

3. Conclusions and recommendations

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
EQ 1.1 Which are the areas / topics aimed at equal opportunities relevant for the Structural Instruments?					
1	C1 C2 C3	<p>The areas/topics aimed at equal opportunities relevant for Structural Instruments are specific to two main forms of discrimination:</p> <ul style="list-style-type: none"> ▶ discrimination based on gender and ▶ discrimination based on grounds other than gender which are age (young people, old people), religion/belief, sexual orientation, disability, racial/ethnic origin. <p>The list of potentially discriminated groups is not exhaustive because the combination of one or more of the above aspects can cause forms of multiple discrimination (e.g. migrant women, young people over 18 that leave care institutions, elderly and dependent people) suffering particularly severe conditions.</p> <p>For discrimination based on gender, the relevant areas/topics identified based on the priorities set in the Strategy for Equality 2010-2015 and the Europe 2020 Strategy are:</p> <ul style="list-style-type: none"> ▶ Education and training: gender gap in learning of basic skills, participation of women in vocational education and training, participation of women in lifelong learning, gender gaps in graduate in S&T, gender gaps in tertiary education; ▶ Economic independence: gender gap in employment participation, gender pay gap, occupational segregation (both vertical /horizontal), self employment and entrepreneurship, reconciliation work and family life (quality care for children, elderly and dependents, parental leave, etc), ▶ Health, well being, environment: access to health and care services, access by specific groups (migrant women, elderly women, minorities, etc.), specific health issues of 	No recommendation.	Not applicable.	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>women groups (elderly women, abused women, etc.), public transport, transport and social infrastructures in rural areas, social infrastructures and security in urban areas, women’s double burden (reconciliation, unpaid work), ‘Green jobs’</p> <p>For discrimination based on grounds other than gender, the relevant areas/topics identified taking into account the main initiatives financed through the European Structural Funds in favour of disadvantaged groups and recent publications of the EC on the contribution of the ESF are:</p> <ul style="list-style-type: none"> ▶ Education and training: learning of basic skills, participation in vocational education and training, participation in lifelong learning, reduction of early school leaving, adaptation and equipment to facilitate access, modernization of education, encouragement of mobility, attainment of tertiary education level ▶ Employment: enhancement of labour market participation, productivity and quality of work, avoidance of discrimination in labour market (accessing and progressing), promotion of diversity management, promotion of self employment and entrepreneurship, adaptation and equipment to facilitate access, job creations in specific sector (social economy), support to school –work transition ▶ Health, well being, social inclusion: access to health services and by specific groups, specific health issues, access and supply of goods and services, communication (in alternative ways), transport, active ageing, access to and use of ICT technology, community level projects / urban development, housing, combating stereotypes and promote positive image, access to social protection system, participation in social life/ empowerment ▶ Governance and Institutional Capacity: dedicated decision making structure, monitoring and ‘non 			

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		discrimination' awareness			
EQ 1.2: Which is the national legal framework relevant for the equal opportunities?					
1	C4 C5 C6 C7 C8	<p>The national legal framework relevant for equal opportunities stems from the Constitution of Romania affirming the principle of non discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.</p> <p>The core piece of legislation is provided by Government Ordinance n. 137/2000 on prevention and sanctioning of all forms of discrimination that covers all the categories of disadvantaged and the main areas/topics identified in the European Framework for equal opportunities.</p> <p>GO n. 137/2000 is complemented by other pieces of national legislation (Law no. 202/2002, Law no. 448/2006, Law no. 272/2004, Law n. 107/2006) which address the main categories of disadvantaged groups, such as women, children, disabled, ethnic minorities. Sector laws on employment, education, access to public services prohibit also any form of discrimination.</p> <p>There are national strategies and programmes addressing the issues of non discrimination and equal opportunities (National strategy on implementing measures for preventing and combating discrimination 2007-2013, National Reform Programme 2011-2013) or focused on specific groups (Strategy of the Romanian Government for Inclusion of Romanian citizens belonging to Roma minorities for the 2012-2020 period) but the main instruments in place appears to be SOP Human Resource Development, completing with positive actions the “negative approach” of the legislation -</p>	No recommendation.	Not applicable.	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>which prohibits discrimination.</p> <p>There are minor gaps in the legislation covering non-discrimination and equal opportunities, concerning among others the issue of discrimination among employees (Labour code), access to health for persons affected by HIV (Health Law), the component of “gender discrimination” in domestic violence, educational segregation based on ethnic origins (GO 137/2000).</p>			
EQ 1.3 Are there any European regulations or policies on equal opportunities which have not been mainstreamed into the national legislation?					
1	C9 C10 C11 C12 C13	<p>The Romanian legislative framework related to non-discrimination and equal opportunities is very much in line with the European one as required for Romania to become an EU Member State. Overall the Romanian legislation seems “stronger” in terms of “negative actions”, thus forbidding all types of discrimination, in all fields, on any criteria, but less is done in terms of positive actions, really promoting equal access to all.</p> <p>For discrimination based on gender: there are limited gaps between the European and National legal Framework, more related to a lack of specificity of the legislation, due to its negative approach or due to the “novelty” of the concepts.</p> <p>The uncovered areas are relevant for Structural Instruments are: reconciliation work and family life; access to health, well being, environment taking into account multiple form of discrimination that women are facing and their specific health issues; transport and social infrastructure in rural areas, green jobs.</p> <p>For discrimination based on grounds other than gender, elderly seem to be assimilated into the social system and not used, if possible, on the labour market or empowered in any way.</p>	No recommendation.	Not applicable.	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>The uncovered areas are relevant for Structural Instruments are: productivity and quality of work, promotion of diversity management, representation in decision making positions, Participation in social life/ empowerment, combating stereotypes and promotion of positive image, non-discrimination' awareness, showing that the Romanian legislation, although very comprehensive, is implemented to a limited extent.</p> <p>Cases of multiple-discrimination and of groups particularly at risk due to their belonging to more categories are not referred to by the Romanian framework. Most of them are treated under the measures to decrease poverty and poverty risks, through access to the social system and more in strategies and programmes, rather than in legislation.</p> <p>In comparison with the European framework, the Romanian legislation also makes specific references to equal access to administrative and legal services.</p>			
EQ 2.1: How have the European and national provisions been mainstreamed into various stages of the Programmes related to the cohesion policy, co-financed through ESF, ERDF and the Cohesion Fund in Romania?					
2	C14	<p>The implementation of the equal opportunities and non-discrimination is strong under ESF-financed programmes (especially SOP HRD), less strong under ERDF programmes and weak under (predominantly) CF-funded programmes, in line with the characteristics of the funds.</p> <p>Two main approaches were applied by the seven operational programmes in transposing the equal opportunities concept in each of the 7 stages analyzed.</p> <p>▶ The first approach is embodied by targeted interventions (or interventions with a direct effect of</p>	<i>Overarching recommendation</i>		
	C15 C16 C17 C18 C19 C20		<p>R1. An equal opportunities system needs to be put in place for the implementation of the equal opportunities principle by the Operational Programmes starting from the current Programming period and continuing in the period 2014-2020.</p>	<p>R1. Responsible</p> <p>The Ministry of European Funds should initiate the process</p> <p>Timing</p> <p>Start: Q2 of 2013</p>	
			<i>Current programming period</i>		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
	C21 C22 C23	vulnerable groups) financed under the OP, while ▶ the second is the mainstreaming of the principle in the programmes' interventions with an indirect effect or no effect on vulnerable groups.	R2. Evaluations should be carried out to identify the effects of the OPs on vulnerable groups and why these effects occurred (what worked and why). Separate, programme level evaluations should be carried out for the programmes with targeted interventions, and horizontal evaluations can be carried out for the remaining programmes.	R2. Responsible OP Managing Authorities and Ministry of European Funds under the coordination of the Evaluation Working Group Timing Start: Q2 of 2013 End: Q4 of 2013	
	C24 C25 C26	A combination of the two approaches could be identified both under the SOP HRD and the ROP, where the EO principle is transposed/mainstreamed also under the targeted interventions.			
	C27 C28 C29 C30	Overall, the EO principle as concept is transposed at programme level by taking on board the provisions of the core legislation in place, especially Law 202/2002 on gender equality and Government Ordinance 137/2000. Other relevant and important pieces of legislation (such as the Labour Code, the National Education Law and Law 448/2006 on disabled persons) are rarely mentioned and taken into account. Outside targeted interventions the transposition of the EO concept is more focused, among vulnerable groups, on gender equality and, among topics, on access to labour market (as discussed also during the focus group), although the programmes re-state the overall approach of Law 137/2000 which forbids all types of discrimination, on all categories of persons, on any area. Under the targeted interventions the transposition of the EO is strong especially in the stages of programming, launch of calls, projects selection and monitoring. As ESF programme, SOP HRD aims explicitly to contribute to ensuring equal opportunities and embeds the principle in its logic of intervention (i.e. in its objectives, key areas of intervention, eligible operations, activities, target groups and beneficiaries and indicator system). Consequently, the implementation system contains the necessary provisions (i.e. conditions and information for the application process, applications appraisal and selection grids and project	R3. Human resources need to be ensured for Managing the EO dimension: the EO field is a specialized one, which evolves as any other field, thus human resources with competences adequate for managing this dimension of the programmes need to be ensured; for efficiency reasons one person may be fully engaged in managing this topic at coordination level or by the programme dedicated to equality (SOP HRD in the current programming period) but each programme should have at least one Equal Opportunities Councillor (EOC) . For efficiency reasons, the EOC function needs to be combined with other ones, the fit being monitoring and evaluation, due to their horizontal nature. In case the institution the MA is a part of has one EOC, the MA needs to work closely together with him/her. The EO Councillor should have the necessary expertise to connect the EO set knowledge (legislative and policy-related) with the knowledge related to the specificity of the operational programme, from the point of	R3. Responsible OP Managing Authorities Timing Start: Q2 of 2013 End: Q3 of 2013	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>implementation and monitoring information) which ensure that the EO principle is transposed also in practice. The approach of ROP's targeted interventions is more focused on infrastructure, as this is an ERDF programme, but very strong in monitoring, as the programme is keen to obtain the effects desired in terms of social development of regions.</p> <p>Mainstreaming the EO principle in non-targeted interventions is, overall, poor. There is no programme which does not have any effect on different vulnerable groups and, thus, for which equal opportunities is totally irrelevant. However, except OP DAC, no programme has made real efforts and implemented real measures to mainstream the principle and thus to contribute to its enhancement through specific actions. The further we go into the programme cycle, the weaker the transposition is: if in the programming phase the principle is taken into consideration, and implemented further through filtering projects not respecting it through an eligibility criterion and asking the selected projects to report on how they apply it at project level in the project reports, no monitoring (through indicators), reporting (in the AIRs) (6) and evaluation at programme level on the adequacy and effects of mainstreaming are carried out.</p> <p>OP DAC is the only programme with a mainstreaming approach among the non-targeted programmes; however, its efforts are not capitalized by adequately monitoring and presenting them in the Annual Implementation Reports.</p> <p>Overall, transposition, both under the targeted and non-targeted interventions is the weakest in the stage management and control system, followed by partnership and evaluation.</p> <p>Under non-targeted interventions the manner in which the principle of equal opportunities is coined at the programme level, in the programming stage, is followed in the next</p>	<p>view of the types of interventions financed and create a "EO chart" of the OP, containing the elements to be taken over in the programme logic of intervention and implementation (from concept of EO, to eligibility and selection criteria, project and programme monitoring and evaluation).</p> <p>R4. Monitoring Committees composition should be adjusted in order to better represent the different disadvantaged groups (e.g. women, youth, elderly, persons with disabilities, racial/ethnic groups) and presentations focused on equal opportunities issues should be organized in occasion of MC meetings in order to raise stakeholder awareness.</p> <p>R5. Information and publicity activities targeting vulnerable groups should be deployed and further emphasis can be made on disseminating good practice projects.</p> <p>R6. Equal Opportunities Network (EON): at system level, the first steps should be performed for setting up an EON composed of Equal Opportunities Councillors and national institutions responsible with EO overall and for specific groups should be invited to participate at least periodically to the EON. The network should meet bi-annually or quarterly/more often when needed (for</p>	<p>R4. Responsible OP Managing Authorities Timing Start: Q2 2013</p> <p>R5. Responsible OP Managing Authorities Timing Start: Q2 2013</p> <p>R6. Responsible The Ministry of European Funds should initiate the process Timing Start: Q2 of 2013 End: Q4 of 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>stages of the programme cycle and mainly refers to:</p> <ul style="list-style-type: none"> – the beneficiary needs and commits to respect the European and national legislation in place, thus refrains from discriminating and promotes equal opportunities in its project at the level of activities, project management, selection of the target group and its participation in the project; – the beneficiary imposes the same conditions to the contractors involved in the project; – the beneficiaries apply the public procurement rules in a non-discriminatory manner (as provided by the GEO 34 itself); – the beneficiaries and the MAs/implementation system respect themselves the EO principle, but perceived, again, mostly as access to jobs and respecting the relevant provisions of the Labour Code (i.e. setting up internal rules for employees which provide also for their equal treatment). <p>Judging by these elements the transposition of the principle is rather superficial, not nuanced to take into consideration the particularities of a programme: e.g. equal access of women to jobs in the public administration might not be as relevant considering their high percentage among the civil servants or the positive effects SOPT may have on disabled.</p> <p>Further on, there is no uniform approach to the EO principle, among programmes and within programmes. The EO principle is presented more in detail for some KAls under a programme than for the others, although the KAls are not that different to justify such a differentiated approach (e.g.</p>	<p>example when the operational programme is under elaboration, when EO evaluations are carried out or when there are changes in legislation which involves changes in the programmes’ “EO chart”).</p> <p>The EON should act also as a platform for the exchange of good/faulty practices in the implementation of the equal opportunities principle starting from those already identified in the current programming period.</p> <p>R7. Securing financial resources for the EON: the Ministry of European Funds should explore the extent to which a project can be financed under the TAF under OPTA, to support the setting of the EON and its contribution to the programming phase currently unfolding for the future programming period. This will contribute to the steps needed to be taken in order to fulfil the relevant ex-ante conditionalities for the future programming period.</p> <p>This initial project should cover also capacity building activities for both “parts” of the network, the ACIS/OPs and the EO stakeholders out of the system, activities which need to continue after the programmes elaboration and launching and financed from TA budget (depending on how this will be set up in the future programming period).</p> <p><i>Future programming period</i></p>	<p>R7. Responsible</p> <p>The Ministry of European Funds</p> <p>Timing</p> <p>Start: Q2 of 2013 End: Q4 of 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>this is the case with the 2 KAIs analysed under ROP).</p> <p>This is mainly due to the fact that “non-targeted” programmes did not make in the programming stage an adequate (or any) analysis of the requirements of the national and European legislation in force regulating EO and ND and of its types of interventions in terms of their possible (positive and negative) effects on vulnerable groups. As this analysis was not carried out, the programmes could not coin an adequate strategy and mechanisms (i.e. specific measures on specific target groups, as well as monitoring and evaluation mechanisms for assessing their effectiveness) to truly mainstream the principle at project level.</p> <p>Regarding launching the calls for proposals, the information provided to the potential applicants on how to mainstream the principle into the project is not more detailed than the information in the OP and KAIs – only two programmes issued (later than the launch of the first calls) brochures with further information, to be used both by the applicants and beneficiaries, but they are not comprehensive. There are cases (i.e. SOPIEC) in which the applicant guides do not provide any info on the issue, although the applicants need to present in the application how they implement the system.</p> <p>All programmes embed in their assessment and selection system an eligibility criterion which refers to the EO principle and is supported by a written sworn statement (i.e. affidavit) – with the exception of OP TA which does not have a selection system similar to the one of the other programmes. SOPIEC and SOP ENV do not use an eligibility criterion dedicated to EO, but the principle is put together in an overall eligibility criterion referring to several horizontal themes and respecting the legislation applicable to them</p>	<p>R8. Overall approach to Equal Opportunities: the criteria for best practice selection should be taken into account by Managing Authorities in establishing the approach to Programming and implementation of EO in 2014 – 2020. MAs should undertake the following actions:</p> <p>1. Programming phase:</p> <ul style="list-style-type: none"> – Review data availability on EO, identify missing data and warn responsible authorities for improving the data availability. – Include in the „Context analysis” of the OP an assessment of the specific context of the programme in terms of EO, covering 1) Relevant EO issues; 2) Gender differences and differences based on forms of discrimination other than gender. – Develop an EO strategy by including in the „Socio-economic analysis” a dedicated section covering EO issues relevant for the programme and how the programme can tackle /solve them. – Prioritize aspects and identify Priority Axes / Key Areas of Interventions / Operations that will address equal opportunities issues. – Define output, result and impact indicators adequate to capture the objectives of the Programme in relation to 	<p>R8. Responsible</p> <p>OP Managing Authorities and EON once set-up</p> <p>Timing</p> <p>Start: Q2 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>(all).</p> <p>Although the projects swore that they respect and will respect the legislation in place related to EO, the analyses done in the first chapter and the discussions in the focus group revealed that the provisions of the legislation are very complex and that, overall, on Romania, they are respected to a limited extent. Thus the affidavit presented by the applicants is not a strong proof and instrument for ensuring the mainstreaming of the principle at project level. Further on, the programmes do not specifically control if the beneficiaries do respect all relevant provisions of the legislation during the programme implementation (with the exception of public procurement) as the “jurisdiction” for this activity is, to some extent, somewhere else: e.g. work inspection.</p> <p>Only two programmes (except SOP HRD) deploy also a technical evaluation criteria related to EO, but the scoring assigned to it is not significant, especially under OP DAC.</p> <p>Overall, further than monitoring, also in the evaluation phase the equal opportunities principle receives very limited attention. Although a few programmes planned evaluations focusing or covering EO, none was carried out at programme level. Consequently, by the end of the programming period, most probable limited to no information will be available on the precise effects of the SI on vulnerable groups and why these effects occurred (what worked and why), and on the synergy between SI and other relevant national strategies in place, especially if no evaluations focused on effectiveness will be carried out for</p>	<p>EO issues.</p> <ul style="list-style-type: none"> – Design targeted interventions and/or adequate mainstreaming actions for non-targeted interventions by taking into account the existing European and national equal opportunities framework and based on the precise identification of the effects of each type of intervention on vulnerable groups⁴⁷. <p>2. Calls for proposals:</p> <ul style="list-style-type: none"> – Ensure availability of EO expertise for the preparation of Applicants’ Guidelines in order to transpose OP objectives in project implementation. – Applicants’ Guidelines shall contain a clear explanation of the concept of EO; the Financing Request template should require the applicant to explain how the principle of EO is addressed by the project and adequate monitoring indicators should be presented. – Deploy information and publicity activities covering equal opportunities issues in order to raise the awareness level in terms of EO among potential beneficiaries and disseminate good practice examples 		

⁴⁷ Please see also DG employment guide on Gender Impact Assessment

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>SOPHRD and ROP.</p> <p>Partnership during the programme implementation is reduced to membership of Monitoring Committee – with the exception of SOP HRD which posts the Guidelines for Application for wide consultation on their web-page. This approach links back to the EO concept developed and applied by the programme at the outset, which determined limited implication of EO stakeholders, which, in turn, perpetuated a minimalistic approach during the programme implementation.</p>	<p>through materials understandable to the wide public.</p> <ul style="list-style-type: none"> – Provide specific support for project generation for organizations representative of vulnerable groups. – Introduce multiple options for the submission of financing applications (i.e. both hard copy and electronic formats) ensuring accessibility to disabled persons. 		
		<p>Overall, specific expertise is not involved by the programmes to coin or gear the mainstreaming of the EO principle and this surely represents a bottleneck and explains the state of affairs. In this context the discussions in the focus group related to the fact that at this moment there is no clearly cut “profile” of EO-experts is particularly relevant – however, there are projects, notably ROP, which managed to e.g. select project assessors with the necessary expertise. In this context, an Institute of equal opportunities and social inclusion as proposed by a member of the focus group might be the needed initiative which could change this overall situation regarding knowledge and expertise in the field of EO.</p>	<p>3. Project selection:</p> <ul style="list-style-type: none"> – Respecting EO principle should be an eligibility criterion for all programmes, and the proof for respecting the national legislation in place should be provided in the form of: <ul style="list-style-type: none"> • extract from the internal regulation covering the non-discrimination provisions and proof of employee agreement with its content; • proof that the provisions of the law 448/2006 in terms of infrastructure for the three main types of disabled are in place; • (universities and hospitals) prove that they are accredited and they fulfilled the EO • (educational intuitions, overall) have the necessary infrastructure to accommodate children with disabilities, if needed • Ministry of Education has provided the proper training, instruction and information of the teaching staff, at all forms of education, public and private, in 		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
			<p>terms of equal opportunities for men and women</p> <ul style="list-style-type: none"> • a certificate from National Council for Combating Discrimination that the intuitions hasn't been sanctioned on discrimination grounds – for all institutions, from all fields (including health) <p>– The projects should be stimulated to truly mainstream the EO principle by granting extra points in the technical evaluation to the ones which:</p> <ul style="list-style-type: none"> • implement positive actions (if applicable) taken by the institution to counterbalance a discriminated group; • SMEs (with more than 50 employees) – proves that either it employees persons from the 5 vulnerable categories mentioned by the law, or that it pays the necessary extra taxes, in case it does not; • there is a teacher trained in EO matters by a programme of the Ministry of Education • there are women decision-makers in the management staff of the institution • number of protected economic units supported by the applicant public administration <p>– Ensure the adequate assessment of the EO principle in the project selection process by providing clear guidelines and trainings to project assessors, performing joint calibration exercises or ensuring that</p>		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
			external assessors contracted through TA possess experience in EO.		
			<p>4. Financial Management and control:</p> <ul style="list-style-type: none"> - The financial plan of the OP or of the Framework Implementation Document should contain explicit indication of the funding share allocated to actions with positive impact in terms of equal opportunities, separating gender and other discrimination issues. - Formalization of the role of the Equal Opportunities Councilor (R3) and enlargement of MC committee composition to representatives of categories of all vulnerable groups (R4). 		
			<p>5. Monitoring:</p> <ul style="list-style-type: none"> - The monitoring system of the Programme should include a coherent system of “equality” indicators comprising: 1) context indicators; 2) programme indicators; 3) project level indicators. - Reporting requirements on the implementation of the equal opportunities principle should be enhanced in Annual Implementation Report and/or ad-hoc reports. - Adequate tools/manuals should be made available to project beneficiaries providing guidance on how to fostering the equal opportunities principle at project level. 		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
			<p>6. Evaluation</p> <ul style="list-style-type: none"> - Multi-annual Evaluation Plans should address EO issues, including evaluations that will provide information also in terms of accountability (what has been achieved) and learning (if goals/plans not achieved why and how we can improve). - Two horizontal evaluations should be planned, one in the first part of the programming period (focused on how the system is set and if it creates the necessary preconditions for the principle to be adequately implemented) and one in the second part of the programming period, focused on effectiveness of the measures taken. <p>Further on, the programmes targeting the principles should specifically evaluate, at programme level, the efficiency and effectiveness of the system they have in place for implementing the EO&ND principle.</p> <ul style="list-style-type: none"> - EO related evaluations should be regularly performed according to the plans. 		
			<p>7. Partnership principle</p> <ul style="list-style-type: none"> - Representatives of vulnerable groups should be involved in all stages of the programme management and implementation cycle, 		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
			<p>R9. Partnership Agreement and OP elaboration: the EON, if set-up timely, should be involved in the Partnership Agreement and OP elaboration, taking into account the partnership principle, and further involved in programme implementation and monitoring, through Monitoring Committees.</p>	<p>R9. Responsible EON Timing Start: as soon as set-up</p>	
			<p>R10. Ex-ante evaluation of the future Operational Programmes should adequately focus on this topic.</p>	<p>R10. Responsible OP Managing Authorities under the coordination of the Evaluation Working Group Timing Start: upon approval of OPs</p>	
EQ 2.2: What other topics on equal opportunities have been promoted / mainstreamed in various OPs?					
2	C31 C32 C33 C34 C35	<p>No additional areas/topics other than those defined in the concept of equal opportunities defined under EQ 1 have been addressed by the 7 Operational Programmes, while there are on the other hands some uncovered areas.</p> <p>For discrimination based on gender the areas not covered by the existing targeted interventions are:</p> <ul style="list-style-type: none"> ▶ Economic independence: gender equality, gender pay gap and reconciliation of work and family life; ▶ health, wellbeing, environment: specific health issues of women, public transport, women’s double burden and green jobs; 	<p>Current programming period</p> <p>R11. In the current Programming period, SOP HRD as the key stakeholder for targeted interventions should consider whether the uncovered areas identified could/should be implemented taking into account new socio-economic trends and needs expressed by beneficiaries and depending on the availability of financial resources.</p> <p>Future programming period</p> <p>R12. In the perspective of the future programming period, the context analysis performed for the preparation of the new</p>	<p>R11.Responsible MA of SOP HRD Timing Start: Q2 of 2013 End: Q4 of 2013</p> <p>R12.Responsible OP Managing Authorities Timing</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>For discrimination based on grounds other than gender:</p> <ul style="list-style-type: none"> ▶ Education and training, specifically for people with disabilities and ethnic minorities, ▶ Employment: productivity and quality of work, promotion of diversity management ▶ Health, well being, social inclusion: communication in alternative ways, transport, access to and use of ICT, community level projects, urban development and housing ▶ Fundamental rights ▶ Governance and institutional capacity <p>Forms of multiple discrimination are addressed in part by targeted KAls but gaps are identified for vulnerable groups of women (ethnic/racial minority, disabled), aged (elderly and dependent, low educational attainment, elderly women), migrants with low educational attainment, students with disability.</p> <p>Some groups are addressed in more than one programme, respectively women, ethnic minorities with a focus on Roma, children and disabled and (in SOPHRD) especially institutionalised children who are exiting the social system but also children dropping out of school too early, youth, especially in their transition to labour market, and, to some extent, aged persons (to compensate for the lack of focus of the legislation on this category) and rural areas.</p>	<p>Operational Programmes should underpin the need for adopting new targeted KAls coherent with the areas/topics of equal opportunities that are currently unaddressed.</p>	<p>Start: 2013 in parallel with the drafting of the OPs</p>	
EQ 2.3: Are there any good practices in the mainstreaming of the equal opportunities principle into the Structural Instruments framework?					
2	C36 C37	<p>There are examples of good practices in mainstreaming the equal opportunities principle in the current Programming period, even though none of the Operational Programme</p>	<p>See recommendations provided under EQ 2.1.</p>	<p>See EQ 2.11.</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
	<p>C38</p> <p>C39</p>	<p>fulfils all the none of the seven Operational Programmes fulfils all the good practice criteria.</p> <p>The good practices identified which can be taken as examples and replicated in the future, related to the approach to Programming of SOP HRD, the Information and Publicity activities carried out under SOP Environment, the monitoring system of ROP as well as the evaluations focused on Equal Opportunities carried out under OP TA.</p> <p>There are also lessons learned in terms of aspects that should be improved, specifically the further embedding of the equal opportunities principle in the Programming Phase for non-ESF Operational Programmes as well as selection criteria going beyond the respect of minimum legal requirements thus promoting the adoption of positive actions on behalf of beneficiaries.</p> <p>For all Programmes there is a need to adopt a more rigorous approach for fully integrating the principle of equal opportunities in the Programme lifecycle, that stemming from the definition of objectives in the programme design phase, allows its correct implementation, monitoring and evaluation, following the steps suggested by the criteria for best practice selection.</p>			
<p>EQ 3 To what extent have the existing programming and implementation mechanisms triggered access to financing for people in vulnerable groups?</p>					

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
3	C40	<p>Overall Programming and implementation arrangements currently in place have not impeded access to finance on behalf of vulnerable groups. Vulnerable groups however, due to their characteristics, are facing additional barriers compared to non-disadvantaged target groups of Structural Instruments assistance, such barriers potentially limiting their direct participation to operations or to the benefits deriving from their outcomes.</p> <p>The most effective Programmes in removing barriers in access to finance for vulnerable groups have been SOP HRD, ROP and OP DAC for which the total number of identified barriers is between 5 and 7, while for all other Programmes the barriers are between 10 and 11 out of the total number of 18 potentially existing.</p> <p>Information and publicity activities, overall adequate to address the wide public, have lacked of specific focus on vulnerable groups both in the planning and implementation phase.</p> <p>All Communication plans in fact fail to identify vulnerable groups as specific targets thus resulting in a limited involvement of organization with strong links with vulnerable groups in communication activities (in particular for SOP Environment, SOP Transport and OP TA), the lack of explicit reference to the opportunities offered by Structural Instruments for vulnerable groups in information and publicity materials (in particular for SOP IEC, SOP Environment and SOP Transport) and media campaigns that do not take into account the language barriers faced by ethnic minorities (with the exception of SOP Environment). A limited number of cases of use of discriminatory language in respect of disabled persons were also identified.</p> <p>In the launching of calls for proposals, no specific assistance</p>	<p>Current programming period</p> <p>R13. Some of the barriers faced by vulnerable groups can start to be addressed already in the current programming period mainly in relation to Information and publicity activities. MAs should take the following actions:</p> <ul style="list-style-type: none"> – revise communication plans in order to define targeted communication activities towards vulnerable groups; – develop of multi-language and non discriminatory communication material; – extend of the network of organizations involved in communication activities; – revise of communication material providing specific reference to vulnerable groups and align Programme website with accessibility standards provided by the W3C/WCAG. 	<p>R13.a) Responsible</p> <p>OP Managing Authorities</p> <p>Timing</p> <p>Start: Q2 2013</p>	
	C41		<ul style="list-style-type: none"> – should additional financial resources be available under SOP HRD, the MA could consider implementing a pilot “global grant” scheme, selecting by means of public tender and intermediate body with strong relations with the target vulnerable groups in order to assess the effectiveness of the approach in view of the future programming period. 	<p>R13.b) Responsible</p> <p>SOP HRD MA</p> <p>Timing</p> <p>Start: Q2 2013</p>	
	C42		<p>Future programming period</p> <p>R14. Given the limited amount of uncommitted resources among Operational Programmes, the following recommendations are considered applicable mainly in the future</p>	<p>R14.a) Responsible</p> <p>OP Managing Authorities and EON</p> <p>Timing</p>	
	C43				
	C44				
	C45				

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>was available for vulnerable groups for supporting project generation (aspect which is relevant for ROP, SOP IEC, SOP Environment, SOP HRD and OP DAC due to existing rules on applicants' eligibility). Furthermore, the lack of explanation of EO principle in the Guidelines for Applicants (SOP IEC, SOP Environment, SOP Transport and OP TA) and the lack of monitoring indicators related to EO (SOP IEC, SOP Environment, SOP Transport and OP TA) are negatively affecting the possibilities of participation of vulnerable groups in project implementation, especially in the case of non-targeted interventions. Additional barriers identified concern lack of multi-language information (for all OPs) affecting in particular racial and ethnic groups and the lack of multiple options for the submission of financing applications (relevant for ROP, SOP IEC, SOP HRD, OP DAC due to existing rules on applicants' eligibility) affecting in particular disabled people.</p> <p>In relation to project selection, all OPs with the exception of OP TA provide explicit reference to the respect of minimum legal requirements as a condition for eligibility. On the other hand selection criteria related to equal opportunities and professional expertise in the selection process to assess equal opportunities issues are lacking in SOP IEC, SOP Environment, SOP Transport and OP TA, thus not fostering "positive actions" of beneficiaries in respect of equal opportunities issues and vulnerable groups.</p>	<p>programming period:</p> <p>Launching of calls for proposals:</p> <ul style="list-style-type: none"> - ensure availability of specific assistance for project generation for vulnerable groups; - include comprehensive explanation of the equal opportunities principle in the Guidelines for Applicants and monitoring indicators in the application forms; - ensure multiple options for the submission of financing applications; <p>Selection criteria:</p> <ul style="list-style-type: none"> - see R8, stage 3 Project selection. <p>Project implementation:</p> <ul style="list-style-type: none"> - the perspective implementation of multi-funded Operational Programmes should ensure continuity with the 10% flexibility rule and extend its scope of applications; MAs should take advantage of this rule in order to provide additional possibility of access on behalf of vulnerable groups to works, goods and services financed through Structural Instruments. 	<p>Start: Q1 2014</p>	
		<p>The applicability of the 10% flexibility clause provided by Art. 34 of the general regulation increases the possibilities for vulnerable groups of benefiting of the investments financed through Structural Funds. The clause has been applied to all Priority Axes under SOP HRD and OP ACD; SOP IEC and SOP Environment have applied it to a limited number of Priority Axes; OPTA, ROP and SOP Transport have not applied it at all. More specifically, all targeted interventions financed under</p>	<ul style="list-style-type: none"> - the implementation of an ESF Jeremie initiative targeting disadvantaged groups should be taken into account from an early stage of Programming; 	<p>R14.b) Responsible SOP HRD MA Timing Start: Q2 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>SOP HRD apply the flexibility rule (PA6, “Promoting Social Inclusion” applies a 15% rule) while the 3 targeted KAIs financed under ROP do not apply it. Among non-targeted interventions, 11 out of the 12 KAIs with indirect impact apply the clause, the exception being again ROP. Among 63 non-relevant KAIs, the clause is applied in 18 cases.</p> <p>Programming and implementation arrangements do not foresee any mechanisms aimed at supporting organizations representative of vulnerable groups in the financial implementation of projects, thus the availability of cash flows represents an issue for those organizations with limited to access financial products of commercial banks.</p>			
EQ 4.1: Which are the specific projects directed or dedicated to vulnerable groups?					
4	C46 C47 C48 C49 C50	<p>The portfolio of targeted interventions consists of 1.561 projects, 72% of which are financed under SOP HRD and the remaining 28% under ROP for a total contracted EU Assistance of over EUR 1.5 bn equivalent to approximately 8% of the total EU financial envelope for 2007-2013.</p> <p>The highest amount of EU funds has been contracted under KAI 3.4 of ROP in relation to investments in educational infrastructure, followed by KAI 5.2 of SOP HRD related to the implementation of active employment measures both in the range of EUR 225 mn.</p> <p>In terms of type of beneficiary, 40% of the projects are implemented by non-profit organizations almost entirely under SOP HRD and 50% by public authorities, 65% of which under ROP coherently with applicable eligibility rules.</p> <p>As per the geographical distribution of assistance, over 400 targeted interventions were contracted in the Bucharest-Ilfov (with projects however that can have national coverage especially in the case of those implemented by central</p>	<p><i>Current programming period</i></p> <p>R15. The considerable amount of EU allocation for 2007—2013 to targeted interventions calls for an evaluation of their effective contribution to the National Strategies addressing equal opportunities issues (e.g. National strategy on implementing measures for preventing and combating discrimination 2007-2013, Strategy of the Romanian Government for Inclusion of Romanian citizens belonging to Roma minorities for the 2012-2020 period).</p> <p>Findings of these exercises which could be launched in a coordinated approach under ROP and SOP HRD should be taken into account in the preparation for the future programming period.</p>	<p>R15.Responsible</p> <p>SOP HRD and ROP Managing Authorities</p> <p><i>Timing</i></p> <p>Start: Q2 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>authorities under SOP HRD) while in all other Regions contracted projects range between 200 and 150.</p> <p>The possible outcomes of such interventions, based on the target indicators included in the application forms is measured for ROP in terms 460 structures, including social centres, schools, medical units will rehabilitated, modernized or further equipped and in 110.000 people that are expected to benefit of such investments</p> <p>In the case of SOP HRD, based on the data provided by applicants, the total number of persons that will benefit from training and counselling under the targeted KAIs amounts to approximately 1.3 mn.</p>			
EQ 4.2: Which of the specific projects directed or dedicated to vulnerable groups are identified as (having a potential of) good practices?					
4	C51 C52	<p>We have identified 7 projects fulfilling the criteria of good practices defined in terms of innovativeness, external and internal consistency, efficiency, effectiveness, partnership involvement and sustainability.</p> <p>The proposed portfolio of projects covers 5 of the 12 targeted KAIs, 4 from SOP HRD and 1 from ROP. The projects address different types of vulnerable groups such as long term unemployed belonging to ethnic minorities, homeless, youngsters serving in prisons, women, roma women and mothers in risk situations. The topics covered concern</p> <p>Gender discrimination: Gender gap in employment participation, Self- employment and entrepreneurship, Occupational segregation, Social infrastructures and security in urban areas, Transport and social infrastructures in rural areas</p> <p>Other forms of discrimination: Self- employment and entrepreneurship, Job creations in specific sector (social economy), combating stereotypes and promote positive</p>	<p><i>Current programming period</i></p> <p>R16. The seven best practices presented in this evaluation hint that there may be a high number of projects with high and tangible impact on vulnerable groups. Identification of further good practices and their dissemination especially of those with high potential of replicability should be considered in order to capitalize on the EU resources already spent.</p>	<p>R16. Responsible</p> <p>Managing Authorities</p> <p><i>Timing</i></p> <p>Start: Q2 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		image, Discrimination- based violence and human trafficking, access to social protection system			