

FICHE NO 12
DELEGATED ACT ON THE EUROPEAN CODE OF CONDUCT ON PARTNERSHIP
("ECCP")
VERSION 2 – 21 JUNE 2013

Regulation	Article
Common Provisions Regulation	5 - Partnership and multi-level governance

This paper has been drawn up on the basis of the proposals for regulations adopted by the European Commission on 6 October 2011 and the amended proposal for a Common Provisions Regulation on 11 September 2012, taking into account the agreement reached by the Council and the Parliament on 19th December 2012.

It does not prejudice the final nature of the act, nor the content of any delegated or implementing act that may be prepared by the Commission.

The European code of conduct on partnership – the Delegated Act

Article 5.3 of the proposed Common Provisions Regulation ("CPR") for the European Structural and Investment Funds (ERDF, ESF, CF, EAFRD, EMFF) provides for a European code of conduct on partnership (ECCP). In line with the agreement reached between the Council and the European Parliament in the informal trilogue on strategic programming (annex), the ECCP will be adopted by the Commission as a delegated act. It shall lay down the framework within which the Member States, in accordance with their institutional and legal framework as well as their national and regional competences, shall pursue implementation of the partnership and multi-level governance principle as set out in article 5.1 and 5.2 of the CPR. The purpose of this fiche is to detail the envisaged structure and content of this delegated act.

1. Introductory elements

The rules laid down in the ECCP will fully respect the principles of subsidiarity and proportionality. They will be formulated as main objectives and principles necessary to achieve a meaningful partnership and therefore will offer to Member States the flexibility to pursue these main objectives and principles in different ways with regard to their respective institutional and legal framework.

The ECCP will set out that Member States shall organise their partnership in a transparent manner, in particular with regard to the identification of partners and to their involvement in the different stages of preparation and implementation, through access to necessary information.

In this context, partners shall respect the obligations laid down by Member States and managing authorities related to data protection, confidentiality and conflict of interest. Member States and managing authorities should provide the appropriate information and, where appropriate, training on these issues to the persons involved in the partnership.

The ECCP will also provide recommendations and best practices, which are not legally binding for Member States, but are seen as useful to support them in the organisation of their partnership.

2. Main principles and best practices for transparent procedures to be followed for the identification of relevant partners

Legal requirements

Member States shall organise a partnership with the competent regional and local authorities; competent urban and other public authorities; economic and social partners; and relevant bodies representing civil society (Article 5 CPR).

Main principles to be set out in the ECCP

Member States and managing authorities shall ensure a transparent selection of partners. It shall include the institutions, organisations and groups which can significantly influence or be significantly affected by implementation of the Partnership Agreement and programmes. It shall hence be pluralist, covering different types and sizes of organisations, including public administrations, businesses, community-based and voluntary organisations. The precise composition and size of the partnership will however depend on the institutional and legal framework at national/regional level.

Member States and Managing Authorities shall include in their partnerships for the Partnership Agreement and programmes at least the following partners:

Competent regional and local authorities, urban and other public authorities:

- regional authorities, national representatives of local authorities and local authorities representing the largest cities and urban areas, whose competences are related to the planned use of the ESI Funds;
- national representatives of universities, educational facilities and research centres, having regard to the planned use of the ESI Funds; and
- other national public bodies responsible for the application of horizontal principles, having regard to the planned use of the ESI Funds; and in particular the Equality bodies that are established in accordance with Directives 2000/43/EC, 2004/113/EC and 2006/54/EC; and
- for programmes, equivalent bodies organised at national/regional level, where relevant, and authorities representing the areas where integrated territorial investments (ITIs) funded by the programmes are carried out, may also be involved.

Economic and social partners:

- nationally recognised social partners' organisations, in particular general cross-industry organisations and sectoral organisations whose sectors are related to the planned use of the ESI Funds;
- national chambers of commerce, industry and agriculture, and business associations, having regard to the planned use of the funds and with a view to ensuring a balanced representation of large, medium, small and microenterprises, as well as representatives of the social economy; and
- for programmes, equivalent bodies organised at national/regional level, where relevant.

Relevant bodies representing civil society, including environmental partners, non-governmental organisations, and bodies responsible for promoting equality and non-discrimination:

- bodies working in the areas/fields related to the planned use of the ESI funds and to the application of horizontal principles (environmental protection, equality and non-discrimination), based on their representativeness, and taking into account, inter alia, their geographic and thematic coverage, their management capacity, their expertise or their innovative approaches;
- bodies representing local action groups referred to in Article 30(1) of the CPR; and
- other institutional organisations or groups which are significantly affected by the implementation of the ESI Funds, in particular the groups at risk of discrimination and exclusion.

Recommendations

Specific attention should be paid to groups that might be affected by the programmes but find it difficult to influence them, in particular the most vulnerable and marginalised, such as the persons with disabilities, migrants, Roma etc.

Public authorities, economic and social partners, and relevant bodies representing civil society may establish, in their respective area of intervention, platforms or umbrella organisations to facilitate their involvement in the partnership. They may nominate a single representative to present the views of the platform or the umbrella organisation in the partnership.

Principles to consider when partners nominate their representatives would include: competence, capacity to participate actively, and appropriate level of representation.

As regards European Territorial Cooperation programmes (ETC), it may be useful to involve in the partnership EGTCs operating in the respective cross-border or transnational programme area, since they may provide valuable input given their involvement in concrete cooperation projects or broader cooperation matters. It could also be useful to involve authorities or bodies that are involved in the development or implementation of a macro-regional or sea-basin strategy in the programme area (for example the priority area coordinators for macro-regional strategies).

Best practices

In Romania, for the preparation of the 2007-2013 period, the ESF managing authority was responsible for conducting a contextual analysis prior to the country's accession to the EU. This document served as the key programming document for the National Strategic Reference Framework (NSRF) and operational programmes. As well as the need to work in partnership with the most relevant policy actors for the programming exercise at national level, it was clear that partnership mechanisms at regional and local levels were needed to strengthen the capacity of the actors for decision making and implementation. Within this framework, a background analysis regarding employment and social inclusion in each region was conducted via meetings and discussions with relevant actors at regional and county level. In the North East region, for example, more than 200 actors were involved¹.

In Hungary, for the preparation of the 2007-2013 period, the methodology for the public consultation of the NSRF was set up following recommendations from civil society organisations. About 4000 partner organisations, including trade unions, employee interest groups and NGOs, representatives of business, education and science, were invited to advise on the orientation of the NSRF and the OPs. The general public was also able to access and comment on the NSRF and the OPs via a webpage.

¹ Community of Practice on Partnership in the ESF, Guidebook "How ESF managing authorities and intermediate bodies support partnership", 2011

Workshops were organised to discuss draft versions with relevant professional and social partners and ministerial representatives².

For the future programming period 2014-2020 in Estonia, 12 umbrella organisations have been invited to workshops and written consultations for the elaboration of Partnership Agreement. These organisations cover many fields and ensure diversity.

3. Main principles and best practices for involvement of the different categories of relevant partners in the preparation of the Partnership Agreement and programmes, the information to be provided on their involvement, as well as at the various stages of implementation

Legal requirements

In accordance with the requirement laid down in Article 14.1(c) of the CPR, the description of the partnership in the Partnership Agreement shall include: the list of partners involved in the preparation of the Partnership Agreement; the actions taken to ensure the active participation of the partners; and their role in the preparation of the Partnership agreement, i.e. how partners have been identified, and the results of the consultation with partners and its added value in the preparation of the Partnership Agreement.

In accordance with Article 23.2 of the CPR programmes shall be drawn up by Member States or any authority designated by them in cooperation with the partners referred to in Article 5 of the CPR. In conformity with the requirement laid down in Article 87(5)(c) of the CPR, Article 7.2(d)(ii) of the ETC Regulation, Article 9(1)(o) of the EAFRD Regulation and Article 20(1)(m) of the EMFF Regulation the description of the partnership in programmes shall include actions taken to involve the relevant partners in the preparation of programme and, the planned actions to ensure the active participation of the partners in the implementation of the programmes.

Main principles to be set out in the ECCP

Member States shall consult the partners on the process and timetable and keep them fully informed of the arrangements and any changes. Where formal agreements have been established between the different tiers of government below the national level, the Member State shall take account of these multi-level governance agreements.

Recommendations

For the consultation processes Member States should ensure timely disclosure and easy access to adequate information; allow sufficient time for partners to analyse and comment on key preparatory or draft documents; ensure availability of channels for partners through which they may ask questions, provide their contributions and receive feedback; and ensure dissemination of the outcome of the consultation process.

As regards the rural development programmes, provision would be made to allow these procedures to be implemented by the National Rural Networks established in accordance with Article 55 of the EAFRD Regulation.

With regard to the Partnership Agreement partners should be involved in the following areas:

- the analysis of disparities, development needs, and growth potential with reference to the thematic objectives, including those addressed by the country-specific recommendations;
- summaries of the ex-ante conditionalities of the programmes or key findings of the ex-ante evaluations of the Partnership Agreement where undertaken by the Member State at its own initiative;
- the selection of the thematic objectives, the indicative allocations of the ESI Funds and their expected main results;
- the list of programmes and the mechanisms at national and regional level to ensure coordination between the ESI Funds with other Union and national funding instruments and the EIB;
- arrangements to ensure an integrated approach to the use of the ESI Funds for the territorial development of urban, rural, coastal and fisheries areas and areas with particular territorial features;
- arrangements to ensure an integrated approach to address the specific needs of geographical areas most affected by poverty or of target groups at highest risk of discrimination or exclusion, with special regard to marginalised communities; and
- the application of the horizontal principles defined in Article 7 and 8 of the CPR, and policy objectives for the implementation of the ESI Funds.

² Community of Practice on Partnership in the ESF, Guidebook "How ESF managing authorities and intermediate bodies support partnership", 2011

With regard to the preparation of programmes partners should be involved in the following areas:

- the analysis and the identification of needs;
- the definition or selection of priorities and related specific objectives;
- the definition of the intervention logic;
- the allocation of funding;
- the definition of programme specific indicators;
- the implementation of the horizontal principles as defined in Article 7 and 8 of the CPR;
- and the composition of the monitoring committee.

Member States and managing authorities should determine the most appropriate procedures and timing to ensure involvement as set out above.

Best practices

In the United Kingdom, the partnership process between 2007 and 2013 comprised different consultations. For the future 2014-2020 programming period, the Government plan to publish outline guidance on European Union Investment Strategies in the spring 2013, to say more about the role partners will be invited to play, the support which will be available to them, and the timetable for implementation.

A best practice was identified **in Latvia** for the preparation of the future period 2013-2020, where an extensive and transparent public participation process was conducted around the National Development Plan, and where informative meetings were held about partnership in programming. Furthermore, commenting the negotiations between Member States representatives and the European Commission was made possible and there was a follow-up meeting to discuss the comments of social partners in the Ministry of Finance.

For the next programming period 2014-2020 **in France**, the INPAP (Instance Nationale de Préparation de l'Accord de Partenariat) has launched official public consultation to draft the French partnership agreement. Around 80 structures from the State, local authorities, social partners, civil society and economic actors, took part in thematic workshops to feed the drafting of the partnership agreement in March and April 2013. A national partnership, made of 300 structures representing various stakeholders, was invited to send written contributions to the consultation document drafted by DATAR.

4. Best practices for rules of membership and internal procedures of monitoring committees

Legal requirements

In accordance with the requirement laid down in articles 5.2 and 42 in the CPR, partners shall be involved by Member States in the monitoring committees for programmes. Member States or the monitoring committees of programmes shall formulate rules of membership and internal procedures within the monitoring committees of programmes, in accordance with articles 5.3(c) and 41.2 in the CPR.

Recommendations

Member States and managing authorities should establish clear and transparent arrangements concerning membership, taking account of best practice in the following areas:

- When selecting the members of the monitoring committees, Member States and the managing authorities should take into account as far as possible the partners that have been involved in the preparation of the programmes.
- The Member States, the managing authority and the partners should aim to promote equality between men and women and equal opportunity in the membership of the monitoring committees.
- The list of members of the monitoring committees and other working groups established by the monitoring committees should be made public.
- The managing authority should ask the members of the monitoring committee to sign a statement acknowledging their obligations related to data protection, confidentiality and conflict of interest.

Member States and managing authorities should establish clear and transparent arrangements concerning rules of internal procedure, taking account of best practice in the following areas:

- the members' voting rights;
- the time period for invitations to the meetings and transmission of documents which shall be not less than 10 working days;
- the arrangements for publication and accessibility of the preparatory documents submitted to the monitoring committees;
- the procedure for adoption, publication and accessibility of the minutes;
- the arrangements for the establishment and activities of working groups under the monitoring committees;
- conditions, principles and arrangements for reimbursement rules, capacity building opportunities and use of technical assistance by partners.

In relation to the interregional or larger transnational cooperation programmes, it could be difficult to involve partners from each participating Member State in the proceedings of the monitoring committee for practical reasons. Concerning ETC programmes, other ways to comply with the requirements for partnership should therefore be indicated. For example, the umbrella organisations at EU/transnational level for interregional/transnational cooperation programmes could be involved in the monitoring committees. The respect of partnership principles could also be ensured through the prior involvement of partners in the preparations of the monitoring committees (for example through their participation in coordination committees at national level that many Member States set up to prepare the monitoring committee meetings at transnational/interregional level). Both ways could help ensure that the views of the partners are taken on board.

Best practices

In the Czech Republic, between 2007 and 2013, every Czech organisation could nominate representatives for the monitoring committees. The nomination is supported by a CV and a letter of motivation and is sent to the national coordination body of the NGOs, the Government Council for Non-Profit NGOs. The Committee responsible for European Affairs within the Council vote on whom to select for the MCs.

In Mecklenburg-Vorpommern in Germany, during the programming period 2007-2013, the monitoring committee is responsible for all EU funds and is composed of high-level representatives from the private partnership (e.g. trade unions, employers, small enterprises, chambers, farmers, environment and social welfare associations). Its role is emphasised by frequent meetings, five to six times per year. The monitoring committee has a real say in decision-making on proposed projects, and the public and private partners have the same number of votes. The participatory system also includes working parties and other consultative bodies.

In Denmark, the decisions of the monitoring committee for the rural development programme for 2007-2013 are always taken on the basis of consensus. No voting takes place in practice.

5. Main objectives and best practices for the involvement of the relevant partners in the preparation of calls for proposals, progress reports, monitoring and evaluation of programmes

Legal requirements

As mentioned in article 5.3(d) of the CPR, Member States and managing authorities may involve the relevant partners in the preparation of calls for proposals. In accordance with article 5.2 of the CPR Member States shall involve the partners in the preparation of the progress reports and the implementation of programmes.

Objectives to be set out in the ECCP

Partner's involvement in monitoring: certain objectives will be laid down on the role of relevant partners in the monitoring of programmes. The managing authority shall involve the partners, under the responsibility of the monitoring committees, in the assessment of the performance of the different priorities. Furthermore, partners shall be involved by managing authorities, through the monitoring committees and their working groups, in the preparation of the annual implementation reports on the programmes.

Partner's involvement in reporting: Member States shall involve the relevant partners for the preparation of progress reports in 2017 and 2019. This shall primarily be done through the monitoring committees. The reports shall provide information and assess the role of the partners in the implementation of the Partnership Agreement and shall include an overview of the opinions given by the partners during the consultation and how they have been taken into account.

Partner's involvement in evaluation: as regards evaluation, the managing authority shall involve the relevant partners in the evaluation of programmes through the monitoring committees and where appropriate specific working groups established by the monitoring committees for this purpose. Finally, in accordance with Article 104(2) of the CPR, managing authorities for the ERDF, the ESF and the Cohesion Fund programmes shall consult the relevant partners on the reports summarising the findings of the evaluations carried out during the programming period.

Recommendations

Concerning the partner's involvement in calls for proposals, the managing authorities should involve, where appropriate, the relevant partners in preparation of calls for proposals, and should therefore set out in advance the procedures to prevent any partner or representative of the partner, who has a direct or indirect interest in a body that participates in a call for proposals, being involved in the design of the call for proposals or in the assessment of the proposals. The managing authority should also organise a regular turnover of partners involved in calls for proposals. Provisions on conflict of interest would also be needed for partners involved in monitoring and evaluation of the implementation of measures to strengthen the institutional capacity of partners.

Best practices

During the programming period 2007-2013 **in Greece**, the National Confederation of Disabled People (NCDP), as a member with voting right in the monitoring committees, examines the correct implementation of accessibility criteria in all notices, call for tenders, etc. NCDP intervenes often to denounce the lack of accessibility which was not included as binding criteria in the applications.

In Poland, a Working Group for Civil Society within the Coordinating Committee of the National Strategic Reference Framework (NSRF) is established with an aim of formulating opinions and recommendations for the implementing horizontal policies; monitoring the alignment of operational programs with Polish Country's Development Strategy; monitoring the managing and control systems for different OPs and monitoring the implementation of gender mainstreaming and sustainable development principles in OPs.

In Portugal between 2007 and 2013 partners in the monitoring committee have the opportunity to express their opinion on the evaluation reports, as the latter are discussed in the committee's meetings. In addition, different partners made a substantial contribution to the Action Plan which had to be drafted to implement the recommendation made in the evaluation reports.

6. Strengthening the institutional capacity of relevant partners

Legal requirements

As mentioned in article 5.3(e) in the CPR, the competent authorities of the Member States may use the ESI Funds including technical assistance for strengthening the institutional capacity of relevant partners, in accordance with the requirements laid down in articles 9(11), 52 of the CPR and article 7.2(b)(vi) of the ETC Regulation.

For the ESF programmes, managing authorities of an operational programme in less developed or transition regions or in Member States eligible for Cohesion Fund support shall ensure that, according to the needs, an appropriate amount of ESF resources is allocated to capacity-building activities of social partners and non-governmental organisations involved in the programmes.

Recommendations

Managing authorities should allocate part of their technical assistance to strengthen the institutional capacity in particular of small local authorities, economic and social partners and non-governmental organisations, to effectively participate in the preparation, implementation, monitoring and evaluation of the programmes. This support should take the form of, inter alia, dedicated workshops, training sessions, coordination and networking

structures and contributions to partners' costs incurred for the participation in meetings related to the preparation, implementation, monitoring and evaluation of a programme.

For the rural development programmes, this support may be implemented through the National Rural Network established in accordance with Article 55 of the EAFRD Regulation.

In the context of ETC programmes, managing authorities should strengthen the institutional capacity of partners in relation to the international dimension of cooperation activities.

Best practices

In Southern Italy, a support structure funded by technical assistance has been established to improve economic and social partners' engagement in the regional and sectoral programmes. The economic and social partners also created and managed a very successful technical assistance project from 2000 to 2006, financed by the ERDF and focusing on improving their knowledge of development programmes and strengthening their capacity to participate.

For the 2007-2013 Operational Programme for **North West England**, the ERDF Technical Group in Liverpool is supported by two local staff employed through technical assistance funding and by the managing authority who provide management information relating to the OP (spend, outputs etc.) and attend meetings of the Technical Group in advisory capacity.

In Poland, the National Thematic Network for Partnership (NTNP) was established in June 2010 to provide concrete support for the members of monitoring committees, aiming to make their activities more effective and to eliminate problems connected with the implementation of structural funds. The NTNP got the support of the Polish Ministry for Regional Development. The cost of the network is covered from the Technical Assistance Operational programme 2007-2013. The network provides six practicable instruments: a national annual conference; regional meetings; analysis and expertise thanks to thematic studies; competition for the monitoring committee with the best partnership practices; horizontal exchange of information using the Knowledge base, administrated by the Ministry for Regional Development; and various educational activities.

7. Role of the Commission in the dissemination of good practices

The Commission will monitor the partnership principle with the aim of supporting capacity building, exchange of experience and the dissemination of good practice. A Community of Practice on Partnership will provide a common platform for the ESI Funds. It will be open to all interested Member States, managing authorities and organisations representing the partners at Union level.³

Example of the role of the Commission in the dissemination of good practices

During the period 2007-2013, **the Community of Practice on Partnership**, funded from the ESF, was a network of ESF managing authorities and intermediate bodies from nine Member States. Over a period of three years, this network intensively exchanged learning about different ways of implementing partnership with the 'critical friends' review method. The CoP members exchanged and learnt about their ways of implementing partnerships, with special emphasis on governance processes and actions. The budget of the CoP was co-financed by the technical assistance and the initiative of the Commission. The network produced several key lessons reports, ran a web portal including a database on partnership experiences and published a partnership learning manual at the beginning 2012.

³ This will be based on the experience gained from the Community of Practice (CoP) on partnership in the European Social Fund (ESF) established by the European Commission, together with the EQUAL managing authorities of Flanders, Portugal, Austria, Czech Republic and Malta.

For cooperation activities more particularly, **the INTERACT programme** will focus on the dissemination of good practice in relation to the implementation of territorial cooperation programmes and actions, including on the implementation of partnership.

8. Main principles and best practices for Member States' assessment of the implementation of partnership and its added value

Legal requirements

In accordance with the requirement laid down in article 5.3(g) in the CPR, competent authorities in Member States shall assess the implementation of partnership and its added value.

Principles to be set out in the ECCP

Finally, the ECCP will lay down the principle that managing authorities shall carry out an evaluation of the performance and the effectiveness of the partnership during the programming period, as part of the exercise foreseen in article 49 of the CPR in order to facilitate the Member States' assessment of the implementation of partnership and its added value.

Best practices

After the 2007-2013 programming period **in the United Kingdom**, Birmingham City Council, Greater Birmingham and Solihull Local Enterprise Partnership are presenting a report to Government which includes recommendations on how more effectively implement new partnership and governance arrangements for EU structural funds.

ANNEX - Article 5 as agreed between Council and the EP on 19 December 2012

Article 5 Partnership and multi-level governance

1. For the Partnership Agreement and each programme respectively, a Member State shall **in accordance with their institutional and legal framework** organise a partnership with the **competent regional and local authorities**. **The partnership shall also include the** following partners:

(a) **competent urban and other public authorities;**

(b) economic and social partners; and

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

2. In accordance with the multi-level governance approach, the partners **referred to in paragraph 1** shall be involved by Member States in the preparation of Partnership Agreements and progress reports **throughout** the preparation and implementation of programmes, **including participation in the monitoring committees for programmes in accordance with Article 42.**

3⁴. The Commission shall be empowered to adopt delegated act⁵ in accordance with Article 142 to provide for a European code of conduct in order to support and facilitate Member States in the organisation of the partnership in accordance with paragraphs 1 and 2. The code of conduct shall set out the framework, within which the Member States in accordance with their institutional and legal framework as well as their national and regional competences, shall pursue the implementation of partnership. The code of conduct, while fully respecting the principles of subsidiarity and proportionality, shall lay down the following elements:

a. the main principles for transparent procedures to be followed for the identification of the relevant partners including, where appropriate, their umbrella organisations in order to facilitate Member States to designate the most representative relevant partners, in accordance with their institutional and legal framework;

b. the main principles and best practices as regards the involvement of the different categories of relevant partners, as set out in paragraph 1, in the preparation of the Partnership Agreement and programmes, the information to be provided on their involvement, as well as at the various stages of implementation;

c. the best practices as regards the formulation of the rules of membership and internal procedures of monitoring committees to be decided, as appropriate, by the Member States or the monitoring committees of programmes in accordance with the relevant provisions of this Regulation and the fund-specific rules;

d. the main objectives and best practices in cases where the managing authority involves the relevant partners in the preparation of calls for proposals and in particular the best practices to avoid potential conflicts of interest in cases where relevant partners may be potential beneficiaries, and for the involvement of the relevant partners in the preparation of progress reports and in relation to monitoring and evaluation of programmes in accordance with the relevant provisions of this Regulation and the fund-specific rules;

e. the indicative areas, themes and best practices in order that the competent authorities of the Member States may use the CSF Funds including technical assistance in strengthening the institutional capacity of relevant partners in accordance with the relevant provisions of this Regulation and the fund-specific rules;

f. the role of the Commission in the dissemination of good practices;

g. the main principles and best practices that will facilitate the Member States' assessment of the implementation of partnership and its added value.

The provisions of the code of conduct shall not in any way contradict the relevant provisions of this

⁴ The Presidency compromise proposal for the 'Code of Conduct' is accompanied by revised Recital (9) and Joint Declaration by the European Parliament and the Council. The relevant texts are provided in Annex III.

⁵ The agreement on a delegated act is subject to an agreement on all provisions related to delegated and implementing acts of the Strategic Programming Bloc.

Regulation or the Fund specific rules.

4. (new paragraph) The Commission shall notify the delegated act on the European code of conduct on Partnership, adopted in accordance with article 142 and as set out in paragraph 3, simultaneously to the European Parliament and to the Council within four months of the adoption of this Regulation. The delegated act cannot specify an earlier day for its entry into force than the day of its adoption after the entry into force of this Regulation.

5. (new paragraph) In the application of this Article, an infringement of any obligation imposed on Member States either by this Article of the Regulation or by the delegated act, adopted in accordance with Article 5(3), cannot constitute an irregularity leading to a financial correction pursuant to Article 77 of this Regulation.

6. At least once a year, for each CSF Fund, the Commission shall consult the organisations which represent the partners at Union level on the implementation of support from the Funds and shall report to the European Parliament and the Council on the outcome.

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