

**To: Peter Berkowitz, Director - Directorate General for Regional and Urban Policy
European Commission**

Subject: Public participation in EU spending for climate (PAs and OPs)

Dear Mr. Berkowitz,

8 February 2022

The European Environmental Bureau, together with civil society associations of eight European Member States (BG, CZ, HU, LV, PL, RO, SK, SI) is monitoring **EU spending for climate in the context of a project supported by the German Ministry for Environment through its [EUKI Fund](#)**.

The aim of this project is to support the efficient use of EU money in the focus countries, highlight best practices and 'lessons learnt', and widely disseminate these observations both nationally and internationally. The project is expected to help improving the level and quality of funding and fiscal policy for EU climate action and the EGD by focusing on the game-changing actions at national level.

The scrutiny and active participation of civil society, as shown in the process of drafting National Recovery and Resilience Plans, is crucial to make sure that the use of EU Funds by governments meets the EU environmental policy objectives and aims at the common good.

EU legislation, notably the Common Provisions Regulation (CPR)¹, the Directive on public access to environmental information², the Directive providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment³ and the European Code of Conduct on Partnership (ECCP)⁴, provide for proper access to information and the possibility of public participation in relation to the use of EU funds.

¹ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1060>

² Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32003L0004>

³ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32003L0035>

⁴ Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0240>

However, in the eight focus countries, civil society organisations (CSOs) and citizens often face insurmountable obstacles when trying to exercise these rights. These obstacles are also hindering the ongoing preparation of the Partnership Agreements on EU funds (PAs) and the related Operational Programmes (OPs).

We would like to share with you a snapshot of the current situation in the focus member states in the drafting of Partnership Agreements and Operational Programmes.

In **Bulgaria**, all the three versions of the PA were made public. The first draft was made available for online public consultation on www.strategy.bg - an official government platform for collecting comments, positions and statements. However, the second and the third drafts have not been submitted to the same procedure. Moreover, the timing for collecting feedback on the first draft coincided almost entirely with the timing of the public consultation procedure related to the first draft of Bulgaria's RRP, which also took place on www.strategy.bg. This placed an additional time pressure on stakeholders to provide comments, positions and statements on such comprehensive documents. One of the main drawbacks of this public consultation format is that the online platform is designed only for collecting comments and it is not meant to facilitate any kind of dialogue. Furthermore, stakeholders did not receive any response on the acceptance or rejection of their comments that were submitted online - this was also the case with the comment submitted by the Economic Policy Institute. Public consultations regarding the respective OPs were happening in a similar online mode either on the official government portal or mainly on each OP's webpage. Since their preparation slowed down as a whole, it has not been always possible for CSOs to trace the actual stage of their advancement also in the absence of media attention to the process.

In **Czechia**, systemic negligence and obstructions of meaningful involvement of partners has often taking place. For example, a public consultation on the first draft of the Partnership Agreement started on the 9th of December 2019 with the deadline for comments on 6th January 2020, allowing the participants only 16 working days during Christmas time for comments. In the process of setting up some of the preparatory platforms of the OPs, the government did not invite umbrella NGO associations representing member organisations with a high level of expertise on environment, climate, transport and low-carbon technology issues. Instead, the government invited an NGO network which lacks a working structure or history of transparent processes of delegation of NGO representatives. Furthermore, the outcomes of some of these consultations were not reported and properly reflected.

In **Hungary**, the PA and OPs have been made public and sufficient time has been provided for comments. However, in many cases participants in the consultation did not receive any meaningful reply, or even any reply at all. For example, Clean Air Action Group, in cooperation with other Hungarian CSOs, submitted about 100 pages with more than 260 concrete

proposals⁵ for the PA but did not receive any reply and virtually none of their suggestions were accepted. On 30 December 2021, the Hungarian government announced that it had approved the draft PA and submitted it to the Commission.⁶ However, the final version of the draft appeared on the government's website⁷ only a few days later, i.e. it has not been possible for the public to comment on it beforehand. Although the ECCP requires that the government provide the necessary support to enable meaningful participation of CSOs, such support is lacking. Moreover, independent CSOs have little possibility to influence the position of the government through the media, because the overwhelming majority of the media in Hungary is dominated by the government or persons close to the government, and this part of the media does not publish anything which might even seem to be a criticism of the government.

In **Poland**, both the PA and OPs have been consulted on widely by means of public hearings. Unfortunately, the outcome of the consultation is not properly reported. The final PA and projects of OP are also not yet publicly available, neither are proper reports on the consultation outcome or remarks on comments submitted. Despite the lack of such reporting, the PA has been sent to the European Commission with governmental approval. The situation is thus far from being transparent.

In **Romania**, the PA and the OPs are published on the site of the Ministry for Investments and European Projects. According to the information on this site, 20 public consultations were organized for the different social partners and from these public consultations only one was dedicated especially to civil society organisations, which is by far insufficient to ensure a real involvement of the civil society in the planning process. Unfortunately, the public consultation process has not been made accessible to most of the CSOs. Romania needs better public participation tools in order to ensure the involvement of the CSOs in an effective, meaningful way, beyond pure formality.

In **Slovakia**, the engagement of NGOs in the consultation process concerning the Partnership Agreement has improved compared to the last programming period. It can even be considered a "good practice". Process related to the preparation of the Operational Program is not concluded, however, and we are noticing issues in its initial phase. Moreover, no follow up to the promising cooperation established during the PA process has been seen. We are carefully watching this process and how our comments will be dealt with. The biggest issue in Slovakia is outdated environmental policies, incoherent with EU policies and the European Green Deal. Without the incorporation of NGOs' comments, the use of EU funds in Slovakia will not be EU compliant. An example is the case of the gas boilers designed as a clean air measure without considering the social situation of the vulnerable citizens who significantly contribute

⁵ <https://www.levego.hu/egyeb/ngo-proposals-for-the-partnership-agreement-on-eu-funds-and-the-national-recovery-and-resilience-plan/>

⁶ <https://kormany.hu/hirek/magyarorszag-benyujtotta-a-partnersegi-megallapodast-az-europai-bizottsagnak>

⁷ <https://www.palyazat.gov.hu/download.php?objectId=1094279>

to pollution (for instance by using fossil-fuel based heating), but they will not be able to afford this rather costly solution.

In **Slovenia**, rough incomplete drafts of the PA and the OPs were shared with the public in November 2021. In December 2021 consultations with stakeholders in the form of webinar series were carried out. However, for all CSOs together one joint webinar was done which hardly provides enough space for providing and discussing meaningful feedback to the drafts. Apart from that, currently no other forum for sharing comments is foreseen.

Meaningful public participation is indispensable for avoiding the mistakes of the past and improving the use of EU money. Unfortunately, civil society experts have found that fundamental changes should be necessary in several National Recovery and Resilience Plans, as well as in Partnership Agreements and Operational Programmes in order to achieve the EU's objectives.⁸

We would like to request a meeting to discuss our findings with you and your team at your earliest convenience. It is important that before approving PA and OPs of a given country the Commission is sure that a proper public participation has taken place in the preparation of these documents, and that the concerns of civil society organisations are properly addressed.

We thank you in advance and look forward to hearing from you.

Yours sincerely,



Jeremy Wates
Secretary General

Undersigning national CSOs  *Levegő Munkacsoport*  **CEEweb**
for Biodiversity  **UMANO TERA**
The Slovenian Foundation for Sustainable Development



⁸ Please see:

<https://www.levego.hu/egyeb/ngo-proposals-for-the-partnership-agreement-on-eu-funds-and-the-national-recovery-and-resilience-plan/>
<https://www.ceeweb.org/eufunds/publications.php>