



POLICY BRIEF

Partnership in the Use of IPA Funds

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Introduction

Republic of Macedonia has been a beneficiary of EU funds since 1996 through different programmes. With the establishment of the Instrument for Pre-accession Assistance (IPA) in 2007, Macedonia, as a candidate country, became eligible to use all five components of this programme with total amount of 622 million Euros for the 2007-2013 periods. According to the latest data, by mid-2013 Macedonia has so far contracted around 190 million Euros¹. Compared to previous instruments, IPA is more demanding on the national authorities, as it is meant to prepare the country for EU membership and the use of structural and cohesion funds. Consequently, the level of ownership for IPA compared to previous EU assistance instruments should be significantly strengthened, especially since the management for all IPA components should be conferred to national authorities. Currently only management of the Component II Cross-Border cooperation is still not transferred to the national authorities. The presentations on IPA are complex and multiple sources need to be explored in order to acquire accurate information on the status of implementation of a certain project, review of a component, or IPA in general. Most importantly, there is no publicly available information on the total allocation of financial resources per project, the level of national co-financing, status of implementation (monthly reports) and the level of realized transfers of payment. Overall, the experience so far indicates that the IPA implementation lacks transparency and involvement of other relevant stakeholders in the monitoring of EU funds. The current trends at EU level demand greater involvement of the national parliaments (as indicated by the changes introduced by the Lisbon Treaty in 2009), civil society organizations, the academia, the professional associations, trade unions, etc in these processes.

Numerous reports and studies have analyzed the main reasons for the low level of absorption of the funds, underlying several critical points: the complexity of the IPA instrument and the administrative procedures; the inadequate administrative capacities of the national institutions; and the lack of partnership and inclusiveness of all relevant stakeholders and inconsistencies of the strategic planning. Even though each of these segments is crucial for increasing the level and the quality of absorption of the IPA funds, **this paper will analyze the implementation of the partnership principle**, denoting the cooperation between government and non government actors (government institutions, parliament, civil society, business sector, regions, local government) and inclusiveness and participation of the relevant stakeholders.

This paper focuses on the implementation of the partnership principle with civil society organizations and on local level.

¹ Announcement by the Minister of Finances, Zoran Stavrevski at the Oversight hearing organized by the Committee for European Affairs, Assembly of Republic of Macedonia held on 11.07.2013.

“Assistance granted shall respect the principles of coherence, complementarity, coordination, partnership and concentration. (Article 3)”

WHY Is Partnership Important?

The principle of partnership is embedded in the Commission Regulation 718/2007 establishing the Instrument for pre-accession assistance (IPA), where it is outlined that “Assistance granted shall respect the principles of coherence, complementarity, coordination, partnership and concentration” (Article 3). It is furthermore underlined that the multi-annual operational programmes through which the assistance will be implemented “shall be established in close consultation with the Commission and the relevant stakeholders” (Art 155 (1)). Finally, it is stressed that the assistance “shall focus on those policies and activities which have the potential to act as catalyst for policy change and which enhance **good governance and partnership.**” (Art. 151(4)) The overall objective of EU financial assistance “is to support its [country’s] efforts for reform and towards compliance with EU law in order that it may become fully prepared to take on the obligations of membership to the European Union.”²

In the aim of establishing reform priorities and achieving the objectives set, involvement of all relevant stakeholders in programming, implementation and monitoring of the use of the funds, is essential for more efficient and effective utilization of the assistance. Partnership with the different relevant actors contributes for better formulated and wider consensus in setting the strategic priorities, improved implementation due to the increased understanding and participation of all stakeholders and increased transparency in the use of the funds. Even more importantly, the partnership and inclusiveness secure local ownership of the projects implemented with the EU assistance.

Finally, partnership is not only important for utilization of the current available IPA funds, but it becomes a prerequisite for the use of funds under the IPA II Regulation for the 2014-2020 period.

In preparation for the new IPA Regulation 2014-2020, the European Commission has stressed that towards a more efficient and effective delivery of assistance “*In IPA countries, the main focus should be on securing strong local ownership and broad consensus on the strategies to be put in place, and on improving the capacity to plan, implement and monitor their implementation and to integrate this into the broader preparations for EU membership.*”³ The partnership principle is strengthened in the draft IPA II regulation where it stated than “When preparing, implementing and monitoring assistance under this Regulation... The partnership shall involve, as appropriate, competent national, regional and local authorities, economic and social partners, civil society and non-state actors.” (Article 4 (5))

² Multi-annual Indicative Planning Document (MIPD) 2011-2013 for the Republic of Macedonia, p.4

³ European Commission, 2011 Annual Report on Financial Assistance for Enlargement, published December 2012, p.10

The Partnership Principle in the EU

The EU best practices have been embedded in the Common Provisions Regulation (CPR) COM (2011) 615 Final.⁴ The provisions, regarding consultation stipulate the following:

(1) For the Partnership Contract and each programme respectively, a Member State shall organise a partnership with the following partners:

(a) competent regional, local, urban and other public authorities;

(b) economic and social partners; and

(c) bodies representing civil society, including environmental partners, non-governmental organisations, and bodies responsible for promoting equality and non-discrimination.

(2) In accordance with the multi-level governance approach, the partners shall be involved by Member States in the preparation of Partnership Contracts and progress reports and in the preparation, implementation, monitoring and evaluation of programmes. The partners shall participate in the monitoring committees for programmes.

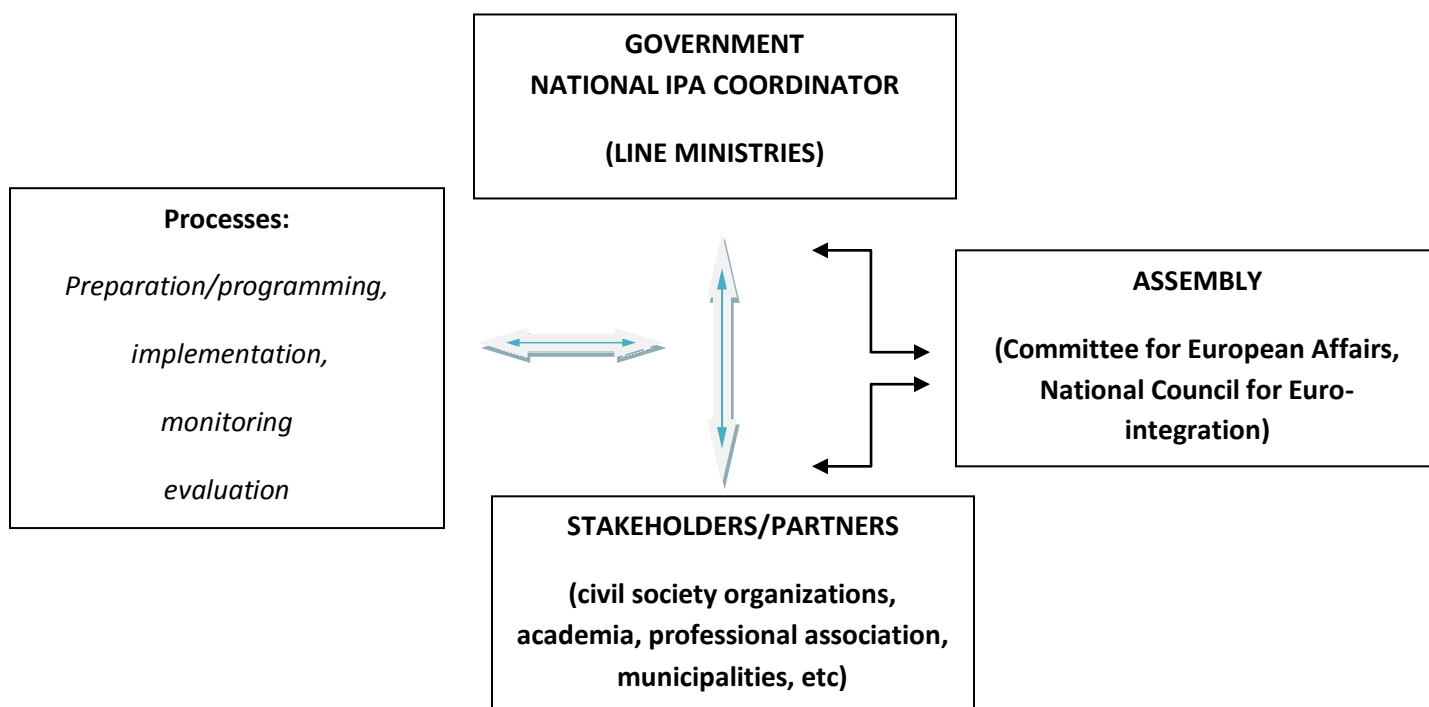
(3) The Commission shall be empowered to adopt delegated acts in accordance with Article 142 to provide for a European code of conduct that lays down objectives and criteria to support the implementation of partnership and to facilitate the sharing of information, experience, results and good practices among Member States.

It is evident that the partnership principle is a part of the *acquis* on the implementation of EU funds. As with all other aspects of the accession process the *acquis* needs to be adopted and implemented by the candidate countries.

⁴ <http://www.seupb.eu/2014-2020Consultation/backgroundinfo/eudraftregulations.aspx>

State of play in Macedonia: the partnership principle in theory and practice

Numerous reports, as well as the actual experience of relevant actors suggest that so far the consultation process has been implemented to a limited extent, although the Government has been praised for inclusiveness of the civil society in some areas. While “to promote an active role of civil society in the decision making process is a key objective identified in the Accession Partnership”⁶, the European Commission’s Progress Report for 2012 notes that “closer coordination and active participation by all stakeholders in the programming process are needed”.⁷ The last Annual Report on Financial Assistance for Enlargement has pointed that in the case of Macedonia “further capacity building is needed to successfully absorb IPA funds, as well as significant strengthening and ownership in the area of strategic programming and project preparation in the future.”⁸



The partnership principle has been one of the key principles for managing the IPA funds; however, its application in the national case is extremely limited and requires immediate action for improvement. In theory, the partnership principle is viewed as a two-way process, whereby national authorities heavily rely on the input provided by the stakeholders/partners.

⁶ Multi-annual Indicative Planning Document (MIPD) 2011-2013 for the Republic of Macedonia, p.16

⁷ EC Progress Report 2012, p.49.

⁸ European Commission, 2011 Annual Report on Financial Assistance for Enlargement, published December 2012, p.17

Programming

The multi-annual operational programmes are the key documents through which the IPA is implemented in addition to other strategic documents (Country strategy paper, Multiannual Indicative Programming Document and Pre-accession economic programme) are foundation of the programming process. These programmes outline the priorities and the objectives to be achieved, thus, it is a prerequisite, as set in the IPA regulation, to develop them in close consultation with all relevant stakeholders (Article 155).

Due to this obligation some consultations have been included in the preparation of the Multi-Annual Operational programs for Component III and IV, so it can be formally reported that the programmes have been “developed in accordance with the principle of wide stakeholder representation and partnership of all interested and affected parties”⁹. Also, in light of the concerns of the European Commission, the MIPD 2011-2013 responded with “further development of consultation mechanisms of the Government and local self-government with the civil society.” In practice though, the civil society and business sector representatives have criticized the government repeatedly for only formally respecting the partnership principle claiming they are excluded in the programming for most of the sectors especially in the process of programming.¹⁰

Formally, the Unit for cooperation with Non-Governmental Organization under the Sector for policy analysis and coordination in the General Secretariat is the responsible institution for cooperation with the civil society in all matters including the EU funds. The other institutions as well as the individual ministries responsible for management of the EU funds are also obliged to include the civil society organizations through public consultation. Until now however, this has been the exception rather than the rule. Recent efforts have been made for improving the mechanisms for cooperation. A New Strategy for Cooperation between the Government and the Civil Sector is being developed and there have been public consultation with the civil organizations and open call for comments and contributions. Additionally, the Secretariat for European Affairs/the Vice Prime Minister for European Affairs as a National IPA Coordinator has initiated consultations on the possibilities for development of a consultative mechanisms with CSO in the EU integration process, especially regarding IPA. At the time of concluding this paper, a proposal is being developed by civil society organizations, based on regional

European Commission’s Progress Report for 2012 notes that “Closer coordination and active participation by all stakeholders in the programming process are needed.” (Progress Report 2012, p.49).

best practices (e.g. Serbian approach for *Sector Civil Society Organisations*). As the process is in the initial stage, it is to be seen whether the government will remain committed to this initiative and how it will implemented in practice.

Other than the civil sector, the partnership with the local self government in the programming process is quite limited - the local self government has been consulted on *ad hoc* bases through the Association of Local Self-government units (ZELS).

Particularly concerning is the non-existent role of the National Assembly in the process of programming of IPA.

⁹ Multi-Annual Operational Programme Human Resources Development 2007-2013, Republic of Macedonia, p.13

¹⁰ This has been the repeated conclusion from number of workshops, consultations and conferences as well as forms the conducted interviews. Exemption might be the sector Environment where good cooperation among the government and the non-governmental sector has been reported.

It is expected that the Assembly (and its relevant working bodies) should provide an opinion on the national strategic documents related to EU financial programmes and instrument, such as the Multi-Annual Indicative Programming Document/Country Strategy Paper, and operational programmes. However, the Parliament is only consulted for the annual review of the National Programme for the Adoption of the *Acquis*, a document which "has lost its relevance and accuracy especially in terms of programming EU funds".¹¹

"The concept of partnership (partnering) among distinct (public, private, civil) sectors of society is not well known in the country, hence it is seldom applied, both at central and local levels, and especially on a formal basis."

It appears that in the programming process the government used minimum of the potential partnership - consultation i.e., asking stakeholders for their opinion about the programming document (but not usually taking it into account). As pointed by Uzunov, "only consultation, however, alone, is not very likely to yield real ownership of the document."¹²

Implementation

The partnership principles are reflected even less in the process of **implementation** of the EU funds in Macedonia. This is due to the general perception that the implementation of the funds is sole responsibility of the government and the fact that "the concept of partnership (partnering) among distinct (public, private, civil) sectors of society is not well known in the country, hence it is seldom applied, both at central and local levels, and especially on a formal basis." (Uzunov, p. 6)

The lack of consultations and participation of relevant stakeholders in the process of implementation of the assistance delays the implementation of the funds, hampers the quality of the project fiches and of the prepared project proposals, and ultimately impacts the efficiency of the use of the funds.

Improved partnership between different stakeholders can significantly increase the utilization of the EU funds in quantitative and qualitative terms. Improved cooperation between all the relevant government

The municipalities have opportunities to apply for projects under different IPA components; however they lack administrative capacity and the knowledge for preparation of projects and of project cycle management.

bodies can increase the quality and the pace of utilization of the funds (there has been substantial delays in the use of the funds). Involvement and regular reporting to the Parliament can contribute for increased transparency and timely elimination of (un)foreseen challenges. Finally, better cooperation among the municipalities and civil society sector can substitute the lack of the capacities of the municipalities. The municipalities have opportunities to apply for projects under different IPA components; however they lack administrative capacity and the knowledge for preparation of projects and of project cycle management. On the other hand, the civil society

depending solely on funds granted through projects has developed extensive experience in preparation

¹¹ Jovanoski, A. (2013) Enhancing parliamentary scrutiny over the use of EU funds in Macedonia, European Policy Institute, Skopje,.

¹² Uzunov, V, (2012), Absorption capacity of Macedonia for the Use of EU funds in *The Use of EU Funds in Macedonia – Efficiency, Impact and Absorption capacity*, European Policy Institute –Skopje , p.13

and management of projects, although the possibilities where they are eligible to apply individually are limited. Thus, partnership between the local self government units and the civil society organizations would match the need and supply for projects, resulting in improved use of the funds towards achieving the determined objectives. Additionally such partnerships would bring ownership of the projects and assure greater sustainability.

Monitoring

The partnership principle in the use of IPA funds is formally regulated in the process of monitoring where in accordance with the IPA regulation; participation of various stakeholders is embedded in the Sectoral monitoring committees. The sectoral monitoring committees meet at least once in a year and are responsible for overseeing the effectiveness and quality of the implementation of the programmes and operations concerned, in accordance with the specific provisions laid down for each component and for the related sectoral and/or financing agreements.” The committees “have the power to initiate proposals to the Commission and the national IPA coordinator, with a copy to the national authorising officer, for decisions on any corrective measures to ensure the achievements of programme objectives and enhance the efficiency of the assistance provided”. (Art.59 (2))

The inclusion of the non-government sector does contribute towards improved planning and implementation of the IPA funds, and additionally, it improves the outside perception about the public administration.

The operational programmes per component are submitted to all members of the monitoring committees, thus there is an opportunity for suggestions to be submitted. However, according to an interview with a member of the monitoring committee, the members who are not representatives of government institutions (and thus are not directly included in the implementation of the programme or separate projects), possess only partial information provided by the operational programmes. This restricts the possibility for the CSOs member to provide meaningful and timely contributions towards improvement of certain aspects of a given project. Additionally, as the members of the Committee are bound by confidentiality agreement, the inclusion or contribution of other stakeholders outside the committee is impossible. Such provisions prevent the participation of other relevant external stakeholders and preclude the programme from being enhanced further. It is strongly considered that this principle be revised in the new IPA II regulation. According to numerous members of monitoring committees the inclusion of the non-government sector does contribute towards improved planning and implementation of the IPA funds, and additionally, it improves the outside perception about the transparency of the public administration.

The involvement of the parliament in the monitoring of the use of IPA funds is also very limited. Despite the initial idea and efforts the Assembly to be engaged in the monitoring of EU funds¹³ in the recent years the Government has submitted only two, fairly modest reports on use of IPA funds (one in 2009 and the second one in 2012, which was provoked by the public hearing organized by NCEI).

¹³ Initially, when in 2005 the Republic of Macedonia received the candidate status for EU membership quarterly reports were submitted to the Committee for European Affairs on the status of the accession process including on the status of EU funds implementation.

Positive developments which should be welcomed are the hearings organized in the Parliament on the use of EU funds: 1. Public hearing organized by the National Council for European Integration held in November, 2012 and the 2. Oversight hearing organized by the Committee for European Affairs organized in July 2013.

The Delegation of the European Union in the Republic of Macedonia has also remarked that there is *lack of reporting rules on IPA implementation; lack of transparent information and IPA visibility on the side of the Government* and that *the reporting process may be strengthened and made regular.*¹⁴ This approach would contribute to increasing the leverage over the use of EU funds, and would allow for constant debate for achieving better results and impact on the ground.¹⁵

Positive developments which should be welcomed have been the hearings organized in the Parliament on the Use of EU funds: 1. Public hearing organized by the National Council for European Integration held in December, 2012 and the 2. Oversight hearing organized

by the Commission for European Affairs (CEA) organized in July 2013. These hearing managed to initiate a wider and more constructive debate and participation of the relevant responsible ministries and to engage representatives from the civil sector. It was announced that the oversight hearing of CEA was the first of the six oversight hearings, where the additional five to follow would be thematic per each IPA component.

The significance of the hearings is that they provide pressure on the government to increase the transparency and accountability and to re-evaluate how effectively and how much of the EU funds are use and for what purpose. Additionally, they provide a platform for inclusion of other stakeholders, especially of the civil society, especially when the other means for partnership are limited.

¹⁴ Jovanoski, A. (2013) Enhancing parliamentary scrutiny over the use of EU funds in Macedonia, European Policy Institute, Skopje p.31, (From a written interview with the Delegation of the European Union in the Republic of Macedonia, 20.02.2013, Skopje).

¹⁵ Ibid.

Overview: practices for promoting the partnership principle

Having discussed the Macedonian case, this policy brief will now turn to examine the best practices for promoting the partnership principle, which have been identified as relevant by this and other research activities conducted in the European Policy Institute. These will concern the enhancement of partnership with Parliaments and the local government institutions in the new EU member states from 2004, 2007 and most recently Croatia in 2013.

Slovenia

According to the Chairperson of the Committee for European Affairs ensuring a *flow in information between the Government and the Assembly in the pre-accession stage on EU funds* is essential in *accumulation of relevant knowledge and expertise in the working bodies of the Assembly*, which will be crucial when the country will be able to the use of structural and cohesion funds of the EU.¹⁷

In Slovenia the Committee for European Affairs was the main counterpart of the Government in the use of EU funds, and was involved in the EU funds through the discussion of the national priorities set in the different operational programmes and under every Community programme. Furthermore the Commission was included in discussion about the Multi-Annual Indicative Framework; it performs cross-referencing with the current state on use of EU funds, the appropriateness of the applied model in execution of EU funds and considers the need for any possible change in the system.

Bulgaria

The newly established mechanisms in the country for monitoring of the use of EU funds due to detected irregularities with the EU assistance in Bulgaria can serve as one of the best examples on partnership among the institutions and inclusion of the Parliament in the programming and implementation, but especially in monitoring of the use of EU funds.

The responsible body for oversight of the management of the EU funds is the Committee on European Affairs and Oversight of the European Funds (CEAOEF), to which all relevant ministries submit updates on the status of all operative programmes every six months. The up-dates on the status of implementation of the funds are accompanied by an in-depth assessment on the potential risks, which might impact the smooth implementation of the program/projects. Even though the new approach goes beyond the starting point of the Committee, it is “quite useful in assessing the justification of the strategic priorities in the programs and helps the Committee to adopt well-grounded conclusions on further improvement of EU funds implementation. The adopted conclusions are recommendations by the Committee are also endorsed by the plenary.”¹⁸

The newly established institutional mechanisms in Bulgaria provide substantial inclusion and partnership of a wide range of national stakeholders through the Council on stakeholders. The Council closely cooperates with the Committee on European Affairs and Oversight of the European Funds (CEAOEF). It

¹⁷ included in the study: Jovanoski A., (2013) “Enhancing the parliamentary scrutiny over the use of EU funds in Macedonia”, European Policy Institute, Skopje

¹⁸ Ibid. p.16

meets 2-3 times annually on the initiation by the CEAOEF and its purpose is to initiate a debate between the representatives from the Government and the Assembly and the representatives from the civil society sector, the academia, professional associations, business interests and trade unions. The recommendations and observations provided by the Council are usually considered and become an integral part of the final report prepared by CEAOEF.

Even though the consultation process was quite pro-form in the first years of the functioning of the Committee, since 2011 the Council has formally been a link with representatives from the national institutions responsible for management of EU funds¹⁹.

The importance of the Stakeholders Council was reiterated as a mean of fostering inclusiveness. The Committee occasionally contracts relevant think tanks and other civil society organizations to prepare an independent study/research on particular operational programme/project, which provides solid ground for even deeper analysis and elaboration. This mechanism allows the Committee to consider other experts' opinions (for the purpose of greater objectivity) and not to exclusively rely on the information provided by the Government.

Promoting partnership on local level

The IPA funds present a valuable resource for financing development priorities on local and regional level.²⁰ However their utilization by the municipalities is especially challenging mostly due to the lack of knowledge and capacities of the local government units. Different models have been introduced along countries for facing this challenge towards promoting local development and especially towards increasing the local absorption capacities for the use of EU funds. The most successful stories are the models that enhance the partnership between local governments and civil society.

In many EU countries such success has become the LEADER approach for the rural communities. 'Links between the rural economy and development actions', which the acronym LEADER stands for, was proposed by the European Commission in 1990 with the aim "to enlist the energy and resources of people and bodies that could contribute to the rural development process by forming partnerships at a sub-regional level between the public, private and civil sectors."²¹ While this approach was successfully adopted in the EU countries, with institutional and financial mechanisms to support it, it has not flourished yet in any of the accession countries.

Croatia

A particularly good example for enhancing local level development through wider partnership is the Croatian example for the Regional Development Agency.

¹⁹ Ibid

²⁰ country level legions, not EU regions as classified - NUTS

²¹European Commission: European Network for Rural Development:

http://enrd.ec.europa.eu/leader/leader/leader-tool-kit/the-leader-approach/en/the-leader-approach_en.cfm

Case study: The Regional Development Agency of Slavonia and Baranja Ltd. for international and regional cooperation.²²

The Agency was founded by the decision of the City Council of the City of Osijek in 2006 “with the objective of creating an operating entity serving as instrument of development for the region with emphasis on European integration and attraction of foreign investments.”²³ The agency provides technical and advising support in programmes of international and regional cooperation; exchange of information aiming at regional development and creation of local, cross-border and international networks; building up institutional capacities; technical assistance to local authorities in application of project proposals meant for financing by pre-accession funds of the EU, etc.

The Regional Development Agency of Slavonia and Baranja is one of the most successful ones in Croatia: As lead applicant, partner of associating partner it has participated in 37 projects with a total value of 28.5 million. In the region of Slavonia and Baranja 253 projects have been implemented (204 finished, 49 being implemented) with a total value of more than 114 million Euros. According to the Coordinator – Project Manager in the Agency, there were several reasons behind the success of the Agency. The foundation of the success of the Agency was the development in 2009 of the Strategy for increasing the capacities of the local self government units, the civil sector and all relevant stakeholders for management of funds prepared in cooperation with the regional and municipal authorities and the relevant stakeholders. Within the Strategy opening studies for project cycle management was foreseen with the obligation the representatives of the local self government units to attend the studies (120 hours in total). A final exam for was preparation of project proposal in line with the EU standards by each of the students, and even some of those project proposals were actually granted and implemented.

Very important aspect of the functioning of the Agency is encouraging partnership between various stakeholders. The agency connects different relevant stakeholders, especially concerning big projects, which require substantial capacities for their implementation and are very demanding to be implemented by the institution. Thus, as emphasized, nearly 90% of the projects implemented include a government institution, the civil sector and the public sector. Another reason for the successful results is that in the initial stage all municipalities were scanned for potential projects, as well as their budgets– what is that they plan to do anyhow that can be done through EU funded projects. The agency has its office in Brussels which was included in the preparation of the operational programmes. The office in Brussels was helpful for pushing an important priority for the region as part of the priorities in the Operational programme.

* * *

According to the existing best practices in the region, partnership only provide additional benefits and added value, ranging from enhanced commitment and broader expertise to greater transparency and improved efficiency of the policy making process.

²² Presentation by Gordana Stojanovic on the workshop “Accession to EU: What is the role (if any) for CSOs?” , organized by the Balkan Civil Society Network together with Cenzura Plus- Croatia and European Policy Institute-EPI , 16th January in Skopje.

²³ http://www.slavonija.hr/index.php?option=com_content&task=view&id=49

However, experience shows that there are wide differences across the EU on application of the partnership principle, depending on national institutional set-ups and political cultures. The effectiveness of the partnership principle also depends on the technical ability of the partners to contribute substantively to the process, raising the question of capacity-building of the partners for EU funds.

Conclusions and policy options

- The partnership principle has only declaratively been promoted in the implementation of EU funds in Macedonia. Consultations with Parliament, economic and social partners, local communities and civil society organisations have been rather pursued to formally satisfy the "requests" from Brussels, than to substantially improve the process.
- The partnership principle needs to be structurally embedded in all the aspects of the process of implementation of the EU funds - programming, implementation, monitoring and evaluation. In all these aspects, specific mechanisms should be installed, guaranteeing the involvement of stakeholders.
- The mechanisms should be inclusive and based on the principles of transparency and openness. In addition, the civil society organisations involved should provide proofs of relevance, competence and capacity to take part in the process.
- The specific parliamentary bodies for EU issues (National Council for EU integration and Committee for European Affairs) are commended for their efforts to promote the partnership principle and need to consistently upgrade and further structure their efforts, with support from civil society.
- The Secretariat for European Affairs is urged to set up a consultative mechanism for participation of civil society in programming, implementation and monitoring of IPA.
- The national authorities should contribute to the capacity-building of identified partners, in particular smaller organisations, and propose practices on how to ensure exchange of experience and best practices.
- The civil society organisations themselves need to advocate jointly and coherently for actual and structured implementation of the partnership principle.
- The implementation of the partnership principle (proof of inclusion of relevant stakeholders) should be set as a specific condition in all projects financed by the EU.