



TESIM

Technical support to the implementation and management of ENI CBC programmes

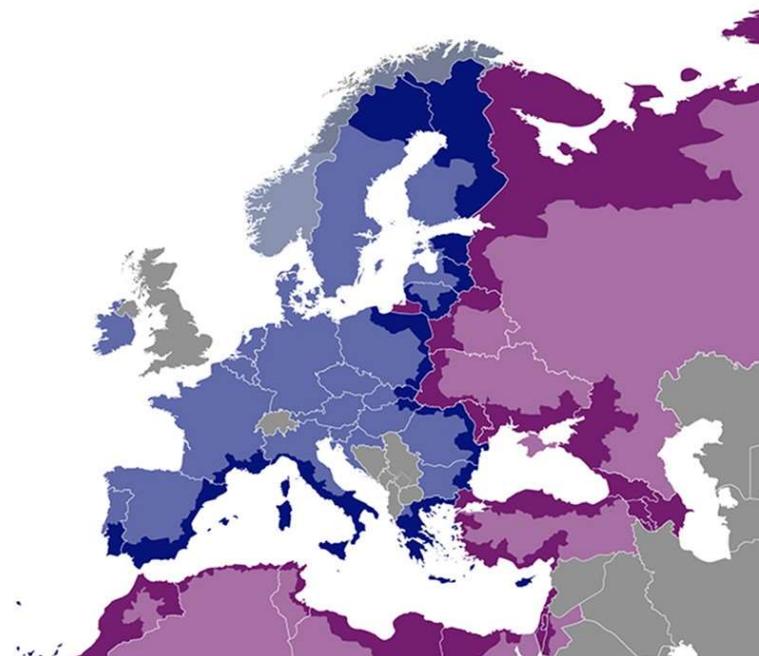
Interreg NEXT: consultations with programme partners

WHY- WHO – WHAT – HOW - WHEN

April 2020

DISCLAIMER

This **non-binding document** has been developed by the TESIM project. It does not necessarily reflect the views of the European Commission on the topic, and is presented to programme and project practitioners **for illustrative purposes only.**



Background

On top of the territorial analysis, the development of the cooperation strategy of Interreg NEXT programmes will require an active participation of the relevant actors from all participating countries. This participation will be at the basis of the choice of the future policy objectives (PO) and specific objectives (SO) to be addressed. This involvement should be ensured from the beginning of the programming process and should go beyond the participation of the national authorities in the Joint Programming Committees (JPC) and the contribution to the events and documents prepared by the Managing Authority (MA), who will be steering the process.

Indeed, article 6.2 of the draft **Common Provisions Regulation**¹ requires the participation in the programming process of other actors at territorial level in a multi-level governance approach, including:

- (a) urban and other public authorities;
- (b) economic and social partners;
- (c) relevant bodies representing civil society, environmental partners, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.

The same article mentions how the organisation and implementation of partnership shall be carried out in accordance with **Commission Delegated Regulation (EU) No 240/2014, the so-called Code of Conduct on Partnership**². The text refers only to Member States but, as part of the new common regulatory framework, it shall be applied to all the participating countries of the Interreg NEXT programmes.

The most relevant articles of the Code of Conduct are the following ones:

- ✓ **Article 4.2**, which refers to *the possibility to involve authorities or bodies that are involved in the development or implementation of a macro-regional or sea-basin strategy in the programme area*;
- ✓ **Article 5**, which refers to the obligation to take account of the need for (a) easy access to relevant information, (b) sufficient time for partners to analyse and comment on key preparatory documents and draft programmes, (c) available channels through which partners may provide contributions and for the dissemination of the outcome of the consultation.
- ✓ **Article 8**, which refers to the *obligation to 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;

¹ Art.6 of CPR COM (2018) 375 final: "In accordance with the multi-level governance principle, the Member State shall involve those partners in the preparation of Partnership Agreements and throughout the preparation and implementation of programmes including through participation in monitoring committees in accordance with Article 34".

² Code of Conduct <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0240&from=EN>

- (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**, which refers to the obligation to *provide the relevant information on (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.*
- ✓ **Article 17**, which refers to possibility for the MA to make use of technical assistance in order to support the effective participation of programme partners in the preparation of the programmes.

The same guiding principles are recalled in the **Interreg draft regulation**, and more in particular in Article 16.3 and Article 17. (h). Likewise, the partnership principle also been stressed in the **draft joint paper for strategic programming of Interreg NEXT** presented and discussed during the ENI CBC annual conference held in Brussels earlier this year. More in particular the joint paper clearly states that:

- interests and capacities of the local and regional authorities and civil society should be taken into account when setting the programme's strategies
- it will be the task of the programme partners to analyse the needs in the programme area, to identify the specific policy objectives and investment priorities which are most relevant to their own local circumstances

Based on these foundations, the principle of partnership in Interreg NEXT clearly expands the concepts followed during the preparation of ENI CBC programmes³.

“Continuity...with a twist!”

In fact, moving from the simple notion of “stakeholders” to that of “programme partners” is not free of significance. Whichever the name, the consultations with all territorial relevant actors will play indeed a core role in the process of defining cooperation programmes, as was also the case in the past. The aim of this document is to provide the main actors steering the Interreg NEXT programming process with:

1. **an overview of the approaches adopted in the previous programming period** for the involvement of the territorial partners.
2. **insights and methodological guiding principles** to carry out the actions required for such kind of consultation under the new regulatory framework.

³ Art.4.5 of the ENI Regulation 232/2014: “Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. That partnership shall involve, as appropriate, the following stakeholders in the preparation, implementation and monitoring Union support: (a) national and local authorities, and (b) civil society organisations, including through consultation and timely access to relevant information allowing them to play a meaningful role in that process”.

I. Lessons learned from ENI CBC programmes

Before focusing on the main challenges and questions for effective consultation with programme partners, let's have a look on the practices adopted during the ENI CBC programming process. Based on the desk review of the consultation strategy described in the 15 ENI CBC joint operational programmes (JOPs), five key features can be outlined:

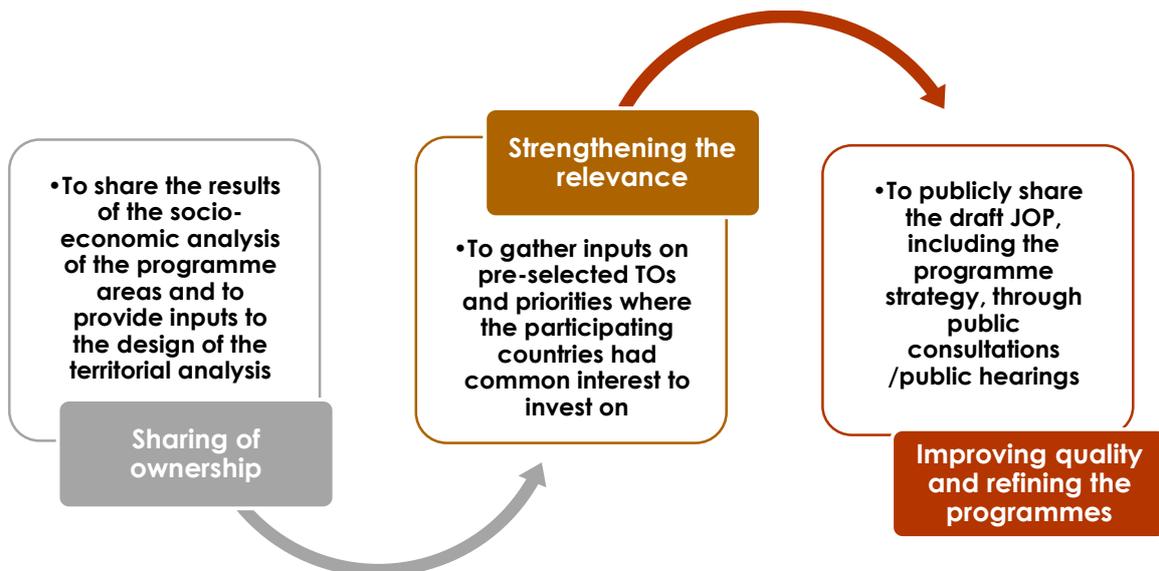


Let's analyse each feature separately...

Objectives (why)

The consultations with programme partners should serve several purposes at the same time and, to maximise the outcomes, it is important to understand all the implications. There are many variables - the specific focus of the consultation, the timing, the methodologies to be applied, the composition of the audience - and each of these variables influenced the "what" "when", the "who" and the "how" of the exercise.

Three main objectives led the ENI CBC programming phase:



These three objectives often co-existed in the same programming exercise.

Involved actors (who)

As mentioned in the introduction to this document, the general ENI Regulation foresaw the involvement of stakeholders during the preparation, implementation and monitoring of Union support, including through consultation and timely access to relevant information allowing them to play a meaningful role in that process.

The 15 ENI CBC programmes fully fulfilled this compulsory requirement by identifying in the JOP⁴ a wide range of stakeholders which were consulted through the different tools mentioned in this document. The range included⁵:

- representatives of national, regional and local/ municipal authorities,
- national and local development agencies
- NGOs, academic and research institutions
- sectorial organisations
- private sector organisations

Having said this, no information is available on how the selection of the different types of stakeholders - for the different steps in which they were involved - took place.

Focus (what)

The focus of the consultations was strictly linked to their objective. Here below you can find a few examples of focus for each of the three main objectives:

Sharing of ownership

- Review of the SWOT analysis and the thematic objectives
- Consistency check with national/regional strategies
- Inclusion of the views of the actors on the ground

Strengthening the relevance

- Gathering inputs on potential impacts of the foreseen priorities
- Exploring typologies of initiatives that could be realistically funded under each priority

Improving quality and refining the programmes

- Public consultations on the draft JOP: a wider audience of national/local programme partners were invited to provide feedback on the relevance of the JOP strategy for the cooperation area

⁴ Art.4.5 of the ENI Regulation 232/2014 "a short description of the programme preparation steps including information on consultations and actions taken to involve the participating countries and other stakeholders in the preparation of the programme".

⁵ At horizontal level, the categories listed included – but were not limited to – beneficiaries of the previous programming period (i.e., ENPI CBC project partners).

Tools (how)

The tools used by the programmes can be clustered in four main categories:

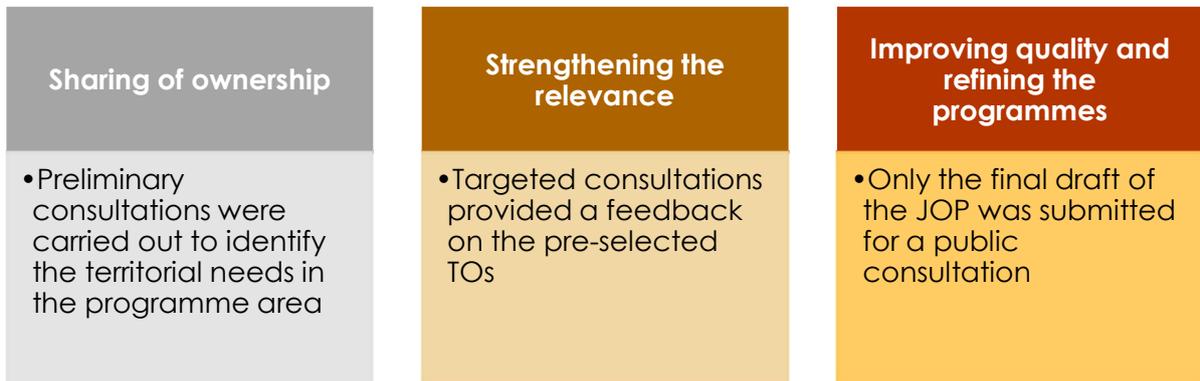


For programmes where large infrastructure projects (LIPs) were planned, specific joint working groups were set up in order to identify, select and prioritize the list of this specific type of projects to be included in the JOP.

The agreed focus required a selection of the most appropriate tools and methodologies, or a combination of them, meaning that there is not an automatic link between each objective and one specific tool. The different combination of tools applied during the programme drafting usually depended also on factors such as the size of the area covered by the programmes (with relevant different approaches in case of bilateral/trilateral or sea-basin), but also on the availability of technical assistance resources.

Timeline (when)

The timeline of the consultation process was linked to the choice made by the programme on the previously referred objectives of the, and more in particular:



The overall timeline covered an average period of two years from the first round of consultations (on the results of the territorial analysis or on the pre-selected TOs) to the last one (public consultation on the draft JOP). Nevertheless, the description included in the JOP does not provide any specific detail on the duration of each stage of consultation.



II. Looking ahead to Interreg NEXT

The consultations with the programme partners fall into a process marked by the following main two stages⁶:

- Stage 1 – territorial analysis
- Stage 2 – development of the cross-border territorial strategy

But before going into these two phases, and starting from the lessons learned presented in the previous chapter, a few questions should be answered when planning the preparation of Interreg NEXT programmes:

| What from the past? | Which changes are potentially needed? | Which possible scenarios do these changes create? |
|---|--|---|
| Focus of the consultations | The consultation should contribute to boost the choice of the POs and should be used to better justify their selection | Clear approach to the consultations needed: the choice of the relevant focus will have an impact on the timeline, target groups and tools |
| Tools (approaches) and resources | The consultation process should be widened to cover different steps and involve multi-level programme partners | Higher area to be covered, more reliable data sources to be identified, better-targeted programme partners to be involved |
| Timeline | The programmes will have about 18 months for the full drafting process | Programmes should go back to their previous programming and check the amount of time devoted to each round of consultations and try to refocus all the relevant steps in order to match the reduced timeframe |

How should the five features of the consultations highlighted for ENI CBC programmes be addressed in the preparation of Interreg NEXT programmes?

a. The stakeholder's consultations: why?

No changes in this respect! The same three possible answers can be proposed to the question of "why" to consult the programme partners:

- the development and decision-making process clearly benefits from a **shared sense of ownership**. The participation in the political and strategic choices with respect to the Interreg NEXT programmes, by adopting a co-design and, later on, a co-governance approach, is a precondition to the success of the programmes;

⁶ Practical Guide for the elaboration of cross-border territorial development strategies released by ESPON https://www.dolomitilive.eu/assets/EVTZ_und_CLLD_in_der_Europaregion/1_Practical_Guide_ESPON.pdf

- there is still an urge to **strengthen the relevance** of the programmes to the real needs and opportunities that exist in the territories of cooperation. Such increased relevance could include as well a certain dose of novelty and innovation, directly driven by the consultations with programme partners;
- finally, there is a need to **improve the quality and refine the programmes**, not only on their content, but also on their overall narration. This can be ensured through informed opinions and specific skills and point of views that can strengthen the rationale and the intervention logics of the programmes, especially where they articulate their actions through specific thematic areas, indicative actions and performance indicators.

Co-design and shared ownership, data gathering and perception of challenges, advice, quality check and programme fine-tuning are differently useful inputs, but they are all equally important for the building of the Interreg NEXT programme strategy.

b. The programme partners: who?

The choice of the most suitable programme partners depends on which of the three objectives of the consultation we refer to. Although the categories of programme partners may resemble each other, or simply be the same for the various consultation phases, it is possible to identify broad categories which tend to be more suitable for contributing to this or the other type of consultation. Here goes a possible distinction:

Sharing ownership (Co-design)

- Representatives from national and local authorities,
- Top management from line ministries and relevant national/transnational institutions,
- Representatives of trade unions and economic or employer entities (e.g Chambers of commerce),
- Representatives from financial institutions, civil society and NGOs

Strengthening the relevance (Data gathering)

- Academicians and researchers,
- Representatives from professional bodies,
- Experts on sectors relevant to the programmes, activists from relevant segments of civil society, beneficiaries from the ENPI or ENI CBC periods

Improving quality (Quality check and fine-tuning)

- Top managers from relevant public institutions,
- Evaluation units from public bodies at local, national or international level,
- Observers (e.g., think-thanks)

The list is indicative and by no means exhaustive. The actual extension and composition of the groups may vary according with the specific needs and the scope of the consultation, and is also conditioned by the resources available.

c. Which focus (what)?

Consultations with programme partners have many questions to answer, and such questions may not always be the same for each programme.

Covering all policy objectives or adopting a "policy filter"?

As proposed in TESIM's document "*Territorial analysis of Interreg NEXT programmes: key steps and recommendations*"⁷, the JPC can decide whether to engage the territorial analysis to explore all the available POs or to implement a first sorting as "**policy filter**" to base the territorial analysis on. The choice of whether or not to adopt the policy filter may have an impact on the consultation of the programme partners.

Furthermore, consultations may concern areas of technical opportunity and feasibility that go beyond the purely policy dimension of the selection of POs, for example when aspirations must measure themselves against budget or time constraints linked to the nature of cross-border cooperation programmes. This type of consultation specifically refers to the "early stage" phase.

How to ensure a true territorial approach?

The regulatory approach to programming post-2020 is permeated by the concept of territoriality, which incorporates a series of new ways of conceiving the programming exercise. By answering the crucial question to "*why do we need these specific measures in this area?*", the territorial dimension translates into a series of approaches and consequent methodologies. Among these:

- the consolidated need for a bottom-up approach;
- the need to insert the relevant geographical dimension in the development of cooperation strategies;
- the role of future programmes as more extensive cooperation hubs;
- the concept of functional areas in a perspective of widespread territorial development;
- the identification of missing links;
- the development of territories with geographical specificities based on their development assets and not only on their obstacles/barriers.

All these dimensions, starting from the bottom-up approach, foresee right from the onset an emphasis and a preferential attention to the skills of local programme partners, both in terms of specialist expertise and in the ability to view and read strategically the territory as a whole.

⁷ <https://tesim-enicbc.eu/library/>

The territorial approach can be fostered both by the use of early and mid-term consultations.

Should any functional area be considered in the programme?

The identification of **functional areas**, capable of playing a decisive role in maximizing the impact of the programmes, can be supported by a consultation of programme partners that goes beyond the simple collection of information and data. The approach adopted by the new regulatory framework, that acknowledges the value of functional areas as cross-border development drivers, is therefore completed by the consultation of those actors who, through their technical and local skills, recognize their potential.

The use of the consultations to support the identification of functional areas is highly recommended, especially in the mid-term phase, when all the technical inputs are necessary to fully develop the programme strategy. Their identification requires on one hand great specific and localized skills and on the other a high capacity for synthesis and simplification.

d. Approaches (how)

The opportunity to use consultations with programme partners to the most of their potential can accelerate and improve the quality of programming. At the same time, it requires a change of approach compared to conventional programming. This change of mindset is expressed through the following variations.

Participative vs traditional approach

As expressed a number of times in the text already, the consultations should be used as an opportunity to improve the quality of programmes: this is a smart and rewarding change of perspective.

Techniques and approaches to the consultations with programme partners are numerous, and they aim at enhancing the different skills and points of view, exploiting the potential of collective intelligence to lay the foundations for more pertinent, courageous and responsive programming.

TESIM's proposal is to use recent techniques of co-design and design thinking which allow to achieve sufficiently accurate results in a reasonably short period of time. More specifically:

- the **co-design approach** is a well-established process which enables a wide range of people to provide a creative contribution in the formulation and solution of a challenge. It is an approach that attempts to actively involve all programme partners in the design process, in order to help and ensure that the "product" meets their needs;

- the **use of design-thinking methodologies** paves the way for a convergent, proactive and targeted common contribution to the definition of a product or service. Design thinking is a design model aimed at solving complex problems using innovation through a creative vision which encompasses a set of practices and processes.

Design thinking and co-design feed a different mindset that consists of many methodologies, mostly feasible, due to their low cost and fast execution. Particular attention once again has to be paid to the purpose of participation and therefore of consultations. **For more details, please see the Toolkit annexed to this paper.**

Usability of findings from consultations

Participation should not be considered as a strenuous process that slows down the whole programming exercise. The stakeholder consultation can, on the contrary, speed up the building of the territorial analysis and the development of the cross-border territorial strategy. This can happen through a series of factors, some of which include:

- **the expertise** in the cooperation territory can be found at no additional cost to provide timely, updated and reliable information and data, obviously to the extent that the informant is carefully chosen and selected;
- **the skills** available in the cooperation territory can also be official sources or spokespersons for bodies responsible for collecting and processing data, and can therefore produce data during consultations or make them available contextually or immediately after, greatly shortening the collection procedures, especially where data are not immediately accessible or sufficiently specific or updated;
- **qualified respondents** can also read, analyse, interpret and comment on the data, in order to maximise their use, with the aim of defining the best response to be contemplated within the cooperation programme;
- **a well-varied and balanced group of programme partners** becomes, if well managed, a valuable strategic analysis tool from and for the territory, above all thanks to the complementarity offered by the co-design sessions, in which disciplinary expertise must be able to dialogue with each other and get to a synthesis.

Strengthen narrative

Many lessons learned from the previous ENPI and ENI CBC programming processes reinforce the idea that cross-border cooperation programmes and projects must strengthen their **sense of specificity and territorial identity**.

This strengthening concerns not only the concept of the intervention logic of the programmes, which could foster their relevance by addressing the real needs expressed by the territory.

Strengthening specificity and territorial identity also concerns a different and more meaningful way of **storytelling** and the ways of sharing the contents of the programmes with the communities and citizens who are their final beneficiaries. By their renovated narrative, cross-border cooperation programmes have to prove their relevance to the challenges widely perceived by the territory. This coherence between perceived priorities and response from the programmes has to emerge now explicitly and shall be recognised as an urgency by the narrative of the new Interreg NEXT programming.

This need to strengthen the narrative around the programmes begins and can easily draw from the consultations necessary for the definition of cross-border territorial development strategies, already at the early stages of programming and right from the definition of the main strategy, in order to make the program unique and specific.

Specificities: size and type of covered areas

The specific difficulties of cross-border cooperation programmes must not be underestimated. First of all, it is not possible to treat a bilateral sea-crossing programme in the same way as a bilateral land cross-border programme, as the programme partners will have to tackle different types of challenges as for the different type of borders covered. In the case of trilateral or quadrilateral programmes, the geometry is further complicated, making the consultations with programme partners more complex and challenging. The maximum complexity, however, is obtained when the cooperation foresees a sea basin programme, which greatly fades the boundaries and the geographical and thematic areas on which to focus the consultations.

Having said all this, and without wanting to diminish in any way the complexity and scope of the challenge, specific solutions can be devised for specific problems, working on the creation of sub-areas of consultation, bringing in parallel consultation activities at the level of national authorities, using ICT and the web resources that are currently available.

e. The stakeholder's consultations: when?

Beyond the aspects related to the content, the importance of the timing of the consultations cannot be understated, in particular for the case of Interreg NEXT programmes. We can consider at least three **key moments** for consultation:



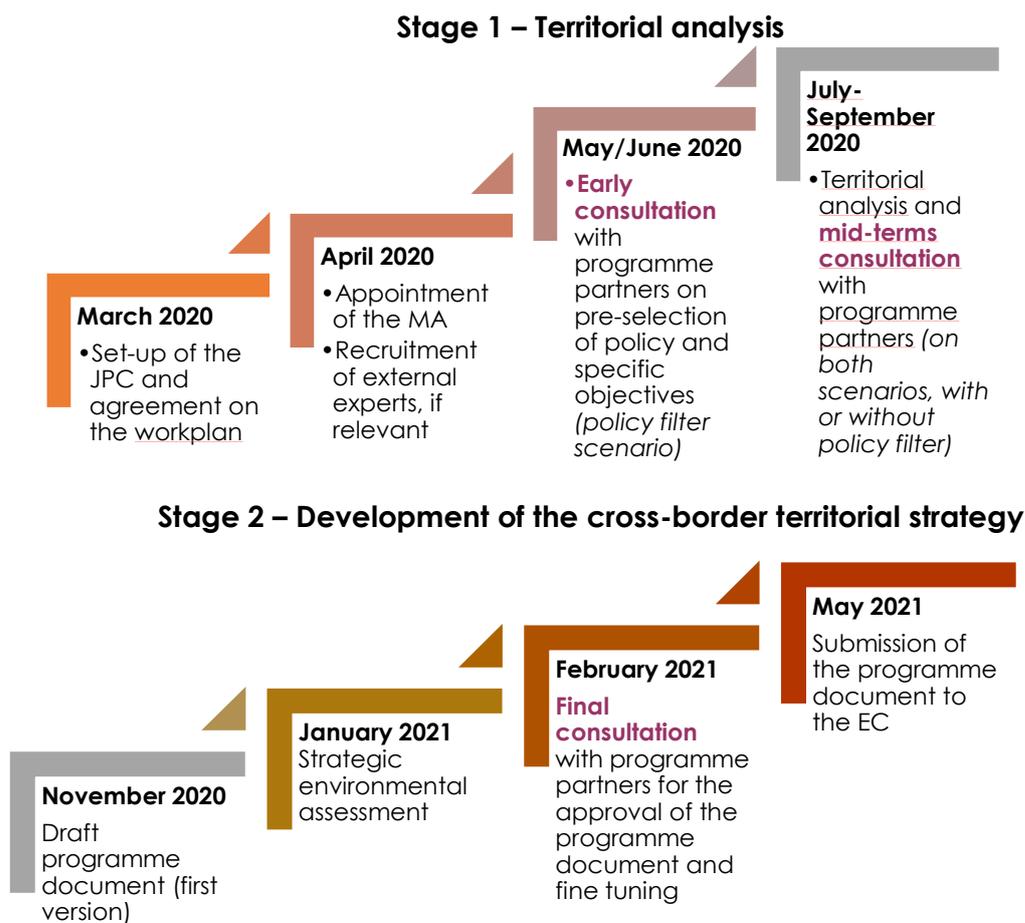
The consultations resonate also with their **immediate and indirect users**. In general, consultations are beneficial to all the actors involved in the territorial analysis and the



drafting of the programme documents. However, certain actors are more interested than others. More specifically:

- **early consultations** will mainly benefit the JPCs and are expressly relevant for the national/regional authorities as well as for the programme partners involved;
- **mid-term consultations** are very useful especially for the Managing Authorities (MA) and thematic experts, if any, involved in the drafting of the programme strategy;
- **final consultations** are useful again for the JPC and the MA, who will be finally in charge of the submission of the full cooperation programme to the European Commission.

As already mentioned, in the development of the strategy for the consultations with programme partners, the choice of the relevant timeline is a key challenge. Here below, you will find a potential scenario according to the option to design the territorial analysis only for those POS for which participating countries have a common interest to invest upon⁸. The programming process could include the three stages of consultations. This number is not defined in the regulation package, though; it has to be defined in each programme according to its own needs. This scenario is based on the assumption of the submission of the cooperation programme by May 2021.



⁸ See page 5 in TESIM paper "Territorial analysis for Interreg NEXT programmes" <https://tesim-enicbc.eu/library/>

III. Key messages

The choice of the methodology to be adopted for carrying out the consultations should take into account several elements:

The **right timing** for launching the consultations, taking into account that the whole programming process should be closed in the first half of 2021

The **relevant focus** of the consultation: lessons learned and results from the previous programme, the results of the socio-economic analysis, the list of POs and possible priorities

The **availability of M&E reports** (mid-term review, ex-post Evaluation of ENPI CBC programmes, ROM of the ENI CBC programmes, data gathered throughout the MIS)

How **to integrate the results of the consultations**, regardless the tools applied, into the programme strategy (which narration?)

The type of programme partners involved and the methodology used for their identification

The approach adopted to design the territorial analysis

The results of the consultations with programme partners should be part of the programme narration: the embedding of the consultation outcomes should be clearly described in order to duly justify the choice of final programme strategy. This strategy has to be anchored to the territorial needs expressed by the involved programme partners, representing organisations that - in many cases - will actually be the beneficiaries of the programme funds.