or national plans in which Member States outline clearly how they will use the funds – identifying the objectives of each programme and the particular fund they will use. Operational programmes must be consistent with Partnership Agreements, and they require the development of targets and indicators which will allow the assessment of the progress in implementation towards the chosen objectives.

► Managing Authority

Regarding the management of Operational Programmes (OP), Member States must appoint a **Managing Authority** for each OP, as well as a certifying authority and an audit authority. The managing authority is responsible for the general management of the OP, including the selection of projects and actions to be supported by the funds. The managing authority must also produce annual and final implementation reports and ensure that activities being funded are eligible for funding.

Europe 2020 Strategy

*Launched in 2010, this is the EU's 10 year growth and jobs strategy. It consists of initiatives focusing on **Smart, Sustainable and Inclusive Growth**, and has set 5 headline targets to be achieved by 2020:*

1. *Employment – 75% employment rate among 20-64 year olds*
2. *Research and Development – 3% of EU GDP to be invested in R&D*
3. *Climate Change and Sustainability – 20% energy from renewable, 20% increase in energy efficiency, 20% reduction in greenhouse gas emissions from 1990 levels*
4. *Education – Reducing rates of early school leaving below 10%, at least 40% of 30-34 year-olds completing third level education*
5. *Poverty and social exclusion – at least 20 million fewer people in or at risk of poverty and social exclusion*

For more information:

<http://ec.europa.eu/europe2020>

► Monitoring Committee

Lastly, a **Monitoring Committee** must be set up to monitor the implementation of the Operational Programme(s). This committee, which must include, among others, economic and social partners such as trade union representatives, meets at least once a year to assess the implementation of the programme(s) and the progress made towards the objectives and targets which were set.

What can the Funds be used for?

The ESI Funds are governed by a common regulation, the [Common Provisions Regulation \(CPR\)](#). The Commission has set down rules and requirements in order to ensure that the funds are used in the most efficient and harmonious way possible across Member States. Therefore, any use of these funds must support **Thematic Objectives**.

When drawing up Partnership Agreements, and Operational Programmes, Member States must have regard to thematic objectives, including a description of the expected results from the use of ESI funds in relation to each selected thematic.

Each thematic objective is further elaborated into an exhaustive list of investment priorities laid down in the fund specific regulation. For example, for thematic objective (10) – *Investing in education, training and vocational training for skills and lifelong learning*, is further detailed in [the regulation on the European Social Fund](#) into four investment priorities such as reducing and preventing early school-leaving.

To ensure consistency, operational programmes consist of priority axes which correspond to the thematic objectives outlined in partnership agreements. Each priority axis must correspond to one thematic objective and one or more investment priority.

The resources available for the ESF, the ERDF and the Cohesion Fund are EUR 325 billion in 2011 prices. This figure includes EUR 3 billion for the Youth Employment Initiative. These three funds have two specific goals:

1. Investment for growth and jobs (supported by all three funds)
2. European territorial cooperation, ETC (supported exclusively by the ERDF)

The allocation of these funds regarding these goals is as follows:

► 96.33% towards Investment for growth and jobs, of which 52.45% is for less developed regions, 10.24% for transition regions, 15.67% for more developed regions, with 21.19% for Member States supported by the Cohesion fund.

► 2.75% towards the ETC

Thematic Objectives (from CPR) (ESF specific Thematic Objectives in bold):

- (1) *Strengthening research, technological development and innovation;*
- (2) *Enhancing access to, and use and quality of, ICT;*
- (3) *Enhancing the competitiveness of SMEs;*
- (4) *Supporting the shift towards a low-carbon economy in all sectors;*
- (5) *Promoting climate change adaptation, risk prevention and management;*
- (6) *Preserving and protecting the environment and promoting resource efficiency;*
- (7) *Promoting sustainable transport and removing bottlenecks in key network infrastructures;*
- (8) Promoting sustainable and quality employment and supporting labour mobility;**
- (9) Promoting social inclusion, combating poverty and any discrimination;**
- (10) Investing in education, training and vocational training for skills and lifelong learning;**
- (11) Enhancing institutional capacity of public authorities and stakeholders and efficient public**

► Co-Financing

The co-financing rate is the maximum amount of financial support which can come from ESI funds, and it ranges from 50% in more developed regions, to 85% for some of the less developed regions. The co-financing rate is determined by the Commission on the adoption of an operational programme, and it applies to each priority axis of an operational programme.

► Youth Employment Initiative

The Youth Employment Initiative (YEI) has been allocated EUR 3 billion of ESF funding to fight against youth unemployment in regions with rates above 25% of young people "Not in Employment, Education or Training" (NEETs). Member States must set out their planning for the YEI in their Partnership Agreements and Operational Programmes. An action can take the form of an individual OP, a specific priority axis of an OP, or a part of a priority axis.

The co-financing rate at the level of each priority axis:

- 85 % for the less developed regions of Member States whose average GDP per capita for the period 2007 - 2009 was below 85 % of the EU-27 average and for the outermost regions
- 80 % for the regions of Member States whose GDP per capita used as an eligibility criterion for the 2007- 2013 programming period was less than 75 % of the average of the EU-25
- 60 % for the transition regions
- 50 % for the more developed regions

The European Social Fund

For the period of 2014-2020 the European Social Fund has an important role in promoting employment and social inclusion and supporting labour mobility. These goals are particularly relevant to those of the trade union movement, and therefore it is imperative that trade unions provide an input into the planning of how these funds are used, as well as in utilising these resources to improve the labour market conditions in Member States. Trade Unions play a vital role in the areas of training and education which are central to the objectives of the ESF. This short section provides some detail on how the ESF can be used while placing emphasis on the most relevant aspects for trade unions.

► Investment Priorities

As stated above, the ESF has 4 specific thematic objectives which must be considered when developing Partnership Agreement and OPs. These are then further broken down in investment priorities outlined below:

For the thematic objective '**promoting sustainable and quality employment and supporting labour mobility**':

- (i) Access to employment for job-seekers and inactive people, including the long-term unemployed and people far from the labour market, also through local employment initiatives and support for labour mobility;*
- (ii) Sustainable integration into the labour market of young people, in particular those not in employment, education or training, including young people at risk of social exclusion and young people from marginalised communities, including through the implementation of the Youth Guarantee;*
- (iii) Self-employment, entrepreneurship and business creation including innovative micro, small and medium sized enterprises;*
- (iv) Equality between men and women in all areas, including in access to employment, career progression, reconciliation of work and private life and promotion of equal pay for equal work;*
- (v) Adaptation of workers, enterprises and entrepreneurs to change;*
- (vi) Active and healthy ageing;*
- (vii) Modernisation of labour market institutions, such as public and private employment services, and improving the matching of labour market needs, including through actions that enhance transnational labour mobility as well as through mobility schemes and better cooperation between institutions and relevant stakeholders;*

For the thematic objective **'promoting social inclusion, combating poverty and any discrimination'**:

- (i) Active inclusion, including with a view to promoting equal opportunities and active participation, and improving employability;*
- (ii) Socio-economic integration of marginalised communities such as the Roma;*
- (iii) Combating all forms of discrimination and promoting equal opportunities;*
- (iv) Enhancing access to affordable, sustainable and high- quality services, including health care and social services of general interest;*
- (v) Promoting social entrepreneurship and vocational integration in social enterprises and the social and solidarity economy in order to facilitate access to employment;*
- (vi) Community-led local development strategies;*

For the thematic objective **'investing in education, training and vocational training for skills and life-long learning'**:

- (i) Reducing and preventing early school-leaving and promoting equal access to good quality early-childhood, primary and secondary education including formal, non-formal and informal learning pathways for reintegrating into education and training;*
- (ii) Improving the quality and efficiency of, and access to, tertiary and equivalent education with a view to increasing participation and attainment levels, especially for disadvantaged groups;*
- (iii) Enhancing equal access to lifelong learning for all age groups in formal, non-formal and informal settings, upgrading the knowledge, skills and competences of the workforce, and promoting flexible learning pathways including through career guidance and validation of acquired competences;*
- (iv) Improving the labour market relevance of education and training systems, facilitating the transition from education to work, and strengthening vocational education and training systems and their quality, including through mechanisms for skills anticipation, adaptation of curricula and the establishment and development of work-based learning systems, including dual learning systems and apprenticeship schemes;*

For the thematic objective **'enhancing institutional capacity of public authorities and stakeholders and efficient public administration'**:

- (i) Investment in institutional capacity and in the efficiency of public administrations and public services at the national, regional and local levels with a view to reforms, better regulation and good governance;*

This investment priority is applicable only in Member States eligible for support from the Cohesion Fund, or in Member States that have one or more NUTS level 2 regions referred to in Article 90(2) (a) of Regulation (EU) No 1303/2013.

- (ii) Capacity building for all stakeholders delivering education, lifelong learning, training and employment and social policies, including through sectoral and territorial pacts to mobilise for reform at the national, regional and local levels.*

► Thematic Concentration

In order to support the most effective use of ESF resources, Member States are required to focus a portion of their ESF resources on up to five investment priorities. The minimum amount of ESF resources which must be concentrated in this way varies depending on the region – 80% in more developed regions, 70% in transition regions, and 60% in less developed regions. Therefore less developed regions are required to focus more of their ESF resources on the investment priorities found within the [ESF regulation](#).

Further to thematic concentration, at least 20% of the ESF resources in each Member State must be invested in actions supporting social inclusion and combating poverty.

► Capacity Building

The managing authorities of an operational program must ensure that **“an appropriate amount of ESF resources is allocated to capacity building activities, in the form of training, networking measures, and strengthening of the social dialogue, and to activities jointly undertaken by the social partners.”** This only applies to less developed regions and transition regions. There is no requirement to dedicate ESF resources to such capacity building activity in more developed regions.

► Further Reading

European Commission website Regional Policy – http://ec.europa.eu/regional_policy/

European Commission website for the ESF – <http://ec.europa.eu/esf/>

Common Provisions Regulation – <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R1303>

ESF Regulation – <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R1304>

ECCP – http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.074.01.0001.01.ENG

B. The ESF Committee and the “Structured Dialogue”

► ESF Committee

The ESF Committee is a tri-partite committee established by the European Treaty, and it facilitates the administration of the ESF by Member States. The committee is composed of 3 representatives from each Member State representing the government, trade unions and employers. European social partners, namely the ETUC representing trade unions and BUSINESSEUROPE, UEAPME and CEEP representing employers are also present. Each committee meeting is chaired by the Commission, and this forum offers a unique opportunity for social partners to address issues relating to the programming, implementation, and monitoring of the ESF in the Member States.

The ETUC believes that the European Social Fund should be the main instrument for implementing the Europe 2020 Strategy in the field of employment, labour market policies, mobility, education and training and social inclusion, thereby contributing to smart, sustainable and inclusive growth as well as to economic, social and territorial cohesion.

Investment in human capital is crucial for pulling Europe out of the crisis. The ESF is the only part of EU cohesion policy, and the main instrument of the EU budget, that focuses on investing directly in people and their competences and opportunities.

Partnership and full social partner involvement in all stages of programming, implementing and monitoring of ESF Funds is even more relevant for the ESF, with reference both to Partnership Agreements between the European Commission and Member States and Operational Programmes.

In this respect, it is also highly important that the ESF continues to support the development of social dialogue namely by improving the capacity building of the social partners. This commitment should be compulsory and not optional for the Member States. Such an obligation has been clearly stated in the new Regulation, but the ETUC insists that it should be more precisely defined that at least 2% of ESF resources are allocated to activities undertaken by the social partners.

Social partners must also have access to technical assistance in order to ensure not only the strengthening of their capacities but also their coordination and representation in the ad hoc committees and decision-making procedures, which define and implement the Operational Programmes, at all levels.

In this context, the strengthening of social dialogue is a condition sine qua non. This would strengthen the role of the ESF, in line with Article 6 of the ESF Regulation, the clause underlining the need for social partners to build up capacities to develop social dialogue on all levels (European, national, regional, sectoral and company).

The ETUC is therefore strongly committed to ensure full implementation of partnership principle and social dialogue, particularly within the ESF Committee.

► The “Structured Dialogue”

As far as social partners are concerned, the new Regulation no longer refers to an annual consultation of the European social partners. A call for candidatures has recently set up the so-called “Structured Dialogue” gathering some representatives of European social partners and a majority of representatives of NGOs and networks of cities.

European social partners have addressed a letter to the Commission to demand a specific consultation of social partners before the meetings of the structured dialogue.

C. Partnership, ECCP, Role of trade Unions

The partnership principle implies the full involvement of social partners in the management of the --structural funds through a real consultation.

In the opinion of ETUC, the partnership principle has a key role to play in ensuring that measures related to EU Structural Funds function properly. It should not simply remain a fundamental principle of cohesion policy, but it needs to be strengthened further.

Within the framework of the European Structural and Investment Funds Regulations, the “European Code of Conduct on Partnership”, issued by the European Commission as a delegated act on the basis of the partnership principle set in article 5 of the new Regulation, was needed. It has now been precisely implemented.

As a matter of fact, the ETUC supported the idea to introduce the European Code of Conduct binding the Member States to fulfil the partnership principle. It clearly defines such a principle instead of merely referring to “current national rules and practices”, while at the same time concretely outlining the role of each partner at national, regional and local level. It is of particular relevance to distinguish between the different roles of the social partners and other stakeholders representing civil society.

In this respect, the ETUC considers that the current way of consulting social partners together with Member States in the ESF Committee could be a good basis for its extension to all ESI Funds. A permanent tripartite Committee (EU Commission, Member States, social partners) concerning the ESI Funds should be set up, while still maintaining the ESF Committee in its existing form.

Furthermore, social partners must have access to technical assistance in order to ensure not only the strengthening of social partners’ capacities but also social partners’ coordination and representation in the ad hoc committees which define and implement the Operational Programmes, on all levels.

The 2014 – 2020 programming period includes, for the first, an obligation in the form of a legally binding Commission regulation to include partners in preparation, implementation, monitoring and evaluation of programmes. This regulation reflects the importance placed by the Commission on the partnership principle. Hereafter are the key elements.



► Partnership Agreements and Operational Programmes

[The European Code of Conduct on Partnership](#) obliges Member States to identify relevant partners – regional, economic and social, and civil society – in the preparation of Partnership Agreements and Operational Programmes.

In relation to the Partnership Agreement, these identified partners must then **be consulted** in a timely manner and with sufficient information regarding:

- a) *the analysis of disparities, development needs and growth potential with reference to the thematic objectives, including those addressed by the country-specific recommendations;*
- b) *summaries of the ex-ante conditionalities of the programmes and key findings of any ex ante evaluations of the Partnership Agreement undertaken at the Member State's initiative;*
- c) *the selection of the thematic objectives, the indicative allocations of the ESI Funds and their main expected results;*
- d) *the list of programmes and the mechanisms at national and regional level to ensure coordination of the ESI Funds with one another and with other Union and national funding instruments and with the European Investment Bank;*
- e) *the arrangements for ensuring an integrated approach to the use of ESI Funds for the territorial development of urban, rural, coastal and fisheries areas and areas with particular territorial features;*
- f) *the arrangements for ensuring an integrated approach to addressing the specific needs of geographical areas most affected by poverty and of target groups at the highest risk of discrimination or exclusion, with special regard to marginalised communities;*
- g) *the implementation of the horizontal principles referred to in Articles 5, 7 and 8 of Regulation (EU) No 1303/2013.*

In relation to Operational Programmes, the identified partners must be consulted regarding:

- a) *the analysis and identification of needs;*
- b) *the definition or selection of priorities and related specific objectives;*
- c) *the allocation of funding;*
- d) *the definition of programmes' specific indicators;*
- e) *the implementation of the horizontal principles as defined in Articles 7 and 8 of Regulation (EU) No 1303/2013;*
- f) *the composition of the monitoring committee.*

► Monitoring Committee

Member States are required to include social and economic partners as part of the monitoring committee. The added value of involving social partners should not be limited to consultation on partnership agreements and operational programmes, and it is important for trade unions to provide input into the monitoring committees and for this contribution to be respected. The European Code of Conduct on Partnership stipulates that the rules of procedure of monitoring committees must account for the involvement of partners.

► Submission of Projects

Trade unions have the opportunity to apply for funding for any calls for proposals emanating from an operational programme in their region. Promoting gender equality, training and retraining of workers and strengthening institutional capacity (including projects supporting social dialogue) are some examples of areas where the expertise of trade unions enables them to effectively use ESI Funds. For some examples of previous trade union projects please see Section 3.

► Capacity building and Technical Assistance

As noted above, the [ESF Regulation](#) specifically stipulates that an “appropriate amount” of ESF resources are to be used in to the strengthening of the institutional capacity of partners in less developed and transition regions.

Article 17 of the [European Code of Conduct on Partnership](#) underlines the importance of the institutional capacity of partners and highlights that technical assistance can be used for this purpose. The allocation for technical assistance is limited to 4% of the total amount of funding allocated to operational programmes in a Member State. Articles 58 and 59 of the [Common Provisions Regulation](#) govern the use of technical assistance in relation to all the ESI Funds, and some of the possible measures include:

- support for institutional strengthening and administrative capacity-building for the effective management of the ESI Funds;
- actions to disseminate information, support networking, carry out communication activities, raise awareness and promote cooperation and exchange of experience;
- the dissemination of good practices in order to assist Member States to strengthen the capacity of the relevant partners.



Section 3

PROJECT EXAMPLES BY TRADE UNIONS IN USING THE ESF

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Project Example – Romania

Name of project

► Career Caravan – smooth transition from school to labour market

(Caravana carierei – tranzitie lina de la scoala in piata muncii) – 4,5 million Euro



Organisations Involved

Applicant: Blocul Național Sindical (National Trade Union Bloc)

Partners:

1. Romanian – German University, Sibiu (university, education institution) – career advice and orienting
2. S.C. Technical Training SRL, București (education service provider, lifelong learning) – career planning and counselling
3. Mesogeiaiko Symvouleftiko Systema SA, Greece (human resources and training) – good practice examples

Structural Funds Used

The National Trade Union Bloc developed in 2010 one of the largest projects for young people in Romania. The project was selected and funded by the European Social Fund - Sectoral Operational Programme - Human Resources Development 2007-2013.

BNS was and still is the only trade union confederation in Romania who ventures to develop and implement large-scale projects for a targeted audience that is not traditionally covered by unions. The “Career Caravan” was able to positively influence the destinies of about 23,000 students ending their high school studies.

- Strategic project, co-financed by the European Social Fund “Investing in people!” programme
- Project budget: 8 334 800,00 Ron

Area of Activity / Operational Programmes

- Priority axis no. 2: „Corelarea învățării pe tot parcursul vieții cu piața muncii” (Correlation of life long learning and work)
- Major field of intervention 2.1: „Tranziția de la școală la viața activă.” (Transition from school to active life)

Aims/Purpose of project

General aim: Providing flexible routes for the transition from school to work to increase the employability of young high school graduates.

Content of Project

► Specific objectives:

- Knowledge building for future graduates in order to identify career development opportunities through the information events contained in the “Career Caravan”, attended by 3,500 students from 42 schools visited by the “Career Caravan” teams (2 high schools in each county in the implementation regions North-West, West, South-West and Centre);

- Strengthening the capacity of the future graduates to identify a job and to become employed;
- Informing and advising students on topics related to the gradual insertion into the labour market;
- Increase the interest of active age citizens in the development of a “culture”;
- Presentation of career development paths correlated with the requirements and conditions of the labour market;

► **Project duration:** 36 month

► **Period:** November 1, 2010 – October 31, 2013

► **Activities:**

- Developing and strengthening the concept of a Career Caravan, considering best EU practices
- Interaction between the school community and economic actors in the labour market, at regional and local level.
- Development and construction of the “Career Caravan”
- The “Career Caravan” visited 42 schools in 21 counties in the areas of project implementation (North - West, West, Central, South - West)
- Establishing 8 Centres of Career Development

Outcomes of Project

Career Caravan

- Direct advice and guidance for about 10,693 students in their final years of secondary education
- 130 partnerships with schools
- 1050 student winners of prizes consisting of Netbooks
- About 21,000 young people informed and advised in 8 regions of Romania
- 8 counselling centres equipped with ICT equipment and assistance offered by counselling and guidance experts
- 8 regional plans to boost integration of young people into the labour market. These plans were the basis of the national strategy
- 1 electronic platform that acts as a communication hub between young people and the economic and social actors that can assist in the process of accessing the labour market.

Challenges Faced

Lessons learned & challenges

The young generation has no clear prospective and only has fragile roots in the human and social values which previously ensured stability.

Today's young generation needs guidance and protection, and dedicated programmes and projects to be integrated into a highly dynamic and competitive labour market.

The **findings** of the joint team consisting of counselling experts and the implementation team, at the end of the **Career Caravan** were:

- Romanian youth ending their secondary education feel an acute need of permanently accessible integrated services.
- Group communication, rapid access to information, including social networks, are basic needs for the younger generation. These needs cannot be filled anymore just by communication within the family or the school community.

- Changes in the legislation governing the youth sector in general and youth access to the labour market in particular, is urgently required. One example is the newly amended Law of apprenticeship, a law that's been improved to facilitate youth access to the labour market.
- Lack of information, the gap between school and labour market, ineffective communication between the economic and social actors, and low wages relative to the values and aspirations of the youth, generated a state of confusion and fear among young people, which causes them to avoid entering the labour market.
- The school curriculum is based on an excessively theoretical approach, to the detriment of a modern and practical approach, lowering the interest of young people for education.

Have you undertaken a similar project previously using ESI Funds? If so please briefly describe the previous project and how it is linked to this project.

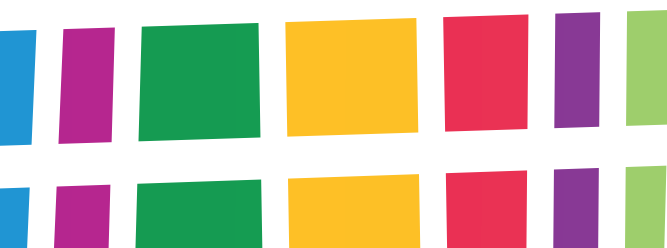
BNS was the main applicant in two other projects:

- ▶ **ESTHR – Integrated package of actions for the development of the women's role in the Romanian society** (approximate value: 2,5 million euro)
- ▶ **Incubator for social business** in the Bucharest-Ilfov region - (approximate value: 400.000 euro)

They were both aimed at assisting people from vulnerable categories (women, long term unemployed, people with disabilities, Roma minorities, people lacking formal education), and indirectly, we interacted with youth who lack knowledge about the labour market, how to seek jobs, what are their rights and obligations as workers. The large number of cases we encountered during those projects generated the idea of developing and implement actions dedicated to the youth.

Are you planning a similar/linked project in the future? If so please briefly describe the future activity and how it is linked to this project.

- As a natural continuation of the efforts started with the "Career Caravan" project, in the summer of 2013 the National Trade Union Bloc became involved with goodwill, experience and professionalism in the "**Youth Guarantee**" project.
- BNS is a partner in this new project implemented by the Ministry of Labour, with the National Council of Private Small and Medium Enterprises, and the Young Entrepreneurs in Romania.



Project Example - Poland

Name of project

“Violations of human dignity in the workplace”

Organisation(s) Involved

Project leader: OPZZ
Partner organisation: State Labour Inspectorate

Structural Funds Used

2007-2013 ESF (PO KL) 1 677 437,77 PLN

Area of Activity / Operational Programmes

HUMAN CAPITAL Operational Programme Priority II: Development of Human Resources and adaptation potential of enterprises and improving the health condition of working persons
Specific Objective 1: Development and improvement of functioning of system support for adaptation abilities of employees and enterprises.

Aims/Purpose of project

The main aim of the project was to provide 600 OPZZ leaders with expertise in identifying, coping with and preventing discrimination and harassment phenomena.

Content of Project

Duration: 01.08.2012-30.04.2014

The partnership was established on the basis of actions by partners which resulted in the joint preparation of the project. Partnership was based on substantive cooperation between institutions - party employment relationship (OPZZ) and the office of controlling compliance with employment rights. The initiative was based on the merits without the cooperation of financial flows between partners who periodically (quarterly) met in the framework of the Steering Group (GS) to monitor the implementation of the project and possible consultation.

Main activities:

- Equipping 600 OPZZ leaders from 16 voivodships with the expertise and skills in identifying, preventing phenomena of human rights violations in the workplace.
- Providing 32 representatives from 16 voivodships OPZZ with the expertise and instruments for implementation and dissemination (workshops coaching) in the field of identifying, and preventing phenomena of human rights violations in the workplace.
- Providing representatives of the social partners, especially among activists from OPZZ, the knowledge on best practice regarding anti-discrimination and equality in Poland and Europe and to enable the exchange of views and experiences

Outcomes of Project

All goals of the projects were achieved.

The main lesson that came out from the project was the knowledge that in Poland it is not profitable to engage in legal action, because the costs are too high and the effects are very poor, and that is why prevention in this subject is very important.

Challenges Faced

The main challenge was very intense training program from a very narrow topic. There were no problems with recruitment and participation due to a fact that this subject is of high interest to workers.

Have you undertaken a similar project previously using ESIF funds? If so please briefly describe the previous project and how it is linked to this project.

In period 01.10.2011 - 31.03.2013 project "Know your rights at work - support competence OPZZ activists and workers" was undertaken.

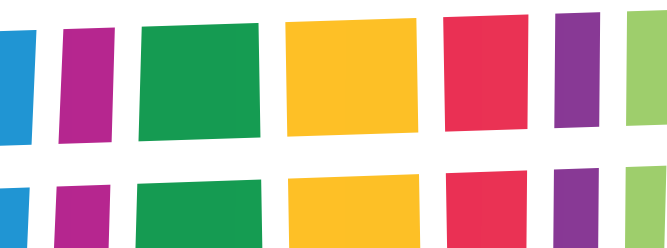
OPZZ equipped 512 leaders with specialist knowledge of workers' rights and instruments of its implementation and promotion. All-Poland Alliance of Trade Unions and the State Labour Inspectorate were interested in raising the level of knowledge about the rights and responsibilities at work, rules for the conclusion and termination of the employment relationship, working time accounts, holidays, allowances related to parenthood, prohibition of discrimination as well as the employer's obligations for ensuring safe and healthy working conditions.

The project was addressed to members of the board of the Organization Works union, who were responsible for carrying out an information campaign in their workplaces. To support this activity, they were equipped with 5 types of leaflets and two specialist publications. The project also provided training for representatives of the two Councils of provincial OPZZ who shared information on workers' rights.

The project ended with a report on stress in the workplace together with an analysis of most common stress factors. That led directly to the idea of "Violations of human dignity in the workplace"

Are you planning a similar/linked project in the future? If so please briefly describe the future activity and how it is linked to this project.

Depending on the future needs and possibilities of obtaining grants.



Project Example - Germany

Name of project

ESF guideline: Promoting the Vocational Further Training of Employees

Organisation(s) Involved

Federal Ministry of Labour and Social Affairs, Federation of German Employers' Association (BDA), Federation of German Trade Unions (DGB)

Structural Funds Used

2009 – 2013/140 million euros/ESF
2014 – 2020/ 70 million euros/ESF

Area of Activity / Operational Programmes

ESF guideline is intended to support activities of the social partners, especially in respect to increasing the adaptability and competitiveness of employees and companies under the changing conditions of the labour market

Aims/Purpose of project

- Measures for improving the basic conditions and structures for company further training
- Further training measures at companies

The prerequisite for funding is the existence of a sectoral agreement among social partners for further training in which the primary goals, focus areas and qualification needs are specified.

Applications can be submitted by management and trade unions as well as social partners to implement existing labour qualification agreements.

Content of Project

A steering committee (Employers' Association, Trade Unions, Ministry) decides on projects. A coordinating office works on behalf of the steering committee and helps to organise and implement the overall program. It is managed by the Forschungsinstitut Betriebliche Bildung and the DGB Bildungswerk. The Federal Office of Administration decides on awarding grants.

Outcomes of Project

- 207 projects
- Support of around 150.000 employees and 2.000 companies
- Promotion of 48 collective agreements on training
- 69 new agreements in the period of validity

Five project types:

- ▶ implementation of training programs
- ▶ determination of the training needs in branches
- ▶ building staff development structures
- ▶ Motivation of target groups
- ▶ Building networked structures

Challenges Faced

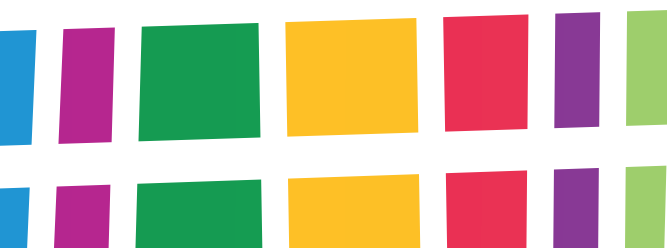
Strengthening the advisory structures, support to the qualification agreements, cooperation between the social partners in further training is developing

Have you undertaken a similar project previously using ESIF funds? If so please briefly describe the previous project and how it is linked to this project.

No

Are you planning a similar/linked project in the future? If so please briefly describe the future activity and how it is linked to this project.

Yes. For the new ESF period (2014 – 2020) will be published a new guideline at the end of the year.
Fields of action: Further training and equality



Project Example - Spain

Name of project

Technical assistance to social partners in the processes of territorial social dialogue

Organisation(s) Involved

Leader:

- Servei d'Ocupació de Catalunya (SOC, Catalonia's Employment Service)

Partners:

- Unió General de Treballadors de Catalunya (UGT de Catalunya)
- Comissions Obreres de Catalunya (CCOO de Catalunya)

The partners' role is that of executors of the project

Structural Funds Used

Programming period: from 2006 to 2010

Structural funds used: the European Social Fund

Amount per year: 390.655,67 €

Total amount for the four years of the project: 1.562.622,68 €

Area of Activity / Operational Programmes

Support and assessment of the process of social dialogue and local development.

Aims/Purpose of project

The boosting of social dialogue among the organisations that are part of territorial social dialogue (administration, trade unions and employers' associations).

Content of Project

The project aims at:

- The boosting of the development of new territorial social dialogue processes
- The assessment of social dialogue processes
- The creation of synergies with the rest of social partners of the territory in order to optimize and reach a consensus on employment policies.
- The providing of the technical assistance needed by the trade union representatives on processes of territorial social dialogue related to employment policies.

The duration of the project is split in two periods: one of them from 2006 to 2008 and the other one from 2008 to 2010.

Regarding the structure there is one director of the UPD (Unitat de Promoció i Desenvolupament -Promotion and Development Unit) as well as 11 technical officers of the UPD.

Outcomes of Project

Both the general and specific aims of the project have been reached by means of:

- The elaboration of analysis and assessment reports on the state of social dialogue in the territory
- The elaboration of proposals to improve the aforementioned state.

Challenges Faced

The challenges faced were:

- ▶ The endowment of territories with an instrument of technical support in the new processes of social dialogue that were being established in order to set in motion the development of the decentralisation of the SOC (Catalonia's Employment Service).
- ▶ The boosting of a technical development in the new processes of social dialogue.
- ▶ The analysis of what is the situation of each course of action regarding employment active policies.

Have you undertaken a similar project previously using ESIF funds? If so please briefly describe the previous project and how it is linked to this project.

No

Are you planning a similar/linked project in the future? If so please briefly describe the future activity and how it is linked to this project.

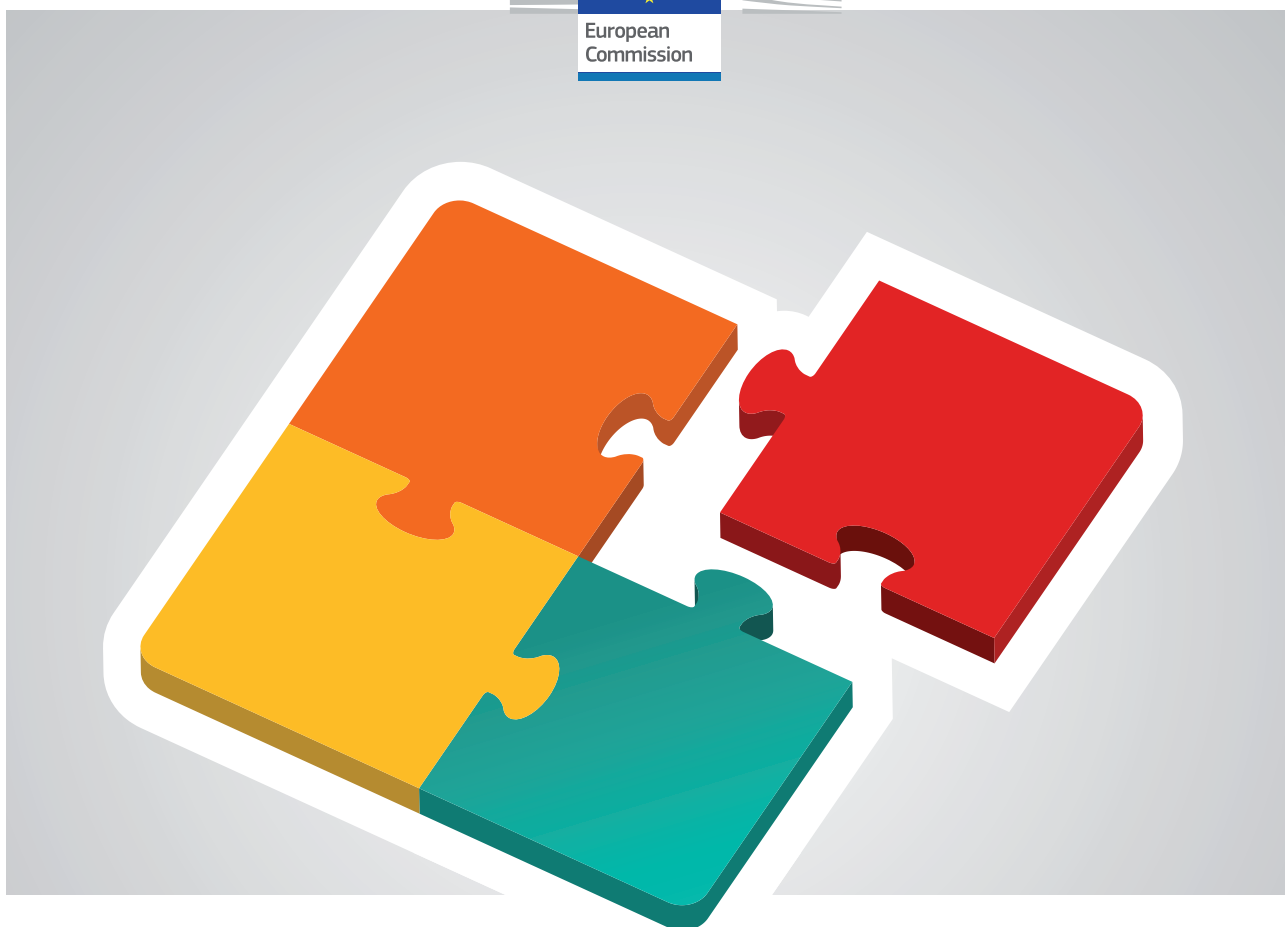
No



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The European code of conduct on partnership

Social Europe

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

European Commission

Directorate-General for Employment, Social Affairs and Inclusion

Unit E1

Manuscript completed in January 2014

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FOREWORD

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

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

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

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

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

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

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

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

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



László Andor
Commissioner for Employment, Social Affairs and Inclusion



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1. INTRODUCTION

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

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

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

The main principles of the ECCP include the following:

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

2. COMMISSION DELEGATED REGULATION⁽¹⁾

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

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Chapter I General provisions

Article 1 Subject matter and scope

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

Chapter II

Main principles concerning transparent procedures for identification of relevant partners

Article 2

Representativeness of partners

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

Article 3

Identification of relevant partners for the Partnership Agreement

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

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

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

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

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

Article 4

Identification of relevant partners for programmes

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



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

Chapter III

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

Article 5

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

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

Article 6

Preparation of the Partnership Agreement

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

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

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

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

Article 7

Information on the involvement of relevant partners in the Partnership Agreement

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

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

Article 8

Preparation of programmes

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

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

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

Article 9

Information on the involvement of relevant partners in programmes

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

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

Chapter IV

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

Article 10

Rules of membership of the monitoring committee

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

Article 11

Rules of procedure of the monitoring committee

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

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

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

Chapter V

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

Article 12

Obligations relating to data protection, confidentiality and conflict of interest

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

Article 13

Involvement of relevant partners in the preparation of calls for proposals

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

Article 14

Involvement of relevant partners in the preparation of progress reports

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

Article 15

Involvement of relevant partners in the monitoring of programmes

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

Article 16

Involvement of partners in the evaluation of programmes

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

Chapter VI

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

Article 17

Strengthening the institutional capacity of relevant partners

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

Article 18

Role of the Commission in the dissemination of good practices

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

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

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

Chapter VII Final provisions

Article 19 Entry into force

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

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

Done at Brussels, 7.1.2014

For the Commission

The President
José Manuel BARROSO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Good practices for strengthening partners' institutional capacity

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

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

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

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

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

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

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

Role of the Commission in the dissemination of good practices

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

European Commission

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

Luxembourg: Publications Office of the European Union

2014 — 19 pp. — 21 × 29.7 cm

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

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

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Annex II

ESF REGULATION



**REGULATION (EU) No 1304/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 17 December 2013**

on the European Social Fund and repealing Council Regulation (EC) No 1081/2006

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 164 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinions of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EU) No 1303/2013 of the European Parliament and of the Council ⁽³⁾ establishes the framework for action by the European Social Fund (ESF), the European Regional Development Fund (ERDF), the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and lays down, in particular, the thematic objectives, the principles and the rules concerning programming, monitoring and evaluation, management and control. It is therefore necessary to specify the mission and scope of the ESF, together with the related investment priorities addressing the thematic objectives, and to lay down specific provisions concerning the type of activities that may be financed by the ESF.
- (2) The ESF should improve employment opportunities, strengthen social inclusion, fight poverty, promote

education, skills and life-long learning and develop active, comprehensive and sustainable inclusion policies in accordance with the tasks entrusted to the ESF by Article 162 of the Treaty on the Functioning of the European Union (TFEU), and thereby contribute to economic, social and territorial cohesion in accordance with Article 174 TFEU. In accordance with Article 9 TFEU, the ESF should take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.

- (3) The European Council of 17 June 2010 called for all common policies, including cohesion policy, to support the Europe 2020 Strategy for smart, sustainable and inclusive growth (the 'Europe 2020 strategy'). In order to ensure the full alignment of the ESF with the objectives of this strategy, particularly as regards employment, education, training and the fight against social exclusion, poverty and discrimination, the ESF should support Member States, taking account of the relevant Integrated Guidelines and relevant country-specific recommendations adopted in accordance with Article 121(2) and Article 148(4) TFEU and, where appropriate, at national level, the national reform programmes underpinned by national employment strategies, national social reports, national Roma integration strategies and national disability strategies. The ESF should also contribute to relevant aspects of the implementation of the flagship initiatives, in particular the "Agenda for New Skills and Jobs", the "Youth on the Move", and the "European Platform against Poverty and Social Exclusion". It should also support relevant activities in the initiatives on the "Digital Agenda" and "Innovation Union".
- (4) The Union is confronted with structural challenges arising from economic globalisation, technological change and an increasingly ageing workforce and growing skills and labour shortages in some sectors and regions. They have been compounded by the recent economic and financial crisis, which has resulted in increased levels of unemployment, hitting in particular young people and other disadvantaged people, such as migrants and minorities.
- (5) The ESF should aim to promote employment, improve access to the labour market, paying particular attention to those who are furthest from the labour market and support voluntary labour mobility. The ESF should also support active and healthy ageing, including through innovative forms of work organisation, promoting

⁽¹⁾ OJ C 143, 22.5.2012, p. 82 and OJ C 271, 19.9.2013, p. 101.

⁽²⁾ OJ C 225, 27.7.2012, p. 127.

⁽³⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (See page 320 of this Official Journal).

- health and safety at work and increasing employability. In promoting the better functioning of labour markets by enhancing the transnational geographical mobility of workers, the ESF should, in particular, support EURES activities (activities of the European network of employment services) in relation to recruitment and related information, advice and guidance services at national and cross-border level. Operations financed by the ESF should comply with Article 5(2) of the Charter of Fundamental Rights of the European Union which provides that no one shall be required to perform forced or compulsory labour.
- (6) The ESF should also promote social inclusion and prevent and combat poverty with a view to breaking the cycle of disadvantage across generations which implies mobilising a range of policies targeting the most disadvantaged people regardless of their age including children, the working poor and older women. Attention should be paid to the participation of those seeking asylum and refugees. The ESF may be used to enhance access to affordable, sustainable and high quality services of general interest, in particular in the fields of health care, employment and training services, services for the homeless, out of school care, childcare and long-term care services. Services supported can be public, private and/or community-based, and delivered by different types of providers, namely public administrations, private companies, social enterprises, non-governmental organisations.
- (7) The ESF should undertake to tackle early school leaving, promote equal access to good quality education, invest in vocational education and training, improve the labour market relevance of education and training systems and enhance life-long learning, including formal, non-formal and informal learning pathways.
- (8) In addition to these priorities, in the less developed regions and Member States, and with a view to increasing economic growth and employment opportunities, the efficiency of public administration at national and regional level, as well as the ability of a public administration to act in a participative manner, should be improved. The institutional capacity of stakeholders, including non-governmental organisations, delivering employment, education, training and social policies, including in the field of anti-discrimination, should be strengthened.
- (9) Support under the investment priority "community-led local development" may contribute to all thematic objectives as set out in this Regulation. Community-led local development strategies supported by the ESF should be inclusive with regard to disadvantaged people present on the territory, both in terms of governance of local action groups and in terms of content of the strategy.
- (10) At the same time, it is crucial to support the development and competitiveness of micro, small and medium-sized enterprises of the Union and to ensure that people can adapt, through acquiring appropriate skills and through lifelong learning opportunities, to new challenges such as the shift to a knowledge-based economy, the digital agenda, and the transition to a low-carbon and more energy-efficient economy. By pursuing its primary thematic objectives, the ESF should contribute to addressing these challenges. In this context, the ESF should support the labour force transition from education to employment, towards greener skills and jobs, and should address skills shortages, including those in the energy-efficiency, renewable energy and sustainable transport sectors. The ESF should also contribute to cultural and creative skills. Socio-cultural, creative and cultural sectors are important in indirectly addressing the aims of the ESF; their potential should therefore be better integrated into ESF projects and programming.
- (11) In light of the persistent need to make an effort to address youth unemployment in the Union as a whole, a Youth Employment Initiative (YEI) should be created for the most affected regions. The YEI should support, in such regions, young persons not in employment, education or training (NEET), who are unemployed or inactive, thereby reinforcing and accelerating the delivery of activities supported by ESF funding. Additional funds should be specifically attributed to the YEI and should be matched with funding from the ESF in the most affected regions. By targeting individual persons rather than structures, the YEI should aim to complement other ESF-funded operations and national actions targeting NEET, including through the implementation of the Youth Guarantee in line with the Council's Recommendation of 22 April 2013 on Establishing a Youth Guarantee⁽¹⁾, which provides that young persons should receive a good-quality offer of either employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or of leaving formal education. The YEI may also support actions to combat early school leaving. Access to welfare benefits for the young person and his/her family or dependants should not be conditional upon the young person's participation in the YEI.

⁽¹⁾ OJ C 120, 26.4.2013, p. 1.

- (12) The YEI should be fully integrated into ESF programming but, where appropriate, specific provisions related to YEI should be envisaged with a view to achieving its objectives. It is necessary to simplify and facilitate implementation of the YEI, in particular with regard to financial management provisions and thematic concentration arrangements. In order to ensure that the results of the YEI are clearly demonstrated and communicated, specific monitoring and evaluation, as well as information and publicity arrangements should be envisaged. Youth organisations should be involved in the monitoring committees' discussions on the preparation and implementation, including evaluation, of the YEI.
- (13) The ESF should contribute to the Europe 2020 strategy, ensuring a greater concentration of support on the priorities of the Union. A minimum share of cohesion policy funding for the ESF is established in accordance with Article 92(4) of Regulation (EU) No 1303/2013. The ESF should in particular increase its support for the fight against social exclusion and poverty, through a minimum ring-fenced allocation of 20 % of the total ESF resources of each Member State. The choice and number of investment priorities for ESF support should also be limited, in accordance with the level of development of the supported regions.
- (14) In order to ensure closer monitoring and improved assessment of the results achieved at the Union level by actions supported by the ESF, a common set of output and result indicators should be established in this Regulation. Such indicators should correspond to the investment priority and type of action supported in accordance with this Regulation as well as the relevant provisions of Regulation (EU) No 1303/2013. The indicators should be complemented where necessary by programme-specific result and/or output indicators.
- (15) Member States are encouraged to report on the effect of ESF investments on equal opportunities, equal access and integration of marginalised groups in all operational programmes.
- (16) Taking into account data protection requirements linked to collecting and storing sensitive data on participants, the Member States and the Commission should regularly evaluate the effectiveness, efficiency and impact of ESF support in promoting social inclusion and combating poverty, in particular with regard to disadvantaged people such as the Roma. Member States are encouraged to report on ESF-funded initiatives in the national social reports annexed to their national reform programmes, in particular as regards marginalised communities, such as the Roma and migrants.
- (17) Efficient and effective implementation of actions supported by the ESF depends on good governance and partnership between all relevant territorial and socio-economic actors, taking into account the actors at regional and local levels, in particular the umbrella associations representing local and regional authorities, organised civil society, economic and, in particular, social partners and non-governmental organisations. Member States should therefore ensure the participation of social partners and non-governmental organisations in the strategic governance of the ESF, from shaping priorities for operational programmes to implementing and evaluating ESF results.
- (18) The Member States and the Commission should ensure that the implementation of the priorities financed by the ESF contributes to the promotion of equality between women and men in accordance with Article 8 TFEU. Evaluations have shown the importance of taking the gender equality objectives aspect into account in all dimensions and in all stages of the preparation, monitoring, implementation and evaluation of operational programmes, in a timely and consistent manner while ensuring that specific actions are taken to promote gender equality, the economic independence of women, education and skills upgrading and the reintegration of female victims of violence into the labour market and into society.
- (19) In accordance with Article 10 TFEU, the implementation of the priorities financed by the ESF should contribute to combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation by paying particular attention to those facing multiple discrimination. Discrimination on the ground of sex should be interpreted in a broad sense so as to cover other gender-related aspects in line with the case law of the Court of Justice of the European Union. The implementation of the priorities financed by the ESF should also contribute to promoting equal opportunities. The ESF should support the fulfilment of the Union's obligation under the UN Convention on the Rights of Persons with Disabilities with regard inter alia to education, work, employment and accessibility. The ESF should also promote the transition from institutional to community-based care. The ESF should not support any action that contributes to segregation or to social exclusion.
- (20) Support for social innovation contributes to making policies more responsive to social change. The ESF should encourage and support innovative social enterprises and entrepreneurs as well as innovative projects taken on by non-governmental organisations and other actors within the social economy. In particular, testing and evaluating innovative solutions before scaling them

- up is instrumental in improving the efficiency of policies and thus justifies specific support from the ESF. Innovative solutions could include, provided they prove to be effective, the development of social metrics such as, for example, social labelling.
- (21) Transnational cooperation has significant added value and should therefore be supported by all Member States with the exception of duly justified cases taking account of the principle of proportionality. It is also necessary to reinforce the Commission's role in facilitating exchanges of experience and coordinating implementation of relevant initiatives.
- (22) With a view to fostering an integrated and holistic approach in terms of employment and social inclusion, the ESF should support cross-sectoral and territorial-based partnerships.
- (23) The mobilisation of regional and local stakeholders should help to deliver the Europe 2020 strategy and its headline targets. Territorial pacts, local initiatives for employment and social inclusion, sustainable and inclusive community-led local development strategies in urban and rural areas and sustainable urban development strategies may be used and supported to involve more actively regional and local authorities, cities, social partners and non-governmental organisations throughout the preparation and implementation of operational programmes.
- (24) Regulation (EU) No 1303/2013 provides that rules on eligibility of expenditure are to be established at the national level, with certain exceptions for which it is necessary to lay down specific provisions with regard to the ESF.
- (25) With a view to simplifying the use of the ESF and reducing the risk of error, and with regard to the specificities of the operations supported by the ESF, it is appropriate to lay down provisions which complement Regulation (EU) No 1303/2013 as regards eligibility of expenditure.
- (26) The use of standard scales of unit costs, lump sums and flat-rate financing should lead to simplification for the beneficiary and should lower the administrative burden for all ESF project partners.
- (27) It is important to ensure the sound financial management of each operational programme and its implementation in the most effective and user-friendly manner possible. Member States should refrain from adding rules that complicate the use of funds for the beneficiary.
- (28) The Member States and the regions should be encouraged to leverage the ESF through financial instruments in order to support, for example, students, job creation, the mobility of workers, social inclusion and social entrepreneurship.
- (29) The ESF should complement other Union programmes and close synergies should be developed between the ESF and other Union financial instruments.
- (30) Investment in human capital is the main force on which the Union can rely to ensure its international competitiveness and the sustainable recovery of its economy. No type of investment can produce structural reforms unless it is accompanied by a coherent, growth-oriented human capital development strategy. It is therefore necessary to ensure that in the 2014-2020 programming period the resources intended to improve skills and raise employment levels allow action to be taken on an adequate scale.
- (31) The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission for establishing the definition of standard scales of unit costs and lump sums and their maximum amounts according to different types of operations. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (32) The Commission should be assisted in the administration of the ESF by the Committee provided for in Article 163 TFEU.
- (33) Since this Regulation replaces Regulation (EC) No 1081/2006 of the European Parliament and of the Council⁽¹⁾, that Regulation should be repealed. Nevertheless, this Regulation should not affect either the continuation or modification of assistance approved by the Commission on the basis of Regulation (EC) No 1081/2006 or any other legislation applying to that assistance on 31 December 2013. That Regulation or such other applicable legislation should consequently continue to apply after 31 December 2013 to that assistance or the operations concerned until their closure. Applications to receive assistance made or approved under Regulation (EC) No 1081/2006 should remain valid,
- ⁽¹⁾ Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999 (OJ L 210, 31.7.2006, p. 12).

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes the missions of the European Social Fund (ESF), including the Youth Employment Initiative (YEI), the scope of its support, specific provisions and the types of expenditure eligible for assistance.

Article 2

Missions

1. The ESF shall promote high levels of employment and job quality, improve access to the labour market, support the geographical and occupational mobility of workers and facilitate their adaptation to industrial change and to changes in production systems needed for sustainable developments, encourage a high level of education and training for all and support the transition between education and employment for young people, combat poverty, enhance social inclusion, and promote gender equality, non-discrimination and equal opportunities, thereby contributing to the priorities of the Union as regards strengthening economic, social and territorial cohesion.

2. The ESF shall fulfil the missions set out in paragraph 1 by supporting Member States in pursuing the priorities and headline targets of the Union strategy for smart, sustainable and inclusive growth (the 'Europe 2020 strategy') and by allowing Member States to address their specific challenges with regard to achieving the Europe 2020 strategy objectives. The ESF shall support the design and implementation of policies and actions in connection with its missions, taking account of the relevant Integrated Guidelines and relevant country-specific recommendations adopted in accordance with Article 121(2) and Article 148(4) TFEU and, where appropriate, at national level, the national reform programmes as well as other relevant national strategies and reports.

3. The ESF shall benefit people, including disadvantaged people such as the long-term unemployed, people with disabilities, migrants, ethnic minorities, marginalised communities and people of all ages facing poverty and social exclusion. The ESF shall also provide support to workers, enterprises, including actors in the social economy, and entrepreneurs, as well as to systems and structures with a view to facilitating their adaptation to new challenges including reducing skill mismatches and promoting good governance, social progress, and the implementation of reforms, in particular in the fields of employment, education, training and social policies.

Article 3

Scope of support

1. Under the thematic objectives set out in points (8), (9), (10) and (11) of the first paragraph of Article 9 of Regulation

(EU) No 1303/2013, which correspond to points (a), (b), (c) and (d) of this paragraph, and in accordance with its missions, the ESF shall support the following investment priorities:

(a) For the thematic objective 'promoting sustainable and quality employment and supporting labour mobility':

(i) Access to employment for job-seekers and inactive people, including the long-term unemployed and people far from the labour market, also through local employment initiatives and support for labour mobility;

(ii) Sustainable integration into the labour market of young people, in particular those not in employment, education or training, including young people at risk of social exclusion and young people from marginalised communities, including through the implementation of the Youth Guarantee;

(iii) Self-employment, entrepreneurship and business creation including innovative micro, small and medium sized enterprises;

(iv) Equality between men and women in all areas, including in access to employment, career progression, reconciliation of work and private life and promotion of equal pay for equal work;

(v) Adaptation of workers, enterprises and entrepreneurs to change;

(vi) Active and healthy ageing;

(vii) Modernisation of labour market institutions, such as public and private employment services, and improving the matching of labour market needs, including through actions that enhance transnational labour mobility as well as through mobility schemes and better cooperation between institutions and relevant stakeholders;

(b) For the thematic objective 'promoting social inclusion, combating poverty and any discrimination':

(i) Active inclusion, including with a view to promoting equal opportunities and active participation, and improving employability;

- (ii) Socio-economic integration of marginalised communities such as the Roma;
 - (iii) Combating all forms of discrimination and promoting equal opportunities;
 - (iv) Enhancing access to affordable, sustainable and high-quality services, including health care and social services of general interest;
 - (v) Promoting social entrepreneurship and vocational integration in social enterprises and the social and solidarity economy in order to facilitate access to employment;
 - (vi) Community-led local development strategies;
- (c) For the thematic objective 'investing in education, training and vocational training for skills and life-long learning':
- (i) Reducing and preventing early school-leaving and promoting equal access to good quality early-childhood, primary and secondary education including formal, non-formal and informal learning pathways for reintegrating into education and training;
 - (ii) Improving the quality and efficiency of, and access to, tertiary and equivalent education with a view to increasing participation and attainment levels, especially for disadvantaged groups;
 - (iii) Enhancing equal access to lifelong learning for all age groups in formal, non-formal and informal settings, upgrading the knowledge, skills and competences of the workforce, and promoting flexible learning pathways including through career guidance and validation of acquired competences;
 - (iv) Improving the labour market relevance of education and training systems, facilitating the transition from education to work, and strengthening vocational education and training systems and their quality, including through mechanisms for skills anticipation, adaptation of curricula and the establishment and development of work-based learning systems, including dual learning systems and apprenticeship schemes;
- (d) For the thematic objective 'enhancing institutional capacity of public authorities and stakeholders and efficient public administration':
- (i) Investment in institutional capacity and in the efficiency of public administrations and public services at the national, regional and local levels with a view to reforms, better regulation and good governance;
- This investment priority is applicable only in Member States eligible for support from the Cohesion Fund, or in Member States that have one or more NUTS level 2 regions referred to in Article 90(2)(a) of Regulation (EU) No 1303/2013.
- (ii) Capacity building for all stakeholders delivering education, lifelong learning, training and employment and social policies, including through sectoral and territorial pacts to mobilise for reform at the national, regional and local levels.
2. Through the investment priorities listed in paragraph 1, the ESF shall also contribute to the other thematic objectives listed in the first paragraph of Article 9 of Regulation (EU) No 1303/2013, primarily by:
- (a) Supporting the shift towards a low-carbon, climate-resilient, resource-efficient and environmentally sustainable economy, through the improvement of education and training systems necessary for the adaptation of skills and qualifications, the up-skilling of the labour force, and the creation of new jobs in sectors related to the environment and energy;
 - (b) Enhancing the accessibility of, and use and quality of, information and communication technologies through the development of digital literacy and e-learning, and investment in e-inclusion, e-skills and related entrepreneurial skills;
 - (c) Strengthening research, technological development and innovation through the development of post-graduate studies and entrepreneurial skills, the training of researchers, networking activities and partnerships between higher education institutions, research and technological centres and enterprises;
 - (d) Enhancing the competitiveness and long-term sustainability of small and medium-sized enterprises, through promoting the adaptability of enterprises, managers and workers, increased investment in human capital, and support for bodies providing practice-oriented vocational education and training.

*Article 4***Consistency and thematic concentration**

1. Member States shall ensure that the strategy and actions set out in their operational programmes are consistent with, and respond to, the challenges identified in their national reform programmes, as well as, where relevant, in their other national strategies that aim to fight unemployment, poverty and social exclusion, and also in the relevant Council recommendations adopted in accordance with Article 148(4) TFEU, in order to contribute to achieving the headline targets of the Europe 2020 strategy on employment, education and poverty reduction.

2. At least 20 % of the total ESF resources in each Member State shall be allocated to the thematic objective "promoting social inclusion, combating poverty and any discrimination" set out in point (9) of the first paragraph of Article 9 of Regulation (EU) No 1303/2013.

3. Member States shall pursue thematic concentration according to the following modalities:

(a) For more developed regions, Member States shall concentrate at least 80 % of the ESF allocation to each operational programme on up to five of the investment priorities set out in Article 3(1).

(b) For transition regions, Member States shall concentrate at least 70 % of the ESF allocation to each operational programme on up to five of the investment priorities set out in Article 3(1).

(c) For less developed regions, Member States shall concentrate at least 60 % of the ESF allocation to each operational programme on up to five of the investment priorities set out in Article 3(1).

4. The priority axes referred to in Article 11(1) shall be excluded from the calculation of the percentages specified in paragraphs 2 and 3 of this Article.

*Article 5***Indicators**

1. Common output and result indicators, as set out in Annex I to this Regulation, and, where relevant, programme-specific indicators shall be used in accordance with Article 27(4) and Article 96(2)(b)(iii) and (iv) of Regulation (EU) No 1303/2013. All common output and result indicators shall be reported for all investment priorities. The result indicators set out in Annex II to this Regulation shall be reported in accordance with paragraph 2 of this Article. Where applicable, data shall be broken down by gender.

For common and programme-specific output indicators, baselines shall be set at zero. Where relevant to the nature of the operations supported, cumulative quantified target values for those indicators shall be set for 2023. Output indicators shall be expressed in absolute numbers.

For those common and programme-specific result indicators for which a cumulative quantified target value for 2023 has been set, baselines shall be fixed using the latest available data or other relevant sources of information. Programme-specific result indicators and related targets may be expressed in quantitative or qualitative terms.

2. In addition to paragraph 1, result indicators set out in Annex II to this Regulation shall be used for all operations supported under the investment priority referred to in Article 3(1)(a)(ii) for the implementation of the YEI. All indicators set out in Annex II to this Regulation shall be linked with a quantified cumulative target value for 2023 and a baseline.

3. Together with annual implementation reports, each managing authority shall transmit electronically structured data for each priority axis broken down by investment priority. The data shall be submitted for the categories of intervention referred to in Article 96(2)(b)(vi) of Regulation (EU) No 1303/2013 and the output and result indicators. By way of derogation from Article 50(2) of Regulation (EU) No 1303/2013, data transmitted for output and result indicators shall relate to values for partially or fully implemented operations.

CHAPTER II

SPECIFIC PROVISIONS FOR PROGRAMMING AND IMPLEMENTATION

*Article 6***Involvement of partners**

1. The participation of the partners referred to in Article 5 of Regulation (EU) No 1303/2013 in the implementation of the operational programmes may take the form of global grants as defined in Article 123(7) of Regulation (EU) No 1303/2013. In such cases, the operational programme shall identify the part of the operational programme concerned by the global grant, including an indicative financial allocation from each priority axis to it.

2. To encourage adequate participation of the social partners in actions supported by the ESF, the managing authorities of an operational programme in a region defined in Article 90(2)(a) or (b) of Regulation (EU) No 1303/2013 or in a Member State eligible for support from the Cohesion Fund shall ensure that, according to the needs, an appropriate amount of ESF resources is allocated to capacity building activities, in the form of training, networking measures, and strengthening of the social dialogue, and to activities jointly undertaken by the social partners.

3. To encourage the adequate participation of, and access by, non-governmental organisations in and to actions supported by the ESF, in particular in the fields of social inclusion, gender equality and equal opportunities, the managing authorities of an operational programme in a region defined in Article 90(2)(a) or (b) of Regulation (EU) No 1303/2013 or in a Member State eligible for support from the Cohesion Fund shall ensure that an appropriate amount of ESF resources is allocated to capacity building for non-governmental organisations.

Article 7

Promotion of equality between men and women

The Member States and the Commission shall promote equality between men and women through mainstreaming as referred to in Article 7 of Regulation (EU) No 1303/2013 throughout the preparation, implementation, monitoring and evaluation of the operational programmes. Through the ESF, the Member States and the Commission shall also support specific targeted actions within any of the investment priorities referred to in Article 3, and in particular Article 3(1)(a)(iv) of this Regulation, with the aim of increasing the sustainable participation and progress of women in employment, thus combating the feminisation of poverty, reducing gender-based segregation, combating gender stereotypes in the labour market and in education and training, and promoting the reconciliation of work and personal life for all as well as the equal sharing of care responsibilities between men and women.

Article 8

Promotion of equal opportunities and non-discrimination

The Member States and the Commission shall promote equal opportunities for all, without discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation through mainstreaming the principle of non-discrimination, as referred to in Article 7 of Regulation (EU) No 1303/2013. Through the ESF, the Member States and the Commission shall also support specific actions within any of the investment priorities referred to in Article 3, and in particular Article 3(1)(b)(iii) of this Regulation. Such actions shall aim to combat all forms of discrimination as well as to improve accessibility for persons with disabilities, with a view to improving integration into employment, education and training, thereby enhancing social inclusion, reducing inequalities in terms of educational attainment and health status, and facilitating the transition from institutional to community-based care, in particular for those who face multiple discrimination.

Article 9

Social innovation

1. The ESF shall promote social innovation within all areas falling under its scope, as defined in Article 3 of this Regulation, in particular with the aim of testing, evaluating and scaling up innovative solutions, including at the local or regional level, in order to address social needs in partnership with the relevant partners and, in particular, social partners.

2. Member States shall identify, either in their operational programmes or at a later stage during implementation, fields for social innovation that correspond to the Member States' specific needs.

3. The Commission shall facilitate capacity building for social innovation, in particular through supporting mutual learning, establishing networks, and disseminating and promoting good practices and methodologies.

Article 10

Transnational cooperation

1. Member States shall support transnational cooperation with the aim of promoting mutual learning, thereby increasing the effectiveness of policies supported by the ESF. Transnational cooperation shall involve partners from at least two Member States.

2. By way of derogation from paragraph 1, Member States with a single operational programme supported by the ESF or a single multi-fund operational programme may exceptionally choose not to support transnational cooperation actions, in duly justified cases and taking account of the principle of proportionality.

3. Member States, in partnership with the relevant partners, may select themes for transnational cooperation from a list of common themes proposed by the Commission and endorsed by the Committee referred to in Article 25 or select any other themes corresponding to their specific needs.

4. The Commission shall facilitate transnational cooperation on the common themes of the list referred to in paragraph 3 and, where appropriate, other themes selected by Member States, through mutual learning and coordinated or joint action. In particular, the Commission shall operate an EU-level platform to facilitate the setting up of transnational partnerships, the exchange of experiences, capacity building and networking, and the capitalisation on and the dissemination of the relevant outcomes. In addition, the Commission shall develop a coordinated implementation framework, including common eligibility criteria, types and timing of actions, and common methodological approaches for monitoring and evaluation, with a view to facilitating transnational cooperation.

Article 11

Fund-specific provisions for operational programmes

1. By way of derogation from Article 96(1) of Regulation (EU) No 1303/2013, operational programmes may set out priority axes for the implementation of social innovation and transnational cooperation as referred to in Articles 9 and 10 of this Regulation.

2. By way of derogation from Article 120(3) of Regulation (EU) No 1303/2013, the maximum co-financing rate for a priority axis shall be increased by ten percentage points, but shall not exceed 100 % where the whole of a priority axis is dedicated to social innovation or to transnational cooperation, or a combination of both.

3. In addition to the provision made in Article 96(3) of Regulation (EU) No 1303/2013, operational programmes shall also set out the contribution of planned ESF-supported actions to:

- (a) the thematic objectives listed under points (1) to (7) of the first paragraph of Article 9 of Regulation (EU) No 1303/2013 by priority axis, as appropriate;
- (b) social innovation and transnational cooperation, as referred to in Articles 9 and 10 of this Regulation, where they are not covered by a dedicated priority axis.

Article 12

Specific provisions on the treatment of particular territorial features

1. The ESF may support community-led local development strategies in urban and rural areas, as referred to in Articles 32, 33 and 34 of Regulation (EU) No 1303/2013, territorial pacts and local initiatives for employment, including youth employment, education and social inclusion, as well as Integrated territorial investments (ITI) as referred to in Article 36 of Regulation (EU) No 1303/2013.

2. As a complement to ERDF interventions as referred to in Article 7 of Regulation (EU) No 1301/2013 of the European Parliament and of the Council⁽¹⁾, the ESF may support sustainable urban development through strategies setting out integrated actions to tackle the economic, environmental and social challenges affecting the urban areas identified by the Member States on the basis of the principles laid down in their respective Partnership Agreements.

CHAPTER III

SPECIFIC PROVISIONS FOR FINANCIAL MANAGEMENT

Article 13

Eligibility of expenditure

1. The ESF shall provide support for eligible expenditure which, as referred to in Article 120(2)(b) of Regulation (EU) No 1303/2013, may include any financial resources collectively contributed by employers and workers.

⁽¹⁾ Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (See page 289 of this Official Journal).

2. The ESF may provide support for expenditure incurred for operations which take place outside the programme area, but within the Union, provided that the following two conditions are satisfied:

- (a) the operation is for the benefit of the programme area;
- (b) the obligations of the authorities for the operational programme in relation to management, control and audit concerning the operation are fulfilled by the authorities responsible for the operational programme under which that operation is supported or they enter into agreements with authorities in the Member State in which the operation is implemented provided that in that Member State the obligations in relation to management, control and audit concerning the operation are met.

3. Up to a limit of 3 % of the budget of an ESF operational programme or the ESF part of a multi-fund operational programme, expenditure incurred outside the Union shall be eligible for a contribution from the ESF provided that it concerns the thematic objectives under Article 3(1)(a) or Article 3(1)(c) and provided that the relevant monitoring committee has given its agreement to the operation or types of operations concerned.

4. In addition to the expenditure referred to in Article 69(3) of Regulation (EU) No 1303/2013, the purchase of infrastructure, land and real estate shall also not be eligible for a contribution from the ESF.

5. Contributions in kind in the form of allowances or salaries disbursed by a third party for the benefit of the participants in an operation may be eligible for a contribution from the ESF provided that the contributions in kind are incurred in accordance with national rules, including accountancy rules, and do not exceed the cost borne by the third party.

Article 14

Simplified cost options

1. In addition to the options referred to in Article 67 of Regulation (EU) No 1303/2013, the Commission may reimburse expenditure paid by Member States on the basis of standard scales of unit costs and lump sums defined by the Commission. The amounts calculated on this basis shall be regarded as public support paid to beneficiaries and as eligible expenditure for the purpose of applying Regulation (EU) No 1303/2013.

For the purpose of the first subparagraph, the Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning the type of operations covered, the definitions of the standard scales of unit costs and lump sums and their maximum amounts, which may be adjusted according to the applicable commonly agreed methods, taking due account of experience gained during the previous programming period.

Financial audit shall exclusively aim at verifying that the conditions for reimbursement by the Commission on the basis of standard scales of unit costs and lump sums have been fulfilled.

Where funding on the basis of standard scales of unit costs and lump sums, in accordance with the first subparagraph, is used, the Member State may apply its accounting practices to support operations. For the purpose of this Regulation and Regulation (EU) No 1303/2013, such accounting practices and the resulting amounts shall not be subject to audit by the audit authority or by the Commission.

2. In accordance with Article 67(1)(d) and (5)(d) of Regulation (EU) No 1303/2013, a flat rate of up to 40 % of the eligible direct staff costs may be used in order to cover the remaining eligible costs of an operation without a requirement for the Member State to execute any calculation to determine the applicable rate.

3. In addition to the methods stipulated in Article 67(5) of Regulation (EU) No 1303/2013, where the public support for grants and repayable assistance does not exceed EUR 100 000, the amounts referred to in Article 67(1)(b), (c) and (d) of Regulation (EU) No 1303/2013 may be established on a case-by-case basis by reference to a draft budget agreed ex ante by the managing authority.

4. Without prejudice to Article 67 (4) of Regulation (EU) No 1303/2013, grants and repayable assistance for which the public support does not exceed EUR 50 000 shall take the form of standard scales of unit costs or lump sums in accordance with paragraph 1 of this Article or with Article 67 of Regulation (EU) No 1303/2013 or flat rates in accordance with Article 67 of Regulation (EU) No 1303/2013, except for operations receiving support within the framework of a State aid scheme. Where flat-rate financing is used, the categories of costs which are used to calculate the rate may be reimbursed in accordance with Article 67(1)(a) of Regulation (EU) No 1303/2013.

Article 15

Financial instruments

Pursuant to Article 37 of Regulation (EU) No 1303/2013, the ESF may support actions and policies falling within its scope through financial instruments, including micro-credits and guarantee funds.

CHAPTER IV

YOUTH EMPLOYMENT INITIATIVE

Article 16

Youth Employment Initiative

The YEI shall support the fight against youth unemployment in eligible regions of the Union through providing support to actions under Article 3(1)(a)(ii) of this Regulation. It shall

target all young persons under the age of 25 not in employment, education or training, residing in eligible regions, who are inactive or unemployed including the long-term unemployed, and whether or not registered as seeking work. On a voluntary basis, Member States may decide to extend the target group to include young persons under the age of 30.

For the purpose of the YEI for 2014-2015, "eligible regions" are those NUTS level 2 regions that have youth unemployment rates for young persons aged 15 to 24 of more than 25 % in 2012 and, for Member States where the youth unemployment rate has increased by more than 30 % in 2012, NUTS level 2 regions that have youth unemployment rates of more than 20 % in 2012.

The resources for the YEI may be revised upwards for the years 2016 to 2020 in the framework of the budgetary procedure in accordance with Article 14 of Regulation (EU) 1311/2013. For the determination of the regions eligible for the YEI for the period 2016-2020, the reference to 2012 data in the second subparagraph shall be construed as a reference to the latest available annual data. The breakdown by Member State of the additional resources shall follow the same steps as the initial allocation in accordance with Annex VIII of Regulation (EU) No 1303/2013.

In agreement with the Commission, Member States may decide to allocate a limited amount not exceeding 10 % of the funds under the YEI to young persons residing in sub-regions which experience high youth unemployment levels and which are outside the eligible NUTS level 2 regions.

Article 17

Thematic concentration

The specific allocation for YEI shall not be taken into account for the purpose of calculating the thematic concentration referred to in Article 4.

Article 18

Programming

The YEI is integrated into the programming of the ESF under Article 96 of Regulation (EU) No 1303/2013. Where appropriate, Member States shall set out the programming arrangements for the YEI in their Partnership Agreements and in their operational programmes.

The programming arrangements may take one or more of the following forms:

- (a) a dedicated operational programme;
- (b) a dedicated priority axis within an operational programme;
- (c) a part of one or more priority axes.

Article 9 and 10 of this Regulation shall also apply to the YEI.

*Article 19***Monitoring and evaluation**

1. In addition to the functions of the monitoring committee set out in Article 110 of Regulation (EU) No 1303/2013, at least once per year, the monitoring committee shall examine the implementation of the YEI in the context of the operational programme and the progress made towards achieving its objectives.

2. The annual implementation reports and the final report as referred to in Article 50(1) and (2) of Regulation (EU) No 1303/2013 shall include additional information on the implementation of the YEI. The Commission shall transmit to the European Parliament a summary of those reports as referred to in Article 53(1) of Regulation (EU) No 1303/2013.

The Commission shall attend the European Parliament's annual debate on those reports.

3. As from April 2015 and for subsequent years, and at the same time as the annual implementation reports referred to in Article 50(1) and (2) of Regulation (EU) No 1303/2013, the managing authority shall transmit electronically to the Commission structured data for each priority axis or any part thereof supporting the YEI. Indicator data transmitted shall relate to values for the indicators set out in Annexes I and II to this Regulation and, where applicable, to programme specific indicators. They shall relate to partially or fully implemented operations.

4. The annual implementation reports referred to in Article 50(4) of Regulation (EU) No 1303/2013 or, where applicable, the progress report referred to in Article 111(4) of Regulation (EU) No 1303/2013, and the annual implementation report submitted by 31 May 2016, shall present the main findings of evaluations referred to in paragraph 6 of this Article. The reports shall also set out and assess the quality of employment offers received by YEI participants, including disadvantaged persons, those from marginalised communities and those leaving education without qualifications. The reports shall also set out and assess their progress in continuing education, finding sustainable and decent jobs, or moving into apprenticeships or quality traineeships.

5. The progress reports referred to in Article 52 of Regulation (EU) No 1303/2013 shall include additional information on, and assess the implementation of, the YEI. The Commission shall transmit to the European Parliament a summary of these reports as referred to in Article 53(2) of that Regulation and shall attend the European Parliament's debate on those reports.

6. At least twice during the programming period, an evaluation shall assess the effectiveness, efficiency and impact of joint support from the ESF and the specific allocation for YEI including for the implementation of the Youth Guarantee.

The first evaluation shall be completed by 31 December 2015 and the second evaluation by 31 December 2018.

*Article 20***Information and communication measures**

1. The beneficiaries shall ensure that those taking part in an operation are specifically informed of the YEI support provided through the ESF funding and the specific YEI allocation.

2. Any document relating to the implementation of an operation and issued for the public or for participants, including an attendance or other certificate, shall include a statement to the effect that the operation was supported under the YEI.

*Article 21***Technical assistance**

The specific allocation for YEI may be taken into account by the Member States in the calculation of the limit on the total amount of funds allocated to technical assistance for each Member State.

*Article 22***Financial support**

1. The Commission decision adopting an operational programme shall fix the maximum amount of support from the specific allocation for YEI and the corresponding ESF support, as a global amount and also by category of regions, for each priority axis. The corresponding ESF support shall at least match the support from the specific allocation for YEI for each priority axis.

2. On the basis of the amounts referred to in paragraph 1, the Commission decision referred to in paragraph 1 shall also fix the ratio between the categories of regions for the ESF support for each priority axis.

3. Where the YEI is implemented by a specific priority axis covering eligible regions from more than one category, the highest co-financing rate shall apply with regard to the ESF allocation.

The specific allocation for YEI shall not be subject to the national co-financing requirement.

The overall co-financing rate of the priority axis fixed by the Commission decision referred to in paragraph 1 shall be calculated taking into account the co-financing rate of the ESF allocation together with the special allocation for the YEI.

*Article 23***Financial management**

In addition to Article 130 of Regulation (EU) No 1303/2013, when the Commission reimburses interim payments and pays the final balance for the YEI by priority axis, it shall allocate the reimbursement from the budget of the Union equally between the ESF and the specific allocation for YEI. Once all resources from the specific allocation for YEI have been reimbursed, the Commission shall allocate the remaining reimbursements from the budget of the Union to the ESF.

The Commission shall allocate the reimbursement from the ESF between categories of regions according to the ratio laid down in Article 22 (2).

CHAPTER V

DELEGATIONS OF POWER AND FINAL PROVISIONS

Article 24

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 14(1) shall be conferred on the Commission from 21 December 2013 until 31 December 2020.

3. The delegation of power referred to in Article 14(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 14(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council, or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 25

Committee under Article 163 TFEU

1. The Commission shall be assisted by a Committee (the "ESF Committee") set up under Article 163 TFEU.

2. The member of the Commission responsible for chairing the ESF Committee may delegate that responsibility to a senior Commission official. The Secretariat of the ESF Committee shall be provided by the Commission.

3. Each Member State shall appoint one government representative, one representative of the workers' organisations, one representative of the employers' organisations and one alternate for each member for a maximum period of seven years. In the absence of a member, the alternate shall be automatically entitled to take part in the proceedings.

4. The ESF Committee shall include one representative from each of the organisations representing workers' organisations and employers' organisations at Union level.

5. The ESF Committee may invite non-voting representatives of the European Investment Bank and the European Investment Fund as well as non-voting representatives of the relevant civil society organizations to its meetings, if the agenda of the meeting requires their participation.

6. The ESF Committee shall:

(a) be consulted on draft Commission decisions relating to operational programmes and programming in the case of support from the ESF;

(b) be consulted on the planned use of technical assistance in the case of support from the ESF, as well as on other issues having an impact on the implementation of strategies at Union level relevant to the ESF;

(c) endorse the list of common themes for transnational cooperation provided for in Article 10(3).

7. The ESF Committee may deliver opinions on:

(a) questions related to the ESF contribution to the implementation of the Europe 2020 strategy;

(b) issues concerning Regulation (EU) No 1303/2013 relevant for the ESF;

(c) questions related to the ESF referred to it by the Commission other than those referred to in paragraph 6.

8. The opinions of the ESF Committee shall be adopted by an absolute majority of the votes validly cast, and shall be communicated to the European Parliament for information. The Commission shall inform the ESF Committee of the manner in which it has taken account of its opinions.

Article 26

Transitional provisions

1. This Regulation shall not affect either the continuation or modification, including the total or partial cancellation, of assistance approved by the Commission on the basis of Regulation (EC) No 1081/2006 or any other legislation applying to that assistance on 31 December 2013. That Regulation or such other applicable legislation shall consequently continue to apply after 31 December 2013 to that assistance or the operations concerned until their closure.

2. Applications to receive assistance made or approved under Regulation (EC) No 1081/2006 before 1 January 2014 shall remain valid.

Article 27

Repeal

Without prejudice to the provisions laid down in Article 26 of this Regulation, Regulation (EC) No 1081/2006 is hereby repealed with effect from 1 January 2014.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex III.

Article 28

Review

The European Parliament and the Council shall review this Regulation by 31 December 2020 in accordance with Article 164 TFEU.

Article 29

Entry in force

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

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

Done at Brussels, 17 December 2013.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

R. ŠADŽIUS

ANNEX I

Common output and result indicators for ESF investments

(1) Common output indicators for participants

"Participants"⁽¹⁾ refers to persons benefiting directly from an ESF intervention who can be identified and asked for their characteristics, and for whom specific expenditure is earmarked. Other persons shall not be classified as participants. All data shall be broken down by gender.

The common output indicators for participants are:

- unemployed, including long-term unemployed*,
- long-term unemployed*,
- inactive*,
- inactive, not in education or training*,
- employed, including self-employed*,
- below 25 years of age*,
- above 54 years of age*,
- above 54 years of age who are unemployed, including long-term unemployed, or inactive not in education or training*,
- with primary (ISCED 1) or lower secondary education (ISCED 2)*,
- with upper secondary (ISCED 3) or post-secondary education (ISCED 4)*,
- with tertiary education (ISCED 5 to 8)*,
- participants who live in jobless households*,
- participants who live in jobless households with dependent children*,
- participants who live in a single adult household with dependent children*,
- migrants, participants with a foreign background, minorities (including marginalised communities such as the Roma)**,
- participants with disabilities**,
- other disadvantaged**.

The total number of participants will be calculated automatically on the basis of the output indicators.

These data on participants entering an ESF supported operation shall be provided in the annual implementation reports as specified in Article 50(1) and (2) and Article 111(1) of Regulation (EU) No 1303/2013.

- homeless or affected by housing exclusion*,
- from rural areas*⁽²⁾.

⁽¹⁾ Managing authorities shall establish a system that records and stores individual participant data in computerised form as set out in Article 125 (2) (d) of Regulation (EU) No 1303/2013. The data processing arrangements put in place by the Member States shall be in line with the provisions of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31), in particular Articles 7 and 8 thereof.

Data reported under the indicators marked with * are personal data according to Article 7 of Directive 95/46/EC. Their processing is necessary for compliance with the legal obligation to which the controller is subject (Article 7(c) of Directive 95/46/EC). For the definition of controller, see Article 2 of Directive 95/46/EC.

Data reported under the indicators marked with ** are a special category of data according to Article 8 of Directive 95/46/EC. Subject to the provision of suitable safeguards, Member States may, for reasons of substantial public interest, lay down exemptions in addition to those laid down in Article 8(2) of Directive 95/46/EC, either by national law or by decision of the supervisory authority (Article 8(4) of Directive 95/46/EC).

⁽²⁾ The data shall be collected at the level of smaller administrative units (local administrative units 2), in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

The data on participants under the two above indicators will be provided in the annual implementation reports as specified in Article 50(4) of Regulation (EU) No 1303/2013. The data shall be collected based on a representative sample of participants within each investment priority. Internal validity of the sample shall be ensured in such a way that the data can be generalised at the level of investment priority.

(2) Common output indicators for entities are:

- number of projects fully or partially implemented by social partners or non-governmental organisations,
- number of projects dedicated at sustainable participation and progress of women in employment,
- number of projects targeting public administrations or public services at national, regional or local level,
- number of supported micro, small and medium-sized enterprises (including cooperative enterprises, enterprises of the social economy).

These data shall be provided in the annual implementation reports as specified in Article 50(1) and (2) and Article 111(1) of Regulation (EU) No 1303/2013.

(3) Common immediate result indicators for participants are:

- inactive participants engaged in job searching upon leaving*,
- participants in education/training upon leaving*,
- participants gaining a qualification upon leaving*,
- participants in employment, including self-employment, upon leaving*,
- disadvantaged participants engaged in job searching, education/ training, gaining a qualification, in employment, including self-employment, upon leaving**.

These data shall be provided in the annual implementation reports as specified in Article 50(1) and (2) and Article 111(1) of Regulation (EU) No 1303/2013. All data shall be broken down by gender.

(4) Common longer-term result indicators for participants are:

- participants in employment, including self-employment, six months after leaving*,
- participants with an improved labour market situation six months after leaving*,
- participants above 54 years of age in employment, including self-employment, six months after leaving*,
- disadvantaged participants in employment, including self-employment, six months after leaving**.

These data shall be provided in the annual implementation reports as specified in Article 50(5) of Regulation (EU) No 1303/2013. They shall be collected based on a representative sample of participants within each investment priority. Internal validity of the sample shall be ensured in such a way that the data can be generalised at the level of investment priority. All data shall be broken down by gender.

ANNEX II

Result indicators for the YEI

These data shall be provided in the annual implementation reports as specified in Article 50(1) and (2) of Regulation (EU) No 1303/2013 and in the report to be submitted in April 2015 as specified in Article 19(3) of this Regulation. All data shall be broken down by gender.

(1) Common immediate result indicators for participants

"Participants" ⁽¹⁾ refers to persons benefiting directly from a YEI intervention who can be identified and asked for their characteristics, and for whom specific expenditure is earmarked.

The immediate result indicators are:

- Unemployed participants who complete the YEI supported intervention*,
- Unemployed participants who receive an offer of employment, continued education, apprenticeship or traineeship upon leaving*,
- Unemployed participants who are in education/training, gain a qualification, or are in employment, including self-employment, upon leaving*,
- Long-term unemployed participants who complete the YEI supported intervention*,
- Long-term unemployed participants who receive an offer of employment, continued education, apprenticeship or traineeship upon leaving*,
- Long-term unemployed participants who are in education/training, gain a qualification, or are in employment, including self-employment, upon leaving*,
- Inactive participants not in education or training who complete the YEI supported intervention*,
- Inactive participants not in education or training who receive an offer of employment, continued education, apprenticeship or traineeship upon leaving*,
- Inactive participants not in education or training who are in education/training, gain a qualification, or are in employment, including self-employment, upon leaving*.

(2) Common longer-term result indicators for participants

The longer-term result indicators are:

- Participants in continued education, training programmes leading to a qualification, an apprenticeship or a traineeship six months after leaving*,
- Participants in employment six months after leaving*,
- Participants in self-employment six months after leaving*.

The data for longer-term result indicators shall be collected based on a representative sample of participants within each investment priority. Internal validity of the sample shall be ensured in such a way that the data can be generalised at the level of investment priority.

⁽¹⁾ Managing authorities shall establish a system that records and stores individual participant data in computerised form as set out in Article 125 (2) (d) of Regulation (EU) No 1303/2013. The data processing arrangements put in place by the Member States must be in line with the provisions of Directive 95/46/EC, in particular Articles 7 and 8 thereof.

Data reported under the indicators marked with * are personal data according to Article 7 of Directive 95/46/EC. Their processing is necessary for compliance with the legal obligation to which the controller is subject (Article 7(c) of Directive 95/46/EC). For the definition of controller, see Article 2 of Directive 95/46/EC.

Data reported under the indicators marked with ** are a special category of data according to Article 8 of Directive 95/46/EC. Subject to the provision of suitable safeguards, Member States may, for reasons of substantial public interest, lay down exemptions in addition to those laid down in Article 8(2) of Directive 95/46/EC, either by national law or by decision of the supervisory authority (Article 8(4) of Directive 95/46/EC).

ANNEX III

Correlation table

European Parliament and Council Regulation (EC) No 1081/2006	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
	Article 5
Article 5	Article 6
Article 6	Article 7
	Article 8
Article 7	Article 9
Article 8	Article 10
Article 9	—
Article 10	—
	Article 11
	Article 12
Article 11	Article 13
	Article 14
	Article 15
	Articles 16 to 23
	Article 24
	Article 25
Article 12	Article 26
Article 13	Article 27
Article 14	Article 28
Article 15	Article 29



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