



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
REGIONAL POLICY

DIRECTORATE-GENERAL
EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION

The Programming Period 2014-2020

MONITORING AND EVALUATION OF EUROPEAN COHESION POLICY

European Regional Development Fund

European Social Fund

Cohesion Fund

Guidance document on ex-ante evaluation

This guidance document has been drawn up by the Directorates-General for Regional Policy and for Employment, Social Affairs and Inclusion on the basis of the proposals for regulations adopted by the European Commission on 6 October 2011.

June 2012

Table of Contents

1. COMPONENTS OF THE EX ANTE EVALUATION	4
1.1. Programme strategy	4
1.1.1. Consistency of programme objectives.....	4
1.1.2. Coherence	6
1.1.3. Linkage between supported actions, expected outputs and results.....	7
1.1.4. Horizontal principles.....	9
1.2. Indicators, monitoring and evaluation.....	10
1.2.1. Relevance and clarity of proposed programme indicators.....	10
1.2.2. Quantified baseline and target values.....	13
1.2.3. Suitability of milestones.....	13
1.2.4. Administrative capacity, data collection procedures and evaluation.....	14
1.3. Consistency of financial allocations.....	16
1.4. Contribution to Europe 2020 strategy	17
1.5. Strategic Environmental Assessment.....	17
2. PROCESS OF THE EX ANTE EVALUATION.....	18
2.1. Timing	18
2.2. An interactive and iterative process	19
2.3. Partnership and multi-level governance.....	19
2.4. An independent process	20
2.5. Proportionality principle.....	20
2.6. What requirements for the evaluators?	21
2.7. What methods?	21
2.8. Financing the evaluation.....	21
2.9. Final report and publication.....	22
ANNEX 1: EX ANTE EVALUATION AND THE STRATEGIC ENVIRONMENTAL ASSESSMENT	23
ANNEX 2: LINKS TO USEFUL DOCUMENTS.....	29

INTRODUCTION

This guidance is aimed at national and regional authorities responsible for the preparation of cohesion policy programmes for 2014-2020. It also provides advice for the evaluators undertaking the evaluations.

The Common Provision Regulation (Article 48) requires an ex ante evaluation for each programme in order to improve the quality of its design. They should be sent together with the programme proposals to the Commission services which will consider them when assessing the programmes prior to their adoption (Article 25).

This guidance clarifies the components and the process of the ex ante evaluation. It explains what the Common Provisions Regulation (CPR) requires from the ex ante evaluations as well as from the national and regional authorities preparing the programmes. The guidance applies to programmes funded by the ERDF, the ESF and the Cohesion Fund. These programmes may be national, regional or pluri-regional and may combine these different funds according to each Member State's institutional setting and policies. For the other funds to which the CPR also applies (the EAFRD and the EMFF), implementing acts will detail the requirements for the ex ante evaluations.¹

Cohesion policy for the period 2014-2020 must be strongly orientated towards results in order to contribute to the Union strategy for smart, sustainable and inclusive growth (Europe 2020 strategy). To this end the regulation increases the importance of well-designed programmes taking into account European, national and regional needs, and focused on the results they want to achieve.

The role of the ex ante evaluation is thus reinforced in the new programming period. It should ensure that the operational programmes clearly articulate their intervention logic and can demonstrate their contribution to the Europe 2020 strategy. It should also help to put in place functioning monitoring systems which meet evaluation requirements. Its recommendations should be clear, based on evidence and adapted to the particular needs of the programmes.

Where specific needs arise, the Commission encourages the future managing authority to ask the ex ante evaluators to look at points other than those mentioned in this guidance. The ex ante evaluation should be seen as a useful supporting process and advice from the evaluators should be fully considered. However, the ultimate responsibility for the design of an effective operational programme rests with the future managing authority.

¹ Articles 83(1) EAFRD and 139(1) EMFF regulations

1. COMPONENTS OF THE EX ANTE EVALUATION

Article 48(3) of the Common Provisions Regulation lists different elements of the operational programmes which must be appraised by the ex ante evaluations. This guidance explains the requirements of this list and gives recommendations on how to address them.

The Commission encourages as a good practice the incorporation of lessons learnt from previous analyses or evaluations at each step of this process (e.g. on going evaluations, ex post evaluations of the 2000-2006 period, thematic evaluations or studies undertaken outside of the Structural Funds on similar fields of intervention).

The tasks of an ex-ante evaluation are grouped into five components:

- Programme strategy
- Indicators, monitoring and evaluation
- Consistency of financial allocations
- Contribution to Europe 2020 strategy
- Strategic Environmental Assessment

1.1. Programme strategy

1.1.1. Consistency of programme objectives

Looking at the proposed strategy, the evaluators should appraise *"the consistency of the selected thematic objectives, the priorities and corresponding objectives of the programmes with the Common Strategic Framework, the Partnership Contract and the country-specific recommendations under Article 121(2) of the Treaty and the Council recommendations adopted under Article 148(4) of the Treaty"* as required in Article 48(3)(d) CPR.

Consistency in the context of 2014-2020 programming means that the programme specific objectives are aligned with the identified challenges and needs in relation to the Europe 2020 strategy and that they are given an appropriate weight in the programme. The ex-ante evaluators should thus analyse:

- whether the identified national or regional challenges and needs are in line with the Europe 2020 objectives and targets, the Council recommendations and the National Reform Programmes;
- whether the investment priorities and their specific objectives consistently reflect these challenges and needs (Article 48(3)(d) CPR).

- in particular for the ERDF programmes, whether the key territorial challenges for urban, rural, coastal and fisheries areas as well as for areas with particular territorial features have been analysed and taken into account in the strategy (Article 11 CPR).

- **Challenges and needs in relation to Europe 2020 objectives**

When appraising the challenges and needs identified by the programme, the evaluators should draw on their knowledge, literature review including evaluation reports and any additional available analysis. They should also base their judgement on "*the analysis of disparities and development needs*" in the Partnership Contract (Article 14(a)(i) CPR) and on the Common Strategic Framework. They should in addition review the prioritisation of the identified challenges and needs and, where appropriate, suggest revisions.

For national and regional programmes, the evaluators should primarily base their assessment on the National Reform Programme, country-specific recommendations and the analysis done in the context of the European semester. Regarding the ERDF, when a sectoral national programme is designed (for example dealing with innovation, transport or environment), the ex ante evaluators should verify that the objectives of this programme complement the above with a specific sectoral analysis, also taking into account territorial priorities set out in the Partnership Contract (Article 14(b)(ii) CPR).

Regional programmes should contribute to national efforts to reach Europe 2020 objectives by taking into account the specific regional situation and needs. Therefore, documents referred to in the previous paragraph guide the regional analysis as well. However, at the regional level, particular challenges and needs might be more or less pronounced than expressed in these documents. In order to assess the consistency of a regional programme with the EU and national strategies, the ex ante evaluator therefore needs to consider in addition the regional context. If for example a country-specific recommendation sets a goal to reduce early-school leaving from 25% to 15% nationwide, then a region with a level of 35% should set early-school leaving as a challenge and address it with a regional ESF (and possibly ERDF) action, whereas for a region with 5% early-school leaving this might not present a specific challenge.

Regarding ERDF regional programmes, the challenges and needs identified in the documents mentioned above will in most cases not be specific enough to be attuned to the needs of the region. For example if a National Reform Programme refers to building university capacities, this should only be applied in a region where the level of those capacities are identified as being a hurdle to the development of innovation activities also considering the innovation absorption capacity of regional enterprises.

If appropriate, specific challenges and needs of sub-regional areas, functional areas or specific target groups should also be taken into account. For example, rural or urban areas covered by the programme may present specific difficulties hindering their development and impeding them to contribute to the Europe 2020 strategy. Geographical areas most affected by poverty or target groups at highest risk of discrimination or exclusion also face specific challenges.

The evaluators should pay particular attention to the justification of specific regional challenges or needs diverging from the national ones and to the evidence supporting this justification.

They should also appraise whether horizontal principles, i.e. equality between men and women, non-discrimination and sustainable development, were considered in the identification of needs and challenges (see point 1.1.4.).

- **Consistency of programme objectives with challenges and needs**

The ex-ante evaluators will assess if the identified challenges and needs referred to above are consistently translated into the objectives of the operational programme, i.e. the thematic objectives, the investment priorities and corresponding specific objectives. They should appraise that these challenges and needs are given an appropriate weight in the investment priorities. Specific objectives should be sufficiently precise to demonstrate how the programme intends to contribute to the EU 2020 strategy while addressing national or regional challenges and needs.

Having regard to limited financial resources and to the need to produce results, support from the Structural Funds should be concentrated (Article 16 CPR), i.e. choices will have to be made as to which challenges and needs the programme will address. However, if major challenges or needs are left out of the programme strategy, the evaluators should appraise the rationale for this choice. This should include which national or regional intervention or policy will deal with these challenges or needs. If deemed necessary to thoroughly base (and assess) the choice of investment priorities and specific objectives, the ex-ante evaluators may recommend to the national or regional authority complementary analyses.

1.1.2. Coherence

The ex ante evaluation should examine *"the internal coherence of the proposed programme or activity and its relation with other relevant instruments"* (external coherence) (Article 48(3)(b) CPR).

- **Internal coherence**

The evaluators should analyse the relationship between the specific objectives of each priority axis, and between the specific objectives of the different priority axes. The evaluators should verify that complementarities and potential synergies are identified. For example, they should signal a lack of coherence of a programme devoting an axis to improve environment infrastructure with the stated objective to develop tourism activities, and not supporting the development of tourist infrastructures or services in any other axis. Or they should clarify the potential synergies between for example an axis supporting the development of broadband networks to increase attractiveness of remote areas and an axis supporting innovation activities in a region.

They should also assess the coherence between the development strategy of a territory covered by ITI² and the specific objectives of each priority axis contributing to the ITI.

² ITI is a tool allowing Member States to draw on funding from several priority axes of one or more operational programmes to ensure the implementation of an integrated strategy for a specific territory,

In multifund programmes, the evaluators should assess if the programme proposes appropriate coordination mechanisms to ensure most effective delivery of the expected results.

- **Relation with other relevant instruments**

The evaluators should assess the coherence of the programme with other relevant instruments at regional, national and EU level. On the one hand they should review the analyses of the programme contribution to other strategies and policies (European, national and regional including Smart Specialisation Strategies, National Roma Inclusion Strategy, Horizon 2020 and macro-regional and sea basin strategies³).

On the other hand they should examine whether the programme takes into account the influence of other policies and programmes (including other CSF programmes) on the expected results of the programme. The ex ante evaluation should appraise how the programme justifies its role in the framework of the different interventions.

1.1.3. Linkage between supported actions, expected outputs and results

The ex-ante evaluation should assess the intervention logic of the programme and of each priority axis. This intervention logic should start with the change that the programme intends to bring in the Member State or region. This change (or intended result) should be achieved through operations delivering outputs.

It is good practice to use a logical framework to clarify the intervention logic under each investment priority or priority axis. Such a stylised representation demonstrates the causal links between the different actions, the planned outputs and the intended results. It also helps to build a shared vision of the programme objectives and type of interventions to achieve them within the partnership. It can be developed by the programmer, by the evaluator or in close collaboration.

Compared to the current regulations, the proposed regulations require a more precise description of planned actions and how they will lead to results. The ex-ante evaluators should assess "how the expected outputs will contribute to results" (Article 48(3)(f) CPR) and appraise "the rationale for the form of support proposed" (Article 48(3)(h) CPR), and the actions to be supported (Article 87(2)(b)(iii)). This analysis should rely on literature review including research, empirical (e.g. results of a pilot project) and evaluation evidence available from previous and current programming periods and from other national or regional funded programmes. The evaluators should review the description of the actions to be supported in each priority axis *"including the identification of the main target groups, specific territories targeted and types of beneficiaries where appropriate*

managed by intermediate bodies - local or city authorities, regional development bodies or non-governmental organisations (Article 99 CPR).

³ For smart specialisation and Roma inclusion strategies, see conditionality annex IV and the guide on Regional Innovation strategies for Smart Specialisation; for Horizon 2020 and the macro-regional strategies, see CSF communication.

and the planned use of financial instruments" (Article (87)(2)b(iii) CPR). In doing so, they should take into account the (non-exhaustive) list of key actions provided by the Common Strategic Framework.

The ex-ante evaluators should examine the causal links between the proposed actions, their outputs and the intended results. The question here is whether these actions will lead to the expected outputs, and whether these outputs are conducive to results and to what extent. The evaluators should also explore if external factors that could influence the intended results were identified (e.g. national policy, economic trend, change in regional competitiveness, etc.).

The Commission recommends that the ex ante evaluators examine whether the policy assumptions underpinning the programme logic are backed up by evidence (from previous experiences, evaluations or studies). In other words, that the programme documents how the planned actions will lead to the expected results. If this is not the case, the evaluators should assess if other possible outputs would be more conducive to results or if other actions could more effectively lead to these outputs. If they find so, they should propose other actions to be supported, based on evidence.

The ex ante evaluation should examine the relevance of the actions targeting the needs of specific territories including areas with particular territorial features. When integrated territorial approaches are planned, the ex ante evaluators should assess if they are appropriate to achieve the specific objectives, in particular the implementation arrangements for community-led local development or the planned use of tools such as Integrated Territorial Investments, where appropriate (Article 87(2)(c)). At the same time, the evaluators should analyse the relevance of the actions to address "the specific needs of geographical areas most affected by poverty or target groups at highest risk of discrimination or exclusion, with special regard to marginalised communities" (Article 87(2)(d)). In both cases, they should analyse to what extent these actions contribute to the integrated approaches set out in the Partnership Contract (Article 14(b)(c) CPR).

Moreover, the ex-ante evaluation should appraise the rationale of the proposed forms of support which may be grants, prizes, repayable assistance and, financial instruments or a combination (article 56 CPR). Forms of support should be related to the types of beneficiaries and the specific objectives of the programme. Their choice should be backed by an analysis of the failure that the support will address. For example, if the identified need is a lack of bank financing to companies, the programmer and evaluator have to consider different forms of financial support and assess which of those would be the most appropriate: grants may be more relevant than loans for micro enterprises or to undertake research activities, or venture capital may better respond to the needs of innovative start-ups.

The evaluators should also analyse whether Major Projects (Article 90), if planned, contribute to achieve the programme objectives.

On the basis of this appraisal, the evaluator should consider if an alternative "action mix" might be more likely to achieve the intended results and thus the programme specific objectives.

1.1.4. Horizontal principles

Article 48(3)(l-m) CPR requires the ex ante evaluator to assess "the adequacy of planned measures to promote equal opportunities between men and women, to prevent discrimination and to promote sustainable development".

Articles 7 and 8 CPR outline the content of these three horizontal principles while Article 87(3) CPR sets out more precise requirements for programmes, which should be assessed by the ex-ante evaluator.

The implementation of the CSF Funds should aim to eliminate inequalities and to promote equality between men and women, as well as to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article 7 of the CPR specifies that equality between men and women and the integration of gender perspective must be promoted in the *preparation and implementation* of programmes. Discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation must be prevented during preparation as well as implementation of programmes.

As far as equality between men and women is concerned, the formulation of both Article 7 and Article 87(3)(iii) CPR reflects the well established dual approach: both specific actions and the mainstreaming of the gender perspective are necessary. The ex ante evaluation should appraise how the aim of promoting equality has been taken into account in the *preparation* of the programme. For example: was the gender perspective taken into account in the socio-economic analysis? Is there any evidence that gender issues were explicitly taken into account in the programme design stage? Have equality bodies/ organizations and other relevant stakeholders been consulted?

The ex ante evaluation should then appraise the description of the programme's *contribution* to the promotion of equality between men and women and, where appropriate, the arrangements foreseen to ensure the integration of the gender perspective at programme as well as at operation level. The contribution should not be stated in general terms, but explained precisely: are clear objectives established and specific initiatives foreseen? As for the arrangements, the ex ante evaluation should examine whether the programming documents contain adequate provisions for the integration of the gender equality principle in the implementation, monitoring and evaluation processes.

For the promotion of equal opportunities and the prevention of discrimination, the ex ante evaluation shall appraise the description of *specific actions* during the preparation, design and implementation of the programme. For example: which steps were taken to associate relevant stakeholders in the identification of challenges/needs, definition of objectives, decision on the allocation of resources and the selection of actions to be supported? What arrangements are foreseen in relation to access to funding? Have precise requirements been formulated to ensure accessibility for persons with disabilities?

On the measures relating both to equality between men and women and to the prevention of discrimination Member States must submit an opinion of the national equality bodies with the proposal for each programme under the Investment for growth and jobs goal (Article 87(3)(iii) CPR). The ex ante evaluator should review the steps made to meet this requirement. At regional level, it might be useful to consult also other bodies/organizations.

As regards the cross cutting sustainable development principle defined in Articles 8 and 87(3)(i) CPR⁴, the evaluator should verify that the programme considers its integration in the preparation, implementation and monitoring, including the selection of operations (i.e. projects, contracts, actions or groups of projects as defined in Article 2 (7) CPR).

1.2. Indicators, monitoring and evaluation

Article 24(3) CPR on the content of the operational programmes requires that each priority axis shall "*set out indicators to assess progress of programme implementation towards achievement of objectives as the basis for monitoring, evaluation and review of performance*". These indicators shall include common indicators as laid down by Fund-specific rules.

With the increased focus on results in the programming period 2014-2020, the identification of indicators and the arrangements for monitoring and data collection gain an increased importance. In particular, the evaluators should verify that result indicators reflect the most significant intended effects of the programme priorities. In the case of planned integrated approaches to the territorial development of urban, rural, coastal and fisheries areas and areas with particular features, they should assess whether the monitoring system will facilitate evaluation of the achievement of the objectives set (Articles 28 and 87(2)(c)(ii) CPR).

1.2.1. Relevance and clarity of proposed programme indicators

Article 48(3)(e) CPR requires the ex-ante evaluation to appraise "*the relevance and clarity of the proposed programme indicators*".

- **Relevance**

The indicators are relevant if they reflect the operations and objectives of the priority axes.

Result indicators provide information on the progress towards the change that the programme intends to bring to the Member State or the region. Each priority axis should include at least one result indicator. To be relevant, these indicators need to *be responsive to the policy*⁵, i.e. their value should be influenced in as direct way as possible by the actions funded under the priority axis. Please note that responsiveness to policy largely depends on the quality of the intervention logic. Result indicators should cover *the most important intended change*.

The change pursued by a programme may be short term or longer term depending on the supported activity and on the intervention logic. For example, the objective of both ERDF support to innovation and ESF support to inactive persons may be the promotion

⁴ "environmental protection requirements, resource efficiency, climate change mitigation and adaptation, disaster resilience and risk prevention and management"

⁵ One of quality criteria for result indicators as set out in the general ex-ante conditionality 7 by the CPR, annex IV.

of employment. However for the ERDF programme, this would happen in the long term, sometimes beyond the life of the programme, while for the ESF programme, the effect would occur during the life of the programme. In the ERDF programmes, result indicators may be designed to measure the progress toward this objective by focussing on intermediate steps in the intervention logic such as the increase in the share of innovative SMEs collaborating with others in a given sector or in the number of regional patents applied for at the European Patent Office. For the ESF programmes, the common result indicators focus on immediate (just after the support) and on longer-term results (6 months after leaving the support). Member States may decide to set longer-term programme-specific result indicators which capture effects after an even longer period of time than foreseen by the ESF common indicators or even beyond the life of the programme.

Table: Examples of output and result indicators in ERDF and ESF programmes

	Intervention	Output indicator	Result indicator	
ERDF	Incubator services for start ups	Number of incubated start ups	Increase of the share of start ups in regional statistics	Increase of employment in young enterprises (3 years after incubation)
	Intervention	Output indicator	Immediate result indicator	Longer-term result indicator
ESF	Training of individuals who are inactive, not in education or training	Number of supported participants who are inactive, not in education or training	Number of inactive participants who are newly engaged in job searching upon leaving the intervention	Participants who are in employment 6 months after leaving

ERDF and Cohesion Fund indicators should aim to measure a change in the situation of a Member State, a region, an area, a sector, a population targeted by the programme. Therefore, they should not be limited to the supported entities. As regards the ESF, indicators should aim at capturing effects on the supported persons or entities. More global effects on e.g. the situation of a Member State or a region should be assessed through evaluations.

The Commission recommends limiting the number of programme-specific result indicators and focus them on the main objectives of the programme. To be able to capture the change generated by the programme, they should correspond to the specific objectives within the investment priorities - Article 87(2)(b)(i). To limit the number of result indicators, DG REGIO recommends setting just one programme-specific result indicator if possible for each investment priority and its specific objective in ERDF programmes.

Output indicators measure what is directly produced/supplied through the implementation of the supported operations. The evaluators should assess if the output

indicators are relevant to the actions to be supported and if the intended output is likely to contribute to the change in the result indicators. Note for the ERDF, that the indicator type "number of projects" used in the current period was dropped from the list of common indicators as it does not actually measure an output (which could lead to results): the evaluator should verify that this kind of indicator is not selected for ERDF programmes.

Common indicators are output indicators and, in the case of the ESF, also result indicators. Their use is compulsory and they are annexed to the Funds regulations (ERDF, ESF, Cohesion Fund, ETC).

For the ERDF, common indicators should be used where relevant to the content of the investment priorities and specific objectives. The ex-ante evaluators should appraise that these common indicators are duly selected when appropriate to the actions and priorities.

For the ESF, all common output and result indicators will be monitored under all investment priorities. The evaluators should therefore only assess the relevance of the proposed programme-specific output and result indicators. If the evaluators find that important aspects of an investment priority are not covered by common or programme-specific indicators, they may suggest additional programme-specific indicators.

- **Clarity**

The managing authorities should set clear indicators which will measure the progress of the operations and priorities. These indicators will be part of the programme and it is recommended to communicate them widely to the citizens. The evaluator should appraise if programme-specific indicators⁶ have a clear title and an unequivocal and easy to understand definition. In addition, programme-specific result indicators should allow for an accepted normative interpretation, i.e. there must be a common understanding amongst stakeholders that a change of value in a particular direction should be unequivocally considered as a favourable or an unfavourable result (one of the quality criteria as set out in CPR, annex IV).

The Commission recommends that the ex-ante evaluation also assesses the robustness of the selected programme-specific result indicators and their statistical validation. An indicator is robust if its value cannot unduly be influenced by outliers or extreme values.

In the case when indicator values are collected by means of surveys, the representativeness of samples should be statistically validated. The evaluators may analyse whether the future managing authority can benefit from the support of an internal or external statistical expertise on which to rely, for example to design a survey to establish baseline or achievement values.

They may also check whether the data sources for result indicators are identified and verify whether they are publicly available, i.e. the baselines, target values and definitions of the indicators should be made public. These requirements are amongst the quality criteria set out for result indicators in CPR, annex IV.

⁶ The titles and definitions of common indicators are given in the Fund-specific regulations.

1.2.2. Quantified baseline and target values

Baselines are required for result indicators by the Fund-specific regulations: baselines shall use the latest available data⁷.

In some cases, baselines will not be readily available and data to establish the baseline will need to be collected. When deemed necessary by the programmer, the Commission recommends that the ex ante evaluators advise on the sources and methods for informing indicators. The evaluators may also be asked to carry out research to establish the baselines where not available.

As regards *targets*, where a quantified target value has been set for common and programme-specific indicators, the ex-ante evaluation should appraise "*whether the quantified target value is realistic, having regard to the support from the CSF Funds envisaged*" (Article 48(3)(g) CPR). Fund-specific regulations specify that targets shall be fixed for 2022.

To this end, the evaluator should assess target values with regard to the selected actions and forms of support, taking into consideration the financial allocations to priority axes and indicative allocations at the level of categories of intervention/investment priorities (see point 1.3 below).

For *output indicators*, the evaluator should assess if the targets are based on the computation of unit costs from same or similar past operations supported under Structural Funds or other national/regional schemes or from an analysis, e.g. of pilot projects. In some cases, sectoral norms can be used as a unit cost reference (e.g. price lists in the field of construction). When an intervention is completely novel, the evaluator should assess the quality of the programming authority's estimate and could suggest the points in time when a revision of the target should be performed (e.g. after the completion of the first projects). Targets for output indicators are cumulative.

Concerning *result indicators*, the ESF regulation requires quantified target values, while in the case of the ERDF and Cohesion Fund, the target for programme-specific indicators may also be qualitative (such as a direction of change or a range of values). The evaluators should assess if these targets reflect the expected effects of the actions as well as other external developments potentially influencing them. They should assess their plausibility against the corresponding baselines, past experience and relevant economic trends.

1.2.3. Suitability of milestones

"Milestones are intermediate targets for the achievement of the specific objective of a priority, where appropriate, expressing the intended progress towards the targets set for the end of the period" (Annex 1 of CPR).

The evaluators should assess "*the suitability of the milestones selected for the performance framework*" (Article 48(3)(k) CPR). Programming authorities should select for each priority axis a subset of the indicators in the programmes to be used as milestones in the performance framework (Article 19 and annex I of CPR).

⁷ Articles 6 ERDF, 5 ESF, 4 CF and 15 ETC regulations

In order to appraise their suitability, the ex ante evaluators should first analyse whether milestones are relevant, i.e. *"capturing essential information on the progress of a priority"* (Annex 1(3)). They should also analyse whether the milestones can realistically be achieved at the review points, in 2016 and 2018, as well as the cumulative targets established for 2022 (see section 1.2.2 above). For this analysis, they may consider the rhythm of implementation of the programme in the current period and available resources. The evaluators should also assess the plausibility of data availability for informing the milestones at the key review points (progress reports for 2017 and 2019 - Article 46 CPR). They may also help to select appropriate milestones and targets.

According to Annex I of the CPR, milestones shall include a limited number of financial, output, and where appropriate, result indicators (for the 2018 review point); they may also be established for key implementation steps. If milestones for 2018 also include result indicators, the evaluator should verify to what extent these indicators could be influenced by other factors out of control of the managing authority, putting the programme at risk of not meeting its milestones and targets. For the ERDF and Cohesion funds, indicators with qualitative targets should not be chosen as milestones.

1.2.4. Administrative capacity, data collection procedures and evaluation

With a cohesion policy more strongly oriented towards results, the quality and reliability of monitoring systems and data become essential and a step change is needed compared to the current practice. Up to now, reporting on the programmes progress was not sufficiently reliable and mainly based on an analysis of expenditure. The new regulation lays down that *"serious deficiency in the quality and reliability of the monitoring system or the data on common and specific indicators of the programme"* may lead to a suspension of payments (Article 134(1)(d) CPR). Furthermore, it specifies that the annual implementation reports submitted in 2017 and 2019 shall assess *"progress towards achieving the objectives of the programme including the contribution of the CSF funds to changes in result indicators, when evidence is available from evaluations"* (Article 44(3) CPR).

In view of ensuring the reliability of data and the quality of the analysis provided in the annual implementation reports, the ex ante evaluation should assess *"the adequacy of human resources and administrative capacity for management of the programme"*, as well as *"the suitability of the procedures for monitoring the programme and collecting the data necessary to carry out evaluations"* (Article 48 (3)(i) and (j)).

The evaluators should examine the previous experience and appraise possible bottlenecks which might impede management, monitoring and evaluation of the programme - and recommend preventive measures such as awareness raising and training. These bottlenecks could concern the number of persons involved in monitoring and evaluation and their capacity to deliver services such as project information, animation, advice to project holders. They could also concern the administrative capacity of intermediate bodies e.g. those designated to implement the Integrated Territorial Investments.

The ex ante evaluation should also examine whether monitoring procedures are likely to provide for timely collection of the data in order to feed into decision making, reporting and evaluations. The evaluators should for example bear in mind the date for submission

of the annual implementation reports and progress reports⁸. They should assess the sources of information and how the data will be collected (e.g. through applications for support, contractual obligation to inform ex-post, survey on a representative sample, individual participants' data etc.). In particular, the evaluator should review whether the data will be available and collected in time to inform result indicators⁹.

Regarding the obligation to decrease the administrative burden on beneficiaries (Article 4(10) CPR), the evaluator should verify, where appropriate, if existing administrative databases have been taken into account as a possible source. These databases (maintained by e.g. Public Employment Service, Social Security Agency, Financial Authority, State Revenue Service, etc.) might provide information on for example employment status of participants in a period of time after benefitting from an operation. Other possible sources are national or regional statistics bodies which often manage databases with data on individual units such as number of FTE employees or Gross Value Added and Profits per individual enterprise.

The ex ante evaluators should verify that procedures are in place to ensure the quality of the data. For example, it is regarded as good practice to precisely define the content and source of each indicator in a manual to the use of operators inputting the data in the monitoring system. This manual can prevent errors in case of change in personnel during the life of the programme. Setting up an automatic plausibility control procedure in the system as well as regular and random control of the quality of data inputted are means to check their sustained quality. If necessary, the evaluators could suggest further actions to remedy to inconsistencies and errors experienced in the current period.

The evaluators should help the future managing authority in assessing possible data needs for conducting on going evaluations "*including evaluations to assess effectiveness, efficiency and impact for each programme*", and in particular for the impact evaluations that should assess the programme contribution to the objectives of each priority axis at least once during the programming period as required by Article 49 CPR. This new requirement of the Regulation may raise specific data challenges. For example, if a counterfactual impact evaluation using comparison groups is planned, this will require the availability of micro-data¹⁰ on supported entities/individual participants in the operations and non supported entities/non participants, before and after the intervention. Another example is when the aim is to evaluate the contribution of the programme to changes in behaviour: the data needs will go beyond the capabilities of the monitoring system.

⁸ And taking into account the implementing act adopted pursuant to art. 114.8 CPR laying down the modalities of the exchange of information.

⁹ One of the quality criteria for result indicators as set out in CPR Reg., annex IV

¹⁰ Micro data are data at the level of individual units.

The Commission recommends that the evaluators advise on the main evaluations to be undertaken, i.e. covering the interventions leading to the main results or responding to specific needs (for example to find out whether further actions are needed to be launched in a specific field of activity or, when planned, the evaluation of innovative approaches as sources of new policy knowledge). They may also advise on the timing of these evaluations, their methods and data needs, and possible training activities if deemed necessary. This could contribute to enhance the quality of the evaluation plan required under Article 104(1) CPR.

Furthermore, the ex ante evaluator may discuss with the programme authority the methods to be applied to the planned impact evaluations and verify the availability of the related necessary data through the monitoring system, existing administrative data or national or regional statistics. If these data are not available, the evaluator may help to define the sources, procedures and timing to collect them.

1.3. Consistency of financial allocations

Article 48(3)(c) requires the ex-ante evaluation to appraise the consistency of the allocation of budgetary resources with the objectives of the programme. The evaluators should examine whether the financial allocations concentrate on the most important objectives in line with the identified challenges and needs and with the concentration requirements set out in the Regulations (Article 16 CPR and Article 4 ESF Regulation). The programming authorities must specify for each priority axis the amount of the total financial appropriation (Article 87(2)(g)(ii) CPR). In addition, the operational programme has to contain an indicative breakdown of the programmed financial resources on the level of categories of intervention (Article 87(2)(b)(iv) CPR), which for the ESF equal investment priorities.

The ex ante evaluator should appraise the consistency of the allocations looking at the identified challenges and needs that informed the objectives as well as at the planned actions. For example, if a Member State or region needs to decrease the level of early-school leaving from 25% (250,000) to 15% (150,000) and aims to tackle this challenge solely through the operational programme, then the allocation has to be consistent with the challenge. The allocation should also correspond to the selected forms of support: for example if the identified need is to support innovation in SMEs, providing grants or repayable loans to companies will not each entail the same financial effort and this will be different again to the cost of building a competence centre.

Where relevant, the evaluator may examine to what extent the resources coming from different Funds are adequately combined and sufficient to contribute to integrated approaches for:

- sustainable urban development, including the resources delegated to cities through Integrated Territorial Investment for management under Article 7(2) ERDF Regulation, and the indicative annual allocation of ESF support for integrated actions (Article 87(2)(c)(iii) CPR);
- planned Integrated Territorial Investment in other areas than cities (Article 99(2) CPR);

- addressing the specific needs of geographical areas most affected by poverty or target groups at highest risk of discrimination or exclusion, with special regard to marginalised communities (Article 87(2)(d) CPR).

1.4. Contribution to Europe 2020 strategy

The evaluators should appraise the "*contribution of the programme to the Europe 2020 strategy, having regard to the selected thematic objectives and priorities, taking into account national and regional needs*" (Article 48(3)(a) CPR). In addition to verifying the consistency of the programme with the Europe 2020 strategy, the intervention logic and the intended results, the evaluators should assess to what extent the programme is likely to contribute to the strategy's objectives and targets¹¹.

This contribution may be important, for example in the case of investments in energy efficiency, in water and sewage and waste management or social inclusion measures in less developed regions or countries. In other cases, it may be difficult to capture this contribution due to the tiny share of CSF programmes as compared to the overall national effort (for example in the case of innovation support in a competitive region, or an employment support in regions of a Member State heavily investing in active labour market policies).

The evaluators should thus, based on their knowledge of the national or regional situation and taking into account the size of the programme, appraise the potential contribution of the programme to Europe 2020 objectives and targets. As for the intervention logic, they may use a logical framework linking the expected results of the programme to the European and national targets.

1.5. Strategic Environmental Assessment

The Strategic Environmental Assessment Directive (2001/42/EC) (SEA Directive) requires Member States to assess the effects of certain plans and programmes on the environment. Article 48(4) CPR lays down that "*the ex ante evaluation shall incorporate, where appropriate, the requirements for the Strategic Environmental Assessment*". Programmes co-financed by the EU fall under the scope of the SEA Directive (Art. 2 SEA). In principle, most programmes co-financed by the ERDF and the CF will require a SEA while in most of the cases, a SEA will not be required for ESF programmes. The SEA has to be carried out during the preparation of the programmes and to be completed before their adoption. To be effective, it needs to begin early in the programming process; further guidance is provided in Annex 1.

¹¹ As set out in the National Reform Programme in relation to headline targets for EU 2020 strategy.

2. PROCESS OF THE EX ANTE EVALUATION

This part of the guidance aims to help programmers to plan and manage the ex ante evaluations. It does not provide a template nor a check list as each future managing authority should reflect on its specific needs and translate them into the Terms of Reference for the ex ante evaluation. For example, even if the Regulation does not require context indicators, the programmer may want to use this type of indicator to follow the evolution of the context influencing the programme or to benchmark the development of a sector against similar sectors in other regions or Member States.

2.1. Timing

The design of the programme by the future managing authority should begin with an analysis of the national or regional situation (including where relevant sub-regional or sectoral analyses). The aim is to have the programme designed, negotiated and adopted on time to start implementation in early 2014.

In parallel, the Member States need to draft a Partnership Contract including a summary analysis of the ex ante evaluations of the programmes and justifying that the thematic objectives selected and the indicative allocations of the funds are aligned with the Europe 2020 strategy (Article 14). The Partnership Contract shall also include "*for each thematic objective a summary of the main results expected for each of the CSF funds*" (Article 14(a)(iii)).

The ex ante evaluations play a pivotal role in this architecture. They should accompany the design of the programmes and appraise their different components from the selection of the thematic objectives to the set up of a functioning monitoring and evaluation system; at the same time they should be ready in time to contribute to the Partnership Contract and to be sent together with the programme proposal to the Commission (second quarter of 2013).

This will only be possible if the ex ante evaluations are embedded in the design of the programmes. Considering the usual time necessary to select external evaluators, it is advisable to plan the ex ante evaluation call for tenders in mid 2012 in order for the evaluators to be able to interact with the programming authority on the design of the programmes from early 2013.

Concerning the Strategic Environmental Assessment, the programmers may attribute the work to the same evaluator or to another evaluation team. For example, the consultation process which should be based on a finalised draft programme could be conducted by another team. This should be reflected into the Terms of reference (either two separate ToRs or different lots into one ToR addressing both the ex ante evaluation and the Strategic Environmental Assessment). In both cases, the Terms of reference should detail how and when this assessment will be integrated into the ex ante evaluation which needs to report on its conclusions and their incorporation into the draft programme.

2.2. An interactive and iterative process

It is good practice that the ex ante evaluators work in close interaction with the authority responsible for the preparation of the programme. They should undertake work in stages, depending on when elements of the programme are available and give their feedback to the programmers. In order to plan the process, the timing needs to be clear and outlined in the terms of reference. The interaction between those responsible for drawing up the programmes and the evaluators will need to be co-ordinated.

As different elements of the evaluation are completed, they may cause programme planners to re-visit earlier stages. For example, this might lead to a reconsideration of the policy mix and a revision of the strategy, or to a new analysis of the external coherence once the Partnership Contract is finalised.

Establishing a steering group allows the possibility of interacting with members of the partnership (who may later be part of the Monitoring Committee) at the programme design stage. The involvement of one or more outside experts in evaluation in the steering group may also be of benefit.

2.3. Partnership and multi-level governance

The Common Provisions Regulation emphasises the need to strengthen the partnership and multi-level governance approach by involving partners throughout the whole programme cycle - preparation, implementation, monitoring and evaluation (Article 5). This should contribute to give more legitimacy to the decision-making process, to widen the range of expertise and knowledge involved, to ensure a collective commitment on the selected priorities and objectives as well as a shared understanding of the results to be expected.

The partnership should involve the competent regional, local, urban and other public authorities (Article 5 CPR). Involving representatives of sub-regions with distinctive geographical features or less favoured urban areas in the design of the programme is particularly relevant in order to build their specific needs into the programme.

The partnership should also involve the economic and social partners and bodies representing the civil society, including environmental partners, non governmental organisations, and bodies responsible for promoting equality and non-discrimination (Article 5 CPR).

The evaluators should review whether all these stakeholders are fully involved in the design of the programme and assess the quality and extent of arrangements to continue to involve them at all stages of the programme implementation, including monitoring and evaluation (Article 87(2)(e) CPR). In particular, they should appraise the role of the partners in the monitoring committee and in the committees in charge of steering the future evaluations.

They should base their judgement on the Commission Staff Working Document on *"Element for a Code of Conduct on Partnership"* as well as on their knowledge of "good practices" in other regions or Member States.

2.4. An independent process

The evaluators must be functionally independent of authorities responsible for the preparation and the implementation of the future programme (Article 47 CPR). This independence is essential to support a good ex ante evaluation where the evaluators will constructively criticise and give expert judgements on the different elements of the programme. The level of independence should be such that there is no doubt that the work is carried out with objectivity, and the evaluation judgments are unbiased and not subordinated to an agreement of the services responsible for design of the programme.

- The Commission services consider it as **best** practice to assign the evaluation to external experts or to a different organisation from that responsible for designing/implementing the programme and any of the intermediate bodies reporting to it. With regard to the issue of functional independence, this arrangement does not raise any doubts.
- A **good** practice is to assign the design/implementation of the programme and the evaluation to different departments within the same organisation (normally a ministry).
- Where different solutions have been chosen by Member States, which could give rise to doubts about the functional independence of the evaluation function, clear arrangements have to be made which ensure independence. These would be cases, e.g., where evaluation and programme design/implementation are assigned to the same department or unit of an organisation. Some Member States have adopted this approach in cases of small or regionalised implementation structures, where to maintain a high level of independence (e.g.: allocation of evaluation and programme design/implementation to two different ministries) would have been disproportionate or impracticable. In such cases, good practice would, in the view of the Commission services, require the following measures to be taken:
 - Clear (written) job description for the person, team or sector assuming the evaluation function;
 - Exclusion of the aforementioned person, team or sector from the authority of the services in charge of programme design/implementation.

2.5. Proportionality principle

Article 4(5) CPR underlines that *"the financial and administrative resources required for the implementation of the CSF Funds, in relation to the reporting, evaluation, management and control shall take into account the principle of proportionality having regard to the level of support allocated."* Programmers should follow this principle when deciding on the cost and complexity of the ex ante evaluation. Similarly, the ex ante evaluators should analyse the programme design and indicators having in mind this principle.

2.6. What requirements for the evaluators?

The ex ante evaluators should have a deep knowledge of the national or regional situation. Their appraisal will have to go beyond comparing the programme strategy against the European and national documents. For example, sub-regional areas or specific target groups may have particular needs which are not addressed in these documents. Or the needs analysis for a sectoral programme provided by the programmer may be insufficient, leading the evaluators to recommend further work. The criteria for selection of the evaluators should thus require knowledge and experience specific to the geographical area and fields of intervention of the programme. This is also important when the Strategic Environmental Assessment, which requires specific skills related to environmental issues, is undertaken by the ex ante evaluation team.

Such expertise should also help the evaluators to judge the quality and appropriateness of indicators, in particular result indicators proposed in the programmes. Cohesion policy must rely on a good indicator system to support the greater focus on results. They must be carefully selected to avoid that the objectives are lost while the programme seems to progress satisfactorily. Without clearly articulating the intervention logic, indicators may be over inclusive, insufficiently linked with the programme operations or disconnected from the programme objectives. To maintain the programme on track towards its objectives, the evaluators should critically appraise the relevance of the indicators within the intervention logic.

While examining the intervention logic, the indicators and the available data, the evaluators should bear in mind the needs for future evaluations, in particular those related to the impact of the programme. Helping the programme to make apparent the mechanisms underlying its intervention logic will prepare the ground for both effective operations and good quality impact evaluations. The Terms of Reference for the ex ante evaluation could require evidence of past experience in impact evaluations, using either statistical or qualitative methods.

2.7. What methods?

Evaluators should propose a mix of methods which they will use to address the different components of the evaluation and to answer the key evaluation questions.

One of the main goals of the evaluation is to assess the programme strategy and theory of change underpinning the programme, and to participate in the programme design in an iterative and interactive process. Methods usually used for theory based evaluations would be appropriate for this process, such as literature review, interviews, focus groups, peer reviews, workshops. Participative approaches involving stakeholders on each of the component and theme evaluated would ensure ownership of the evaluation inputs to the programme design.

2.8. Financing the evaluation

The cost of ex ante evaluation undertaken externally may be met from technical assistance budgets from 2007-2013 programmes. Current rules and procedures concerning eligibility and rates of contribution are applicable.

Evaluation can be a costly exercise. The budget will need to take into account the number and the breadth of evaluation questions, the types of methodologies foreseen and any additional tasks. For example, if baselines for result indicators are to be quantified by the evaluators, this may require additional resources. Equally, if the evaluation includes more in-depth analysis of a particular sector or type of intervention, this should be reflected in the available budget. It is recommended that some work days are reserved for the evaluators to undertake additional analysis during the negotiations with the Commission on the operational programme.

2.9. Final report and publication

As the draft programme is made ready for submission to the Commission, a final evaluation report should be prepared, bringing together all elements of the evaluation. This report, to be submitted with the draft operational programme to the European Commission, should reflect the main methods used, the result of the SEA, the changes and improvements to the programme which have been made through the evaluation process and a final assessment of the draft programme. An executive summary should accompany this report; its translation in English would facilitate exchange of experiences throughout Member States.

The regulation requires that all the evaluations are made public (Article 47(4) CPR). This will increase transparency, could stimulate public debates on the programmes and also competing consultancy companies to provide good quality evaluations. The easiest way is to post the evaluation report on the website of the operational programme or Managing Authority.

ANNEX 1: EX ANTE EVALUATION AND THE STRATEGIC ENVIRONMENTAL ASSESSMENT

This Annex explains the Strategic Environmental Assessment (SEA) procedure under the Directive 2001/42/EC¹² on the assessment of the effects of certain plans and programmes on the environment (SEA Directive). It provides guidance on the application of the SEA Directive to the Cohesion policy programmes. More in-depth information on the SEA Directive, is provided in the Commission's Guidance on the *'Implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment'*¹³.

The purpose of the SEA Directive is to *'provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.'* It does this by requiring Member States to identify and assess their likely significant environmental effects during their preparation stage and before they are adopted.

The SEA Directive requires a wide range of plans and programmes to undergo an environmental assessment before they are adopted. SEA process means the preparation of an environmental report; the carrying out of consultations (with environmental authorities, the public and other Member States when required); the taking into account of the environmental report and the results of the consultations in the decision-making; the provision of information on the decision; the monitoring of the effects of the programme during its implementation.

1. Applying the SEA Directive to Cohesion policy programmes

According to Article 2 of the SEA Directive programmes co-financed by the European Union fall under the scope of the SEA Directive.

SEA is mandatory for all types of programmes¹⁴ *"which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent for projects listed in Annexes I and II to Directive 2011/92/EU"*¹⁵ (the *"Environmental Impact Assessment (EIA) Directive"*); "

If programmes are not covered by Article 3(2), quoted above, the environmental authorities in the Member States must screen them to determine if they are likely to have significant environmental effects. In principle, most programmes co-financed by the ERDF and the CF, especially those which imply building infrastructure, will require a

¹² OJ L197, 21.7.2001.

¹³ <http://ec.europa.eu/environment/eia/sea-support.htm>

¹⁴ Article 3(2) of the SEA Directive

¹⁵ OJ L 26, 28.1.2012.

SEA. On the other hand, it is likely that, in principle, a SEA will not be required for programmes co-financed by the ESF and for interregional programmes co-financed under the Territorial Cooperation Objective.

2. SEA as an integral part of the programming process

The SEA has to be carried out during the preparation of the programmes and to be completed before their adoption and submission to the Commission. To be effective, a SEA needs to begin early in the programming process: starting the SEA from the very early stages of developing a programme will strengthen the environmental integration, contribute to social acceptance, and ensure that potential conflicts between development and environment objectives and likely significant negative impacts are addressed. Moreover, aligning the SEA with the programme elaboration and the ex-ante evaluation will avoid late amendments of the programme.

It is in principle the responsibility of Member States to decide how best to meet the requirements of the SEA Directive in relation to the Cohesion policy programmes. The ex ante evaluation should summarise the SEA process and outline how it was taken into account in the programme design.

3. Main elements of the SEA

The main steps in the SEA process are outlined below. Depending on the approach taken by the Member State, ex ante evaluators for programmes may be asked to:

- prepare the environmental report, facilitate consultations or make recommendations on how the results of the report and/or consultations should be reflected in the Programme;
- work closely with those responsible for carrying out a SEA to ensure necessary linkages between SEA and ex ante evaluation, to avoid unnecessary duplication.

3.1 Environmental report

3.1.1 Scoping

Before drafting the environmental report, environmental authorities must be consulted to determine the scope and level of detail of the information to be included in the environmental report. If it is decided to undertake some or all of the work of the environmental assessment through the ex ante evaluation, the terms of reference for the ex ante evaluation will need to be developed to incorporate these details.

3.1.2 The preparation of the environmental report

The content of the Report is described in Annex I of the SEA Directive. Member States may find it helpful to develop the environmental report and programme in parallel. This will avoid creating subsequent delays and will help to produce a better programme in which the environment is better integrated. Member States must ensure that environmental reports are of sufficient quality to meet the requirements of the Directive (Article 12(2)). The content of the environmental report can use as well information already available

under other relevant instruments (e.g. a transport programme can rely on the findings of reports carried out for national or regional transport plans).

3.2 Consultations

The Directive requires that environmental authorities and the public must be consulted as part of the SEA process. The draft programme, the environmental report and the non-technical summary have to be made available to the environmental authorities and to the public. If it is decided to undertake some or all of the work of the environmental assessment through the ex ante evaluation, the ex ante evaluation should devote a specific section to the SEA which should be made available to the public and the environmental authorities.

Consultations contribute to the quality of the information available to those responsible for the preparation of the programmes and they may reveal important new information which may lead to significant changes to the programme and consequently to its likely significant environmental effects. If so, it might be necessary to consider a revision of the report and, if the changes justify it, new consultations¹⁶. Detailed arrangements for such consultations are normally regulated by the transposing national legislation.

The SEA Directive does not specify time frames for the consultations. Member States are free to determine their duration provided that the public and the environmental authorities are given an "*early and effective opportunity within appropriate time frames to express their opinion*" (Article 6(2)). The time frames should allow sufficient time for opinions to be developed on sometimes complex issues and voluminous information. The SEA Directive does not specify the methods by which the information above is made available to the public. The organisation of the detailed arrangements for informing the public and receiving reactions is left to the discretion of the Member States. When arranging consultations, the programming authorities will respect the transposing national legislation. Techniques for public consultations may take the form of public hearings, seeking written comments on proposals, steering groups, advisory committees or interviews. Information about the preparation of the programme can be placed in national and regional newspapers, in a publicly accessible place and/or on a website. The choice of consultation techniques will depend on the time available, the nature and complexity of the information to be consulted.

Consultations of both the environmental authorities and the public are required on the draft programme, the Environmental Report and the non technical summary. In particular, the environmental authorities shall be consulted in identifying programmes which require a SEA, and on the scope and level of detail to be included in the Environmental Report.

The SEA Directive provides for consultations on programmes that are likely to have significant effects in another Member State (Article 7). Before the adoption of the programme, the Member State should forward the draft programme and the relevant environmental report to the other Member State.

If the other Member State decides, the Member States concerned agree on arrangements to ensure that environmental authorities and the public in the Member State likely to be

¹⁶ See Commission's Guidance, Implementation of Directive 2001/42/EC, page 34.

affected are informed and given an opportunity to forward their opinion within a reasonable time-frame.

3.3 Taking account of the environmental report and the results of the consultations

The environmental report and the opinions expressed during the consultation process shall be taken into account by the programming authority during the preparation of the programme. The setting of time-frames for the decision-making process should give adequate time for the programming authority to take the opinions expressed into account, before deciding on the programme.

3.4 Information on the decision

The designated environmental authorities, the public (and any Member State consulted) must be informed of the adoption of the programme and be provided with some explanations, including a statement summarising how environmental considerations and the results of the consultations have been taken into account.

3.5 Monitoring

The SEA Directive requires that the significant environmental effects of the implementation of the programme should be monitored in order, *inter alia*, to identify unforeseen adverse effects, and to be able to undertake appropriate remedial actions. This will usually include the selection of appropriate indicators.

3.6 Revision of the programme after submission to the Commission

In case where, as a result of the Commission's observations, the programme requires substantive revision, an updated/revised SEA process should be also considered (e.g. update of the environmental report, additional consultations etc.).

4. Information to be submitted to the Commission in relation to SEA

In order to aid and facilitate the timely consideration of the programme application and the compliance with the SEA Directive, the European Commission needs the following information. The programming authority submits this information: either in a separate document annexed to the ex ante evaluation or incorporated in a specific part of the ex ante evaluation:

- A non-technical summary of the information provided in the environmental report, as foreseen by Annex I(j) of the Directive;
- The description of the measures decided concerning monitoring foreseen in Articles 9(1)(c) and 10 (monitoring);

- Information on the consultations with the public and the environmental authorities concerned (Article 6 of the Directive);
- A summary of how environmental considerations and the opinions expressed have been taken into account. The final statement required by the SEA Directive (see section 3.4 above) is to be issued after the adoption of the programme by the Commission.

The European Commission may however in certain cases request Member States to submit any other relevant documentation, where it considers this necessary. The Commission will decide when this is required on a case-by-case basis and will inform the Member States accordingly.

5. Other considerations

5.1 Relation with other EU environmental policies and legislation

There are many linkages between the SEA Directive and other EU environmental policies and legislation. The SEA Directive specifically requires that programmes take into account the relevant environmental protection objectives, established at international, EU or Member State level. Many programmes subject to a SEA may also require other types of environmental assessments under different environmental legislations.

In terms of Cohesion policy programmes, particular attention, *inter alia*, should be paid to biodiversity and climate change policies and legislation in the context of the SEA.

As regards biodiversity in particular, many programmes, co-financed under ERDF and the Cohesion Fund, are likely to have significant effects on biodiversity and on the Natura 2000 network (e.g. individual sites as well as their connectivity). When at the programme level it is possible to identify the probability of significant effects on Natura 2000 sites (for instance when a programme includes precisely located infrastructure projects), it is expected that such programmes are likely to require an Article 6(3) appropriate assessment, under the Habitats Directive (92/43/EEC).

Where programmes are subject to the SEA directive, Article 6(3) assessments may form part of the SEA process. However, these should be reported separately.

If the programming authority has doubts on the effects of the programme on a Natura 2000 site, the SEA should examine this. However, the SEA has a wider environmental remit as it should consider all aspects of biodiversity and not just those related to Natura 2000 sites¹⁷. In this case, it should provide an analysis of the likely effects of the programme on the integrity of the designated Natura 2000 site.

¹⁷ More information on the appropriate assessment is available at: http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

The Commission is preparing Guidance on how to take climate change and biodiversity into consideration in the SEA and EIA processes (available third quarter 2012).

5.2 Major projects

To the extent that major projects are identified in the programme, they should be also reflected by the SEA for the programme in question.

5.3 SEA for transnational and cross-border programmes

Given the nature of the transnational and cross-border programmes - in many cases they may not involve infrastructures or other projects likely to have an effect on the environment - the first step would be to verify whether a programme requires a SEA or not (see section 1 "Applying the SEA Directive to Cohesion policy programmes" above).

If the SEA Directive is applicable to a transnational or cross-border programme, the managing authority should decide whether to carry out separate SEAs procedures in each Member State according to their national rules or whether some of the steps could be carried out jointly. For instance, it could be envisaged to elaborate a joint environmental report that would be subject to separate consultations – in each Member State - of the environmental authorities and of the public. When a SEA is carried out for a transnational and cross-border programme, separate Article 9(1) statements (prepared separately or jointly by the managing authorities) should be made available in each Member State.

ANNEX 2: LINKS TO USEFUL DOCUMENTS

- For the ERDF and Cohesion Fund: Directorate-General Regional policy, Guidance: "Monitoring and evaluation of European Cohesion Policy: Concepts and recommendations"
http://ec.europa.eu/regional_policy/information/evaluations/guidance_en.cfm#2
- For the ESF: Directorate-General Employment, Social Affairs and Inclusion, Guidance: "Monitoring and Evaluation of European Cohesion Policy: European Social Fund"
- EU2020 flagship initiatives
http://ec.europa.eu/europe2020/reaching-the-goals/flagship-initiatives/index_en.htm
- Commission Staff Working Document: "The partnership principle in the implementation of the Common Strategic Framework Funds - elements for a European Code of Conduct on Partnership",
<http://ec.europa.eu/esf/main.jsp?catId=67&langId=en&newsId=7956>
- RIS3 Guide (Smart Specialisation Strategies)
http://ipts.jrc.ec.europa.eu/activities/research-and-innovation/documents/guide/draft_12_12_2011.pdf
- Strategic Environmental Assessment directive
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:197:0030:0037:EN:PDF>
- Commission's Guidance, Implementation of Directive 2001/42/EC
http://ec.europa.eu/environment/eia/pdf/030923_sea_guidance.pdf
- EVALSED. An online resource providing guidance on the evaluation of socio-economic development.
http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/guide/index_en.htm

EVALSED provides a short introduction to several evaluation approaches, including theory-based and counterfactual impact evaluations.