

LINK BETWEEN THEMATIC CONCENTRATION AND ARTICLES 6, 7, 8, 9 AND 10

Fiche ESF regulation

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Articles

Articles 4, 6, 7, 8, 9 and 10

Commission Proposals

ESF Regulation [COM(2011)607]

This paper has been drawn up on the basis of the proposals for regulations adopted by the European Commission on 6 October 2011.

Thematic concentration and the provisions laid down in Article 6, 7, 8, 9 and 10

During the last SAWP meeting, a number of delegations have raised the issue of thematic concentration to explain their reserves concerning the obligations laid down in Article 6, 7, 8, 9 and 10 in the initial Commission's proposal. This paper aims at clarifying this issue. It is based on the initial proposal of the Commission.

1. The mechanism of thematic concentration for the ESF

There are two mechanisms of thematic concentration for the ESF.

Article 4.2 foresees that 20% of the total ESF resources in each MS shall be allocated to the thematic objective "promoting social inclusion and combating poverty".

Article 4.3 requires that for each operational programme, and according to the category of region, at least 60%/70%/80% of the ESF allocation shall concentrate on four investment priorities. This mechanism offers a "built-in flexibility", since there is a part of the allocation (40%/30%/20%) which can be used beyond the main four investment priorities.

2. Involvement of partners (article 6)

The requirement for Managing Authorities to ensure that an appropriate amount of ESF resources is allocated to social partners and non-governmental organisations in the less developed regions can be translated in programming terms in three ways.

MS may use part of their technical assistance for capacity building activities related to partners involved in the preparation and implementation of the programmes (in the sense of Article 5 of the CPR). In this case, there will be no impact on thematic concentration.

Still for capacity building activities, they may also use the investment priority "capacity building for stakeholders delivering employment, education and social policies and sectoral and territorial pacts to mobilise for reform at national, regional and local level". In this precise case, a link could be made with thematic concentration. It should be however recalled that the Commission's proposal only applies to the less developed regions, where the concentration mechanism allows Member States to use up to 40% of the ESF allocation beyond the main four investment priorities. Given the relatively small amount that in such case will be allocated to this investment priority, it will have no effect on thematic concentration, as this investment priority will be part of the 40% 'built-in flexibility'.

Concerning the activities jointly undertaken by social partners, they shall be programmed under the relevant investment priorities. Hence, activities could be programmed under any of the four main investment priorities, i.e. there is no need for additional investment priorities and no impact on thematic concentration. Member States may also programme such activities under other investment priorities using the "built-in flexibility". The Commission's proposal leaves to Member States the choice to define where exactly they want to support activities jointly undertaken by social partners.

3. Equality between men and women (article 7) and non-discrimination (article 8)

The initial Commission's proposal has an impact on thematic concentration, since it requires Member States to programme specific actions under one dedicated investment priority - 3(1)(a)(iv). This investment priority was, de facto, compulsory.

The latest proposal made by the PRES allows Member States to programme specific actions for gender equality under any investment priority. Member State may therefore decide to programme and implement specific actions for gender equality under one or several of the main four investment priorities. In this case, there is no impact on thematic concentration.

They may also decide to programme such specific actions under other investment priorities, using the built-in flexibility outside the four main investment priorities.

The same reasoning applies to the provision laid down in **Article 8 on specific actions for non-discrimination**.

4. Social innovation (article 9) and transnational cooperation (article 10)

As stated in those articles, activities related to "social innovation" and to "transnational cooperation" are not linked to a specific investment priority. They should be programmed under the most relevant investment priority/priorities according to their themes. . Member State may decide to programme and implement innovative activities and transnational activities only related to one or several of the main four investment priorities. In this case, there is no impact on thematic concentration.

They may also decide to programme such activities under other investment priorities, using the built-in flexibility outside the four main investment priorities.

Furthermore, it should be pointed out that the Council inserted in Article 4(2) c) a specific paragraph indicating that the priority axes dedicated to social innovation and transnational cooperation shall be excluded from the calculation of the percentages specified in terms of thematic concentration.

As a conclusion, thematic concentration does not appear, in any practical ways, as an impediment for the implementation of Articles 6, 7, 8, 9 and 10 of the ESF regulation. Member States have ample flexibility to implement those provisions either under the main four investment priorities chosen for thematic concentration or under any other investment priorities (using the "built-in flexibility" of the concentration mechanism).