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ADDENDUM 2 to NOTE

from: Presidency

to: Permanent Representatives Committee (part 2)/Council

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No. Cion prop.: COM(2011) 615 final/2

Subject: Cohesion Policy legislative package
- Presidency compromise on Ex Ante Conditionality

Delegations will find attached a compromise text on a new definition of Ex Ante Conditionality, Article 17, recital 17, and Annex IV of the Common Provisions Regulation.

The modifications highlighted in bold are those in comparison to the revised versions (corrigendum) presented by the Commission on 14 March 2012.

Art 2: new definition:

"Applicable *ex ante* conditionality" means a precisely pre-defined critical factor, which is a necessary prerequisite for and has a direct and genuine link to and direct impact on the effective and efficient achievement of the specific objective for an investment priority or a Union priority."

Art. 2: new definition:

"A specific objective is the result to which an investment priority or Union priority shall contribute in a specific national or regional context through actions or measures undertaken within a priority."

Recital 17

(17) Member States should concentrate support to ensure a significant contribution to the achievement of Union objectives in line with their specific national and regional development needs. *Ex ante* conditionalities **as well as a concise and exhaustive set of objective criteria for their assessment** should be defined to ensure that the necessary **prerequisites** for the effective **and efficient** use of Union support are in place. **To this end, an *ex ante* conditionality should apply to a priority of a given programme only when it has a direct and genuine link to and a direct impact on the effective and efficient achievement of the specific objectives for an investment priority or a Union priority, while not every specific objective is necessarily linked to an *ex ante* conditionality laid down in the Fund-specific rules.** The fulfilment of **the applicable** *ex ante* conditionalities should be assessed by the **Member State** in the framework of its **establishment** of the Partnership **Agreement or** programmes, **taking account of the principle of proportionality. The Commission shall verify the consistency of this assessment in accordance with the principles of**

proportionality and subsidiarity and respecting national and regional competences to decide on the specific and adequate policy measures, including the content of strategies.

In cases where there is a failure to fulfil an **applicable** *ex ante* conditionality **within the defined deadline**, the Commission should have the power to suspend **interim** payments to the **affected parts of the** programme **under precisely pre-defined conditions**.

Article 17

Ex ante conditionalities

1. [...]
2. **In accordance with their specific institutional arrangements,** Member States shall assess **in the framework of their establishment of the Partnership Agreement or programmes,** whether the **ex ante conditionalities laid down in the respective fund-specific rules are applicable to the specific objectives pursued within the priorities of their programmes and whether the applicable ex ante conditionalities are fulfilled. Ex ante conditionalities shall apply only to the extent and provided that the definition laid down in Article 2 is complied with regarding the specific objectives pursued under the priorities of the programme. The assessment shall be limited to the criteria laid down in the fund-specific rules and may be proportional having regard to the level of support allocated.**
3. **A programme or the Partnership Agreement shall indicate the applicable ex ante conditionalities, which pursuant to the assessment referred to in paragraph 2, are not fulfilled at the date of transmission of the Partnership Agreement, together with the priorities affected, actions to be taken, and their timetable.** Member States shall [...] **fulfill these ex ante conditionalities not later than 31 December 2016 and report on their fulfillment not later than in the annual implementation report in 2017 or the progress report in 2017 in accordance with Article 44 (5) [...].**
4. [...]

4. a The Commission shall assess the **consistency and the adequacy of the** information provided **by the Member State** on the **applicability** of *ex ante* conditionalities **and on the fulfillment of applicable *ex ante* conditionalities** in the framework of its assessment of the Partnership Agreement and/or programmes. **This assessment shall be limited to the criteria laid down in the fund-specific rules, shall be proportional having regard to the level of support allocated and shall respect national and regional competences to decide on the specific and adequate policy measures including the content of strategies.**
- 4 b In case of disagreement between the Commission and a Member State on the applicability of an *ex ante* conditionality to the specific objective of the priorities of a programme or its fulfillment, both the applicability in accordance with Article 2 and the non-fulfillment shall be proven by the Commission.**
5. [...] **The Commission** may decide, when adopting a programme, to suspend all or part of interim payments to the **relevant priority of this** programme pending the [...] completion of actions [...] **referred to in paragraph 3 where necessary to avoid significant prejudice to the effectiveness and efficiency of the achievement of the specific objectives of the priority concerned.** The failure to complete actions to fulfil an **applicable *ex ante* conditionality which has not been fulfilled at the date of submission of the respective programme,** by the deadline set out in **paragraph 3,** shall constitute a basis for suspending **interim** payments by the Commission **to the affected priorities of the programme. In both cases, the amount of suspension shall be proportional taking into account the actions to be taken and the funds at risk.**
5. a **The provisions of paragraph 5 shall not be applicable in case of agreement between the Commission and the Member State on the non-applicability of an *ex ante* conditionality or on the fact that an applicable *ex ante* conditionality has been fulfilled, as indicated by the approval of the programme and the Partnership Agreement, or in the absence of Commission observations within 60 days of the submission of the report referred to in paragraph 3. [...]**

5. b **The Commission shall without delay lift the suspension of interim payments for a priority where a Member State has completed actions relating to the fulfilment of *ex ante* conditionalities applicable to that programme and which had not been fulfilled at the time of the decision of the Commission on the suspension. It shall also without delay lift the suspension where following an amendment of the programme related to the priority concerned the *ex ante* conditionality concerned is no longer applicable.**

6. Paragraphs 1 to **5 b** shall not apply to programmes under the European territorial cooperation goal.

ANNEX IV

Ex ante conditionalities

Thematic *ex ante* conditionalities

Thematic objectives	Investment priorities	<i>Ex ante</i> conditionality	Criteria for fulfilment
1. Strengthening research, technological development and innovation (<i>R&D target</i>) (referred to in Article 9(1))	ERDF: - All investment priorities under thematic objective no. 1	1.1. <i>Research and innovation</i> : The existence of a national or regional research and innovation strategic policy framework for smart specialisation, where appropriate, in line with the National Reform Programme, to leverage private research and innovation expenditure.	<ul style="list-style-type: none"> – A national or regional research and innovation strategic policy framework for smart specialisation is in place that: <ul style="list-style-type: none"> – is based on a SWOT or similar analysis to concentrate resources on a limited set of research and innovation priorities; – outlines measures to stimulate private RTD investment; – contains a monitoring mechanism. – A framework outlining available budgetary resources for research and innovation has been adopted.
	ERDF: - Enhancing research and innovation infrastructure (R&I) and capacities to develop R&I excellence and promoting centres of competence, in particular those of European interest	1.2 The existence of a multi-annual plan for budgeting and prioritization of investments.	<ul style="list-style-type: none"> – An indicative multi-annual plan for budgeting and prioritization of investments linked to EU priorities, and, where appropriate, the European Strategy Forum on Research Infrastructures - ESFRI has been adopted.

<p>2. Enhancing access to and use and quality of information and communication technologies (Broadband target) (referred to in Article 9(2))</p>	<p>ERDF: - developing ICT products and services, e-commerce and enhancing demand for ICT - strengthening ICT applications for e-government, e-learning, e-inclusion, e-culture and e-health</p>	<p>2.1. <i>Digital growth</i>: A strategic policy framework for digital growth to stimulate demand for affordable, good quality and interoperable ICT-enabled private and public services and increase uptake by citizens, including vulnerable groups, businesses and public administrations including cross border initiatives.</p>	<p>– A strategic policy framework for digital growth, for instance, within the national or regional innovation strategic policy framework for smart specialisation is in place that contains:</p> <ul style="list-style-type: none"> – budgeting and prioritisation of actions through a SWOT or similar analysis consistent with the Scoreboard of the Digital Agenda for Europe; – an analysis of balancing support for demand and supply of information and communication technologies (ICT) should have been conducted; – indicators to measure progress of interventions in areas such as digital literacy, e-inclusion, e-accessibility, and of e-health within the limits of Article 168 TFEU which are aligned with existing relevant sectoral national or regional strategies; – assessment of needs to reinforce ICT capacity-building.
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	<p>ERDF:</p> <ul style="list-style-type: none"> - extending broadband deployment and the roll-out of high-speed networks and supporting the adoption of future and emerging technologies and networks for the digital economy 	<p>2.2. <i>Next Generation Access (NGA) Infrastructure</i>: The existence of national or regional NGA Plans which take account of regional actions in order to reach the EU high-speed Internet access targets, focusing on areas where the market fails to provide an open infrastructure at an affordable cost and to a quality in line with the EU competition and state aid rules, and provide accessible services to vulnerable groups.</p>	<ul style="list-style-type: none"> - A national and/or regional NGA Plan is in place that contains: <ul style="list-style-type: none"> - a plan of infrastructure investments based on an economic analysis taking account of existing infrastructure and published private investment plans; - sustainable investment models that enhance competition and provide access to open, affordable, quality and future proof infrastructure and services; - measures to stimulate private investment.
<p>3. Enhancing the competitiveness of small and medium-sized enterprises (SMEs)</p> <p>(referred to in Article 9(3))</p>	<p>ERDF:</p> <ul style="list-style-type: none"> - promoting entrepreneurship, in particular by facilitating the economic exploitation of new ideas and fostering the creation of new firms, including through business incubators 	<p>3.1. Specific actions have been carried out to underpin the promotion of entrepreneurship taking into account the Small Business Act (SBA).</p>	<ul style="list-style-type: none"> - The specific actions are: <ul style="list-style-type: none"> - measures to reduce the cost and time to set-up businesses; - measures to reduce the time needed to get licenses and permits to take up and perform the specific activity of an enterprise.

<p>4. Supporting the shift towards a low-carbon economy in all sectors</p> <p>(referred to in Article 9(4))</p>	<p>ERDF + CF:</p> <ul style="list-style-type: none"> - supporting energy efficiency and renewable energy use in public infrastructures, including in public buildings and in the housing sector 	<p>4.1. Actions have been carried out to promote cost-effective improvements of energy end use efficiency and cost-effective investment in <i>Energy efficiency</i> when constructing or renovating buildings.</p>	<p>–</p> <p>The actions are:</p> <ul style="list-style-type: none"> – Measures to ensure minimum requirements are in place related to the energy performance of buildings consistent with Article 3, Article 4 and Article 5 of Directive 2010/31/EU. – Measures necessary to establish a system of certification of the energy performance of buildings consistent with Article 11 of Directive 2010/31/EU. – Measures consistent with art. 13 of Directive 2006/32/EC on energy end-use efficiency and energy services to ensure the provision to final customers of individual meters in so far as it is technically possible, financially reasonable and proportionate in relation to the potential energy savings.
	<p>ERDF:</p> <ul style="list-style-type: none"> - promotion of high-efficiency co-generation of heat and power 	<p>4.2. Actions have been carried out to promote high-efficiency co-generation of heat and power.</p>	<p>–</p> <p>The actions are:</p> <ul style="list-style-type: none"> – Support for co-generation is based on useful heat demand and primary energy savings consistent with Article 7.1 and 9.1. (a) and (b) of Directive 2004/8/EC), Member States or their competent bodies have evaluated the existing legislative and regulatory framework with regard to authorisation procedures or other procedures in order to: <ul style="list-style-type: none"> – a) encourage the design of co-generation units to match economically justifiable demands for useful heat output and avoid production of more heat than useful heat; and – b) reduce the regulatory and non-regulatory barriers to an increase in co-generation.

	ERDF + CF: - promoting the production and distribution of renewable energy sources	4.3. Actions have been carried out to promote the production and distribution of renewable energy sources. ¹	<ul style="list-style-type: none"> – Transparent support schemes, priority in grid access or guaranteed access and priority in dispatching, as well as standard rules relating to the bearing and sharing of costs of technical adaptations which have been made public are in place consistent with Article 14 (1) Article 16 (2) and 16 (3) of Directive 2009/28/EC. – A Member State has adopted a national renewable energy action plan consistent with Article 4 of Directive 2009/28/EC.
5. Promoting climate change adaptation and risk prevention (Climate change target) (referred to in Article 9(5))	ERDF + CF: - promoting investment to address specific risks, ensuring disaster resilience and developing disaster management systems	5.1. <i>Risk prevention and risk management</i> : The existence of national or regional risk assessments for disaster management taking into account climate change adaptation	<ul style="list-style-type: none"> – A national or regional risk assessment with the following elements shall be in place: <ul style="list-style-type: none"> – A description of the process, methodology, methods and non-sensitive data used for risk assessment as well as of the risk-based criteria for the prioritisation of investment; – A description of single-risk and multi-risk scenarios; – Taking into account, where appropriate, national climate change adaptation strategies.

¹ OJ L 140, 5.6.2009, p. 16.

6. Protecting the environment and promoting the sustainable use of resources (referred to in Article 9(6))	ERDF + CF: - addressing the significant needs for investment in the water sector to meet the requirements of the environmental acquis	6.1. <i>Water sector</i> : The existence of a) a water pricing policy which provides adequate incentives for users to use water resources efficiently and b) an adequate contribution of the different water uses to the recovery of the costs of water services at a rate determined in the approved river basin management plan for investment supported by the programmes.	<ul style="list-style-type: none"> – A Member State has ensured a contribution of the different water uses to the recovery of the costs of water services by sector consistent with Article 9, paragraph 1, first indent of Directive 2000/60/EC having regard, where appropriate, to the social, environmental and economic effects of the recovery as well as the geographic and climatic conditions of the region or regions affected. – The adoption of a river basin management plan for the river basin district with a justified concentration of investments consistent with Article 13 of Directive 2000/60/EC¹ of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.
	ERDF + CF: - addressing the significant needs for investment in the waste sector to meet the requirements of the environmental acquis	6.2. <i>Waste sector</i> : Promoting economically and environmentally sustainable investments in the waste sector particularly by the development of waste management plans consistent with Directive 2008/98/EC on waste, and with the waste hierarchy.	<ul style="list-style-type: none"> – A report has been submitted to the Commission on progress towards targets of Article 11 of Directive 2008/98/EC and intended actions to meet the targets. – The existence of one or more waste management plans as required by Article 28 of Directive 2008/98/EC. – A Member State has established, consistent with Articles 1 and 4 of Directive 2008/98/EC, waste prevention programmes, as required by Article 29 of the Directive. – Necessary measures to achieve the target on re-use and recycling by 2020 consistent with Article 11.2 of Directive 2008/98/EC have been adopted.

¹ OJ L 327, 22.12.2000, p. 1.

<p>7. Promoting sustainable transport and removing bottlenecks in key network infrastructures (referred to in Article 9(7))</p>	<p>ERDF + CF:</p> <ul style="list-style-type: none"> - supporting a multimodal Single European Transport Area by investing in the Trans-European Transport Network (TEN-T) network <p>ERDF:</p> <ul style="list-style-type: none"> - enhancing regional mobility through connecting secondary and tertiary nodes to TEN-T infrastructure 	<p>7.1. <i>Road</i>: The existence of a comprehensive plan(s) or framework(s) for transport investment in accordance with the Member States' institutional set-up (including public transport at regional and local level) which supports infrastructure development and improves connectivity to the TEN-T comprehensive and core networks.</p>	<ul style="list-style-type: none"> - The existence of a comprehensive transport plan(s) or framework(s) for transport investment which fulfills legal requirements for strategic environmental assessment and sets out: <ul style="list-style-type: none"> - the contribution to the single European Transport Area consistent with Article 10 of Regulation No. [TEN-T], including priorities for investments in: <ul style="list-style-type: none"> - the core TEN-T network and the comprehensive network where investment from the ERDF and CF is envisaged; and - secondary connectivity. - a realistic and mature pipeline for projects envisaged for support from the ERDF and CF. - Measures to ensure the capacity of intermediary bodies and beneficiaries to deliver the project pipeline.
	<p>ERDF + CF:</p> <ul style="list-style-type: none"> - supporting a multimodal Single European Transport Area by investing in the Trans-European Transport Network (TEN-T) network - developing comprehensive, high quality and interoperable railway systems <p>ERDF:</p> <ul style="list-style-type: none"> - enhancing regional 	<p>7.2. <i>Railway</i>: The existence within the comprehensive transport plan(s) or framework(s) of an explicit section on railway development in accordance with the Member States' institutional set-up (including public transport at regional and local level) which supports infrastructure development and improves connectivity to the TEN-T comprehensive and core networks. The investments cover mobile assets, interoperability and capacity building.</p>	<ul style="list-style-type: none"> - The existence of a section on railway development within the transport plan(s) or framework(s) as set out above which fulfills legal requirements for strategic environmental assessment and sets out a realistic and mature project pipeline (including a timetable, budgetary framework); - Measures to ensure the capacity of intermediary bodies and beneficiaries to deliver the project pipeline.

	mobility through connecting secondary and tertiary nodes to TEN-T infrastructure		
8. Promoting employment and supporting labour mobility (Employment target) (referred to in Article 9(8))	ESF: - Access to employment for job-seekers and inactive people, including local employment initiatives and support for labour mobility	8.1. Active labour market policies are designed and delivered in the light of the Employment guidelines.	<ul style="list-style-type: none"> - Employment services have the capacity to and do deliver: <ul style="list-style-type: none"> - personalised services and active and preventive labour market measures at an early stage, which prioritise the most vulnerable while being open for all jobseekers; - information on new job vacancies. - Employment services have set up formal or informal cooperation arrangements with relevant stakeholders.
	ESF: - Self-employment, entrepreneurship and business creation ERDF: - development of business incubators and investment support for self-employment, micro-enterprises and business creation	8.2. <i>Self-employment, entrepreneurship and business creation</i> : the existence of a strategic policy framework for inclusive start-up.	<ul style="list-style-type: none"> - A strategic policy framework for inclusive start-up support is in place with the following elements: <ul style="list-style-type: none"> - measures to reduce the cost and time to set up businesses; - measures to reduce the time needed to get licenses and permits to take up and perform the specific activity of an enterprise business; - actions linking suitable business development services and financial services (access to capital), including the outreach to disadvantaged groups and/or areas where needed.
	ESF: - Modernisation and strengthening of labour market institutions, including actions to enhance transnational labour mobility	8.3. - Labour market institutions are modernised and strengthened in the light of the Employment Guidelines; - Reforms of labour market institutions will be preceded by a clear strategic policy framework	<ul style="list-style-type: none"> - Actions to reform employment services, aiming at providing them with the capacity to deliver: <ul style="list-style-type: none"> - personalised services and active and preventive labour market measures at an early stage, which prioritise the most vulnerable

	ERDF: - investing in infrastructure for public employment services	and <i>ex ante</i> assessment including the gender dimension	<p>jobseekers;</p> <ul style="list-style-type: none"> - information on new job openings. <p>– Reform of employment services will include the creation of formal or informal cooperation arrangements with relevant stakeholders.</p>
	ESF: - Active and healthy ageing	8.4. <i>Active and healthy ageing</i> : Active ageing policies are designed in the light of the Employment Guidelines.	<p>– Actions to deliver on active and healthy ageing challenges:</p> <ul style="list-style-type: none"> - Relevant stakeholders are involved in the design and follow-up of active ageing policies with a view to retaining elderly workers on the labour market and promote their employment.
	ESF: - Adaptation of workers, enterprises and entrepreneurs to change	8.5. <i>Adaptation of workers, enterprises and entrepreneurs to change</i> : The existence of policies aimed at favouring anticipation and good management of change and restructuring.	<p>– A limited number of basic instruments are in place to support social partners and public authorities to develop proactive approaches towards change and restructuring, in particular the existence of policies aimed at favouring anticipation and good management of change and restructuring.</p>

<p>9. Investing in skills, education and lifelong learning (Education target) (referred to in Article 9(10))</p>	<p>ESF: - preventing and reducing early school-leaving</p>	<p>9.1. <i>Early school leaving</i>: The existence of a strategic policy framework to reduce early school leaving (ESL) within the limits of Article 165 TFEU.</p>	<ul style="list-style-type: none"> – A system for collecting and analysing data and information on ESL at relevant levels is in place that: <ul style="list-style-type: none"> – provides a sufficient evidence-base to develop targeted policies and monitors developments. – A strategic policy framework on ESL is in place that: <ul style="list-style-type: none"> – is based on evidence; – covers relevant educational sectors, including early childhood development, and addresses prevention, intervention and compensation measures; – involves all policy sectors and stakeholders that are relevant to address ESL.
	<p>ESF: - Improving the quality, efficiency and openness of tertiary and equivalent education with a view to increasing participation and attainment levels</p>	<p>9.2. <i>Higher education</i>: The existence of a national or regional strategic policy framework for increasing tertiary education attainment, quality and efficiency within the limits of Article 165 TFEU.</p>	<ul style="list-style-type: none"> – A national or regional strategic policy framework for tertiary education is in place with the following elements: <ul style="list-style-type: none"> – where necessary, measures to increase participation and attainment that: <ul style="list-style-type: none"> – increase higher education participation among low income groups and other under-represented groups; – reduce drop-out rates/improve completion rates. – measures to increase employability and entrepreneurship that: <ul style="list-style-type: none"> – encourage the development of "transversal skills", including entrepreneurship in relevant higher education programmes;

			<ul style="list-style-type: none"> – reduce gender differences in terms of academic and vocational choices.
	<p>ESF:</p> <ul style="list-style-type: none"> - Enhancing access to lifelong learning, upgrading the skills and competences of the workforce 	<p>9.3. <i>Lifelong learning</i>: The existence of a national and/or regional strategic policy framework for lifelong learning within the limits of Article 165, TFEU.</p>	<ul style="list-style-type: none"> – A national or regional strategic policy framework for lifelong learning is in place that contains: <ul style="list-style-type: none"> – measures to support lifelong learning (LLL) implementation and skills upgrading and providing for the involvement of, and partnership with relevant stakeholders; – measures for the provision of skills development corresponding to the needs of various target groups where these are identified as priorities in national or regional strategic policy frameworks (for example young people in vocational training, adults, parents returning in the labour market, low skilled and older workers, migrants and other disadvantaged groups); – measures to widen access to LLL including through efforts to effectively implement transparency tools (for example the European Qualifications Framework, National Qualifications Framework, European Credit system for Vocational Education and Training, European Quality Assurance in Vocational Education and Training).

<p>10. Promoting social inclusion and combating poverty (<i>poverty target</i>) (referred to in Article 9(9))</p>	<p>ESF: - Active inclusion with a view to improving employment opportunities</p>	<p>10.1. The existence and the implementation of a national strategic policy framework for poverty reduction aiming at the active inclusion of people excluded from the labour market in the light of the Employment guidelines.</p>	<ul style="list-style-type: none"> - A national strategic policy framework for poverty reduction, aiming at active inclusion, is in place that: <ul style="list-style-type: none"> - provides a sufficient evidence base to develop policies for poverty reduction and monitor developments; - is in accordance with the national poverty and social exclusion target (as defined in the National Reform Programme), which includes the extension of employment opportunities for disadvantaged groups; - involves relevant stakeholders in combating poverty; - Upon request and where necessary relevant stakeholders can be provided with support for submitting project applications and for implementing and managing the selected projects.
	<p>ESF: - Integration of marginalised Roma communities</p>	<p>10.2. A national Roma inclusion strategic policy framework is in place.</p>	<ul style="list-style-type: none"> - A national Roma inclusion strategy is in place that: <ul style="list-style-type: none"> - sets achievable national goals for Roma integration to bridge the gap with the general population. These targets should address the four EU Roma integration goals relating to access to education, employment, healthcare and housing; - identifies where relevant those disadvantaged micro-regions or segregated neighbourhoods, where communities are most deprived, using already available socio-economic and territorial indicators (i.e. very low educational level, long-term unemployment, etc); - includes strong monitoring methods to evaluate the impact of Roma integration actions and a review mechanism for the adaptation of the strategy.

			<ul style="list-style-type: none"> – is designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society, regional and local authorities. – Upon request and where necessary relevant stakeholders can be provided with support for submitting project applications and for implementing and managing the selected projects.
	<p>ESF: - Enhancing access to affordable, sustainable and high-quality health care</p> <p>ERDF: - investing in health infrastructure which contribute to national, regional and local development, reducing inequalities in terms of health status</p>	<p>10.3. <i>Health</i>: The existence of a national or regional strategic policy framework for health within the limits of Article 168 TFEU ensuring economic sustainability.</p>	<ul style="list-style-type: none"> – A national or regional strategic policy framework for health is in place that: <ul style="list-style-type: none"> – contains coordinated measures to improve access to health services; – contains measures to stimulate efficiency in the health sector through deployment of service delivery models and infrastructure; – contains a monitoring and review system. – A Member State or region has adopted a framework outlining available budgetary resources on an indicative basis and a cost-effective concentration of resources on prioritised needs for health care.

<p>11. Enhancing institutional capacity and efficient public administration (referred to in Article 9(11))</p>	<p>Member States administrative efficiency</p>	<p><i>Member States administrative efficiency:</i></p> <ul style="list-style-type: none"> - The existence of a strategic policy framework for reinforcing the Member State's administrative efficiency including public administration reform 	<ul style="list-style-type: none"> - A strategic policy framework for reinforcing a Member State's administrative efficiency with the following elements are in place and in the process of being implemented: <ul style="list-style-type: none"> - an analysis and strategic planning of legal, organisational and/or procedural reform actions; - the development of quality management systems; - integrated actions for simplification and rationalisation of administrative procedures; - the development and implementation of human resources strategies and policies covering identified main gaps in this field; - the development of skills; - the development of procedures and tools for monitoring and evaluation.
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General ex-ante conditionalities

Area	Ex-ante conditionality	Criteria for fulfilment
4. Public procurement	The existence of arrangements for the effective application of EU public procurement law in the field of the CSF Funds.	<ul style="list-style-type: none"> <li data-bbox="1043 276 2007 339">– Arrangements for the effective application of EU public procurement rules through appropriate mechanisms; <li data-bbox="1043 379 1977 411">– Arrangements which ensure transparent contract award procedures; <li data-bbox="1043 451 2000 515">– Arrangements for training and dissemination of information for staff involved in the implementation of the funds; <li data-bbox="1043 555 1984 619">– Arrangements to ensure administrative capacity for implementation and application of EU public procurement rules.
5. State aid	The existence of arrangements for the effective application of EU state aid law in the field of the CSF Funds.	<ul style="list-style-type: none"> <li data-bbox="1043 663 1944 695">– Arrangements for the effective application of EU State aid rules; <li data-bbox="1043 735 2000 799">– Arrangements for training and dissemination of information for staff involved in the implementation of the funds; <li data-bbox="1043 839 1984 903">– Arrangements to ensure administrative capacity for implementation and application of EU State aid rules.

6. Environmental legislation relating to Environmental Impact Assessment (EIA) and, Strategic Environmental Assessment (SEA)	The existence of arrangements for the effective application of Union environmental legislation related to EIA and SEA.	<ul style="list-style-type: none"> – Arrangements for the effective application of EIA and SEA Directives; – Arrangements for training and dissemination of information for staff involved in the implementation of EIA and SEA Directives; – Arrangements to ensure sufficient administrative capacity.
7. Statistical systems and result indicators	<p>The existence of a statistical basis necessary to undertake evaluations to assess the effectiveness and impact of the programmes.</p> <p>The existence of a system of result indicators necessary to select actions, which most effectively contribute to desired results, to monitor progress towards results and to undertake impact evaluation.</p>	<ul style="list-style-type: none"> – Arrangements for timely collection and aggregation of data with the following elements is in place: <ul style="list-style-type: none"> – the identification of sources and mechanisms to ensure statistical validation; – arrangements for publication and public availability. – an effective system of results indicators including: <ul style="list-style-type: none"> – the selection of result indicators for each programme providing information on what motivates the selection of policy actions financed by the programme; – the establishment of targets for these indicators; – the respect for each indicator of the following requisites: robustness and statistical validation, clarity of normative interpretation, responsiveness to policy, timely collection of data; – procedures in place to ensure that all operations financed by the programme adopt an effective system of indicators.