

ANNEX

Observations on the Operational Programme Research, Development and Education (OP RDE)

CCI 2014CZ05M2OP001

The following observations are made in reference to Article 29(3) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council (CPR). The Czech Republic is asked to provide to the Commission any necessary additional information and, where appropriate, revise the Operational Programme.

GENERAL OBSERVATIONS

1. The Commission services appreciate that a lot of comments made in the informal dialogue were taken into account. Please also note that the comments below refer to the English version, if not specified otherwise, as it was marked as being more developed than the Czech one (which is also in the SFC2014).
2. The OP RDE has to be brought in line with the Partnership Agreement.
3. There is still room for overall improvement of the OP's structure, intervention logic and streamlining the text while avoiding repetition. This in particular applies to the introduction, the strategic part and the text at the beginning of the description of the priority axes. A more consistent approach and structure has to be applied to the description of activities and their expected results. Formatting (e.g. bold text) needs to be unified throughout the text.
4. The intervention logic has still to be improved for all priority axes (PA)/investment priorities (IP). The scope of the investment priorities is not precise enough. The specific objectives (SO) have also to be more precise and define the change which is planned to be achieved. The OP has to provide relevant result and output indicators for all the specific objectives and set targets for them. Output indicators have to cover most proposed actions under each investment priority. All the proposed actions have to directly contribute to the specific objectives under the investment priority.
5. The need to precisely link the OP with the Europe 2020 Strategy and the National Reform Programme (NRP) is of crucial importance. In this respect, the Czech authorities are requested to translate the relevant 2014 country specific recommendations (CSRs) addressed to the Czech Republic within the Europe 2020 process into investment priorities. An overview table which sets out the financial allocation for each relevant CSR – IP has to be elaborated.

Specifically, in accordance with the needs and priorities for intervention identified in these documents, the integration of Roma, and in particular, the need to increase the participation of Roma children in mainstream education and improve its quality, arises as

one of the major challenges for the Czech Republic. In particular, it is important to continue the efforts to avoid over-representation of Roma children in practical schools and to provide them with support throughout the schooling in order to avoid their high drop out. Therefore, it stands out as one of the priorities where the ESF needs to concentrate its support. In light of this, and taking into account that member states (MS) are required to concentrate resources from ESIF in investment priorities which reflect their key challenges (Article 18 CPR), the OP has to be redrafted as to include the relevant investment priority (9ii) in order to ensure an adequate matching of the funding to overcome this challenge.

6. Data for calculations of the allocations for the more developed region (Prague) and less developed regions need to be provided (e.g. so called proxies used) in order to assess benefits of operations implemented outside the programme area (and pro-rata emerging from the financial tables). These data will be used for verification in future.

In this respect, please note the legislative provisions of Article 70 (1) and Article 93 of the Common Provisions Regulation (CPR) and of Regulation (EU) No 1304/2013 of the European Parliament and of the Council (ESF regulation) apply in this case. These provisions contain the following rules:

a) Article 70(1) of the CPR contains the general rule that operations are to be located (meaning 'implemented' or 'taking place') in the programme area, i.e. the geographical area corresponding to each separate category of region. In such case there is no need to undertake an assessment of the benefit for the region where the operation takes place; neither does it require an assessment for the benefit of another category of region. Applying the general rule of Article 70(1) of the CPR implies that the funding has to be drawn from the category of region where the operation is located. For instance, in case an operation is implemented in the less developed region, the budget can be exclusively drawn from the envelope of the less developed region - even if there is also a benefit for Prague - as the application of Article 70(1) of the CPR does not require an assessment of benefit.

b) The CPR allows for derogations from the general rule provided that a number of conditions are fulfilled as well as for the application of Fund-specific rules. The use of the derogation of Article 70(2) of the CPR (applicable to the ERDF) and of the Fund-specific rule of Article 13(2) of the ESF regulation is, however, not obligatory as Member States can decide to always apply the general rule of Article 70(1) of the CPR.

c) Article 13(2) of the ESF regulation allows, as a Fund-specific rule, to implement an operation outside the programme area if it "is for the benefit of the programme area". As a consequence, the benefit has to be assessed at the level of the operation. If the benefit is not solely for the programme area, but there is also a benefit for the geographical area where the operation is implemented, a pro rata will need to be established based on the benefits for the programme area and for the area where the operation is taking place. For instance, in case the programme area is the less developed region and the operation is

implemented in Prague, then the Czech authorities will first need to assess if the operation is for the benefit of the less developed region. If this is the case and if the benefit is not exclusively for the less developed region (as there is also a benefit for Prague), then a pro rata will need to be established.

As a matter of flexibility to ease implementation on the ground, this benefit can be assessed for similar types of operations, i.e. provided those operations have the same pattern (e.g. in relation to participants) and a pro-rata for similar types of operations can be set in advance.

However, the flexibility cannot be extended more as this would be in breach of the requirements of Article 13(2) of the ESF regulation and Article 93(1) of the CPR which sets out one of the basic principles of Cohesion policy, i.e. the principle of non-transferability of resources between categories of regions.

Please also note there are requirements for the performance framework. According to Article 22(1) of the CPR, the amount corresponding to the reserve is to be set out by priority axis, ESI Fund and category of region. Furthermore, according to Article 22(2) CPR, the Commission will determine the programmes and priority axes that have achieved their milestones. Hence, for a priority axis covering more than one category of region, all the indicators in the performance framework with milestones and targets, as well as their achieved values, have to be broken down by a category of region and they have to be a proper reflection of the achievements in each category of region.

In light of the above the Commission is unable to assess if the OP complies with Article 70 (1) and Article 93 of CPR and Article 13 (2) of the ESF Regulation.

7. The formulation of the type and examples of actions have to be considerably amended to respect the Article 96(2) point (b)(iii) of the CPR and point 2.A.6.1 of the Commission Implementing Regulation (EU) No 288/2014. The description does not provide information of the expected contribution of actions to specific objectives - the Commission strongly suggests assigning actions to each specific objective.

The actions need to be formulated in a more concrete way. Please note that the programme has to present the consistent list of actions to be supported under each investment priority which means all the activities to be taken with their concrete examples and not – as it is the case currently – indicative lists of supported activities to achieve the specific objectives. The actions have to clearly demonstrate planned scope of interventions.

8. As for ERDF indicators, these remain to be a weak part of the OP. Many result indicators are not well selected and translatable into project selection criteria. Some of the result indicators are in fact output indicators. Baselines of majority of result indicators are still set at zero whereas the baseline for result indicators should normally never be zero. It

should be made clear that all result indicators refer to the whole target population/programme area/targeted sector, and not just to beneficiaries.

9. ESF result indicators shall measure effects on directly supported participants/entities/structures or products. The suggested macro-indicators are not necessarily connected to support as they mostly capture the output on a macro-level that reflects various confounding factors. Result indicators need also to be linked to corresponding output indicators, which is often not the case, since relevant output indicators are missing. From additional submitted material, it can be noted that internal output indicators were established. It is not possible to monitor outputs only through internal indicators and some of them will need to be included in the official version of the OP. When an indicator includes a "product", it has to be specified.

For some result indicators with targets, baselines are missing or are set at zero. The Commission reminds that baseline is a reference value against which a target is set. In normal circumstances if a value can be set for a target, it should be possible to set a baseline. They can be established on the basis of existing or previous similar interventions, be it under ESF, national/regional programme or under similar ESF programmes from other countries. It is possible, though extremely unlikely, that for a proposed intervention, there is no analogous experience of any kind. In case of absence of any analogous experience, studies or research could be used. In duly justified and exceptional circumstances, a baseline could be zero if the nature of the operation and objectives lead to such a conclusion.

There is a need to include indicators measuring the inclusive nature of education, both in terms of qualitative indicators (on quality of education) and mixity of students (i.e. preventing overrepresentation of Roma students in special/practical schools).

10. Since support is often aimed at systems and structures, it is recommended to use the Guidance Document on Indicators of Public Administration Capacity Building which can serve as a reference for establishing the logic of ESF indicators for the OP.
11. As regards the performance framework in accordance with Article 4 of the Commission Implementing Regulation (EU) No 215/2014 of 7 March 2014, the MA is requested to submit in separate document recorded information on the methodologies and criteria applied to select indicators for the performance framework. This information has to include:
 - data or evidence used to estimate the value of milestones and targets and the calculation method, for instance data on unit costs, benchmarks, standard or a past rate of implementation, expert advice and the conclusions of the ex-ante evaluation;
 - the justification for the selection of output indicators for the performance framework, including information on the share of the financial allocation represented by

operations that will produce the outputs, as well the method applied to calculate this share, which must exceed 50% of the financial allocation to the priority;

- information on how the methodology and mechanisms to ensure consistency in the functioning of the performance framework set out in the Partnership Agreement in accordance with Article 15(1)(b)(iv) of the CPR have been applied.
 - where the performance framework also includes output indicators or key implementation steps, the explanation for the selection of these indicators and steps, respectively.
12. The Commission services also note that the amount of the performance reserve represents 6 % of the ESF and 6.11 % and 6.13 % of the ERDF allocation to the OP, therefore above 6 % for the ERDF. Article 22 of the CPR stipulates that the total amount of the performance reserve allocated by ESI Fund and category of region shall be 6 %, whereas the performance reserve shall constitute between 5-7 % of the allocation to each priority within a programme. Compliance between overview table on the performance amounts foreseen by fund and category of region as required by Article 15 (1) point (a)(vii) of the CPR to be included in the Partnership Agreement and OP needs to be checked as far as the performance reserve is concerned.
13. As stated in Article 126 of the CPR, the financial indicator of the performance framework relates to the total amount of eligible expenditure entered into the accounting system of the certifying authority and certified by the authority (and not just to the European Union support). This means that the financial indicators have to include the national counterpart as well. Please confirm this is the case or revise accordingly.
14. The Czech authorities are asked to ensure that the OP inserted in the SFC2014 system is consistent with the stand alone document of the OP, in particular on financial tables, indicators and responsibilities for implementation. In addition, it has to be ensured that financial data across all different documents are consistent and calculations are correct.
15. According to the ex-ante evaluation submitted with the OP, the SEA statement issued by the Ministry of Environment was not available for this evaluation. Therefore this evaluation cannot be considered as fulfilling the requirements of Article 55 (4) of the CPR which states that "ex-ante evaluations shall incorporate, where appropriate, the requirements for strategic environmental assessment set out in Directive 2001/42/EC of the European Parliament and of the Council taking into account climate change mitigation needs".

The SEA statement as provided is not to be understood as the final statement in light of the SEA Directive to be issued with the adoption of the OP. Therefore, the position of the Commission is without prejudice to the finalisation of the procedure in accordance with the SEA Directive.

16. Results need to be expressed using the indicators of European Statistics, where these exist at the appropriate NUTS level , and if they correspond to the intervention logic and fulfil the criterion of responsiveness to funded activities as required by the general ex ante condition 7 (EAC). Where relevant, specific areas and regions referred to in the interventions (urban, rural, metropolitan, coastal etc.) have to be delineated, according to the harmonised definitions published by the European Commission.
17. The Commission service stresses that before it will be possible to adopt the Czech operational programmes of the 2014-2020 period, the Czech authorities will have to comply with their commitments included in the Partnership Agreement regarding the Civil Service Act.
18. There is no information in the OP as regards cross-financing. If and where it is planned, the Managing Authority has to ensure that it does not increase unduly the administrative burden for beneficiaries. The regulation requires beneficiaries to demonstrate that costs are necessary for the satisfactory implementation of the operation and are directly linked to it. The Managing Authority will need to monitor the use made of cross-financing as it is limited to 10% of the Union contribution to a priority axis. Moreover, the Managing Authority is to check whether the other criteria set by Article 98(2) CPR are fulfilled, as only part of an operation can be subject to cross-financing and the costs must be necessary for the satisfactory implementation of the operation and be directly linked to it.
19. As to the "national projects", a commitment has to be made in the OP that they will be exceptional and based on a list of transparent criteria. It has to be explained how the preparation, selection, implementation and supervision of national projects will be improved in the 2014-2020 period.
20. The Commission draws the attention of the Czech Republic to the fact that the Decision approving the operational programme is without prejudice to the Commission's position regarding compliance of any operation supported under that programme with the procedural and substantive State aid rules applicable at the time when the support is granted.

The granting of State aid falling within the scope of Article 107 (1) TFEU, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 108 (3) TFEU, except where the aid is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 to certain categories of horizontal aid and its amendments or under Commission Decision of 20 December 2011 on the application of Article 106 (2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest or granted as general de minimis aid.

The OP has to be complemented with information on how it shall contribute to the implementation of the Youth Guarantee (YG) and the Youth Guarantee Implementation

Plan (YGIP). It needs to be precisely clarified which elements of the YGIP will be implemented within the OP, for which target groups and with which concrete measures. In this respect the complementarities with the OP Employment as regards implementation of measures under YGIP has to be spelled out.

SECTION 1 STRATEGY FOR THE OPERATIONAL PROGRAMME'S CONTRIBUTION TO THE UNION STRATEGY FOR SMART, SUSTAINABLE AND INCLUSIVE GROWTH AND THE ACHIEVEMENT OF ECONOMIC, SOCIAL AND TERRITORIAL COHESION

(Reference: Article 27(1) and point (a) of the first subparagraph of Article 96(2) CPR)

21. Recalling the negotiations of the Partnership Agreement, Commission reminds the Czech authorities of its commitment regarding systemic cooperation and coordination of activities related to the education sector between the two authorities managing OPRDE and IROP. The provisions setting out in detail this coordination mechanism has to become an integral part of both programmes.
22. Since the integration of Roma is one of the challenges for the Czech Republic, as expressed in the CSRs, and clearly one of the priorities where the ESF needs to concentrate its support, a relevant investment priority (9ii) referring to Roma has to be included in this investment priority as agreed in the negotiations of the Partnership Agreement. In addition, this OP needs to identify specific objective/s and relevant indicators with targets set for Roma under investment priority 10ii. These changes have also to be reflected in the performance framework. These amendments are necessary in order to ensure an adequate matching of the funding with the challenges faced by Roma children in education.

It is not clear why a disproportionate number of Roma children in practical schools is not identified as a developmental need. The physical segregation, misdiagnosis of Roma as SEN (special educational needs) and their overrepresentation in practical schools need be to explicitly identified as challenges and pave the way for appropriate measures to address them. The OP has to provide detailed information on the planned type of interventions within the new IP 9ii, which needs to aim at the desegregation of education. This should for example include: measures to fight discrimination and promote acceptance of diversity in the classroom, development of inclusive ECEC, elimination of financial barriers to participation of Roma/disadvantaged children in ECEC or mainstream schools (bussing, free meals, cash and in-kind benefits); employing Roma teaching assistants to ease transition of Roma children from special to mainstream schools; programmes to empower and work with Roma parents; awareness raising among Roma and non-Roma on the benefits of inclusive education, programmes preparing teachers, schools, parents, children in schools of origin and destination (transfer of Roma from special to mainstream schools) – local development plans should have an obligatory equal opportunity/desegregation element, funding should be made conditional on its implementation; early, targeted, individualised support for underperforming students to prevent drop-out and segregation; second-chance programmes for early school leavers.

The measures need to be chosen on the basis of already gained experience and evidence in this area.

23. There are still ambiguities in terms of children with SEN. There is an evident amalgamation between special needs referring to children with medically recognized physical, cognitive or emotional impediments (blind, deaf-mute, autistic, stunted development due to malnutrition, etc.), and special educational needs, which are broader and may originate in backgrounds that are disadvantaged in terms of socio-economic status, illiterate parents, family environment not speaking the national language etc. This difference needs to be explicitly acknowledged in the strategy part and when devising targeted measures (PA3, IP1 – TO9) as well as measures to develop generally inclusive mainstream education (PA3, IP2 - TO10), because simply differentiating between these two groups in the result indicators is not sufficient.
24. It has to be stated more clearly that Roma children with socio-economic disadvantages should not be channelled into special/practical schools for SEN children. To reflect this aim, it is recommended to include an indicator on the number of Roma transferred from special/practical schools to mainstream schools and/or on the change in Roma participation rate in special/practical schools.
25. As regards the target groups, it needs to be clarified why a reference to migrants, including asylum seekers and other beneficiaries of international protection, was not proposed under actions related to thematic objective 9 (TO9) and 10 (TO10).
26. In line with the CSR "Increase considerably the availability of affordable and quality childcare facilities and services, with a focus on children up to three years old", the Commission understands that the OP RDE (priority axis 3) will focus on kindergartens (approx.. from the age 3 until the start of compulsory school). However, it is expected that the OP Employment, in synergy with IROP, will support the area of inclusive childcare for children aged 0 – 3, including the training for staff and the general infrastructure, in order to facilitate the access of women to labour market.
27. As already mentioned in the comments to the informal drafts, the OP has to contain a short summary of the main priorities emanating from the S3 once it will be finalised. Since the Smart Specialization Strategy (S3) is a basic strategic document laying down objectives and policies for research and innovation in the Czech Republic, it has to be made evident that all planned investments under the thematic objective 1 have their basis in the needs identified in the S3. For the time being, the OP contains some references to the RIS3 but these are mainly limited to the specific objective 1 in the PA 1.

All investments under the thematic objective 1 have to closely reflect the conclusions of the S3 in terms of priorities, policy mix, instruments and indicators, and it has to be evident how the OP will contribute to the fulfilment of the objectives of the S3. This alignment also applies to complementary financing of projects approved under Horizon

2020, and also for projects that have passed successfully the evaluation, but could not be funded for lack of Horizon 2020 budget (so called “shortlisted projects”).

The links with the S3 will have to be checked at a later stage, once the final version of the S3 is available.

28. The introduction and the strategic part put a special focus on societal challenges, which is then reflected in part 2, especially in PA 1. It is stated that “Research will become more focused on social challenges defined by National Priorities of Oriented Research, Experimental Development and Innovations (Priorities 2030) and S3 and on market needs.” So far, smart specialisation priorities are unknown because the S3 is still being developed and a draft sent to the Commission for informal evaluation in May 2014 did not have well defined priorities. S3 has to contain priorities that have emerged from entrepreneurial process of discovery and analysis of (a) R&D and technology capacities; (b) market opportunities and potential from national and global perspectives; (c) structure of economy and business assets (critical mass, innovation potential). The sentence in the OP is formulated in such a way that it appears that S3 has no links with market needs whereas it should be the opposite. Moreover, the English version of the OP wrongly calls “social challenges” what is defined as “societal challenges”. Finally, and most importantly of all, it is not clear how the mentioned societal challenges are interlinked with the S3 priorities.
29. Concerning the investments in the research infrastructure, the support is correctly targeted at upgrading and fully using the already build research facilities. However, as regards the planned construction of new research centres or substantial modernisation of the existing centres in Prague, it needs to be noted that these investments shall be limited in scope and fully in line with the needs identified in the S3. The Czech authorities also need to provide clear assurance that the financial sustainability of these investments will be guaranteed even after the end of the ESI Funds support.
30. The issues related to inadequate management, evaluation and financing of research institutions are now better reflected in the actions proposed but the needs analysis remains weak and must be developed in more detail.
31. The identified need related to the low involvement of women in R&D is still not adequately followed by specific actions. The proposed action related to schemes of gender equality in research is very vague and does not give any idea on what will be financed. Gender equality as such is a horizontal principle that has to be mainstreamed into all activities. Specific actions to be proposed to improve the women participation in R&D need to have direct positive impact on women and clear targets.
32. References to synergies between the ESI Funds and Horizon 2020 and other EU instruments are developed in the text. Nevertheless, the Commission recommends including a provision to allow possible co-financing of projects located in at least one

other member state (under Art. 70 of the CPR) which can be crucial for projects of international cooperation.

33. Regarding the investments in infrastructure at universities, a more evidence-based approach has to be developed which shows how the current and future infrastructure needs were assessed. Measures proposed have to be also consistent with the S3, where appropriate, as it seems that the strategy will include some education measures to tackle the relevant shortcomings.
34. Innovation in higher education has not been addressed in this strategic section.
35. As for the foreseen allocation for Prague, the forecasted increase of EUR 250 000 000 is significant and would have a huge impact on the OP and on its results in Prague and other regions. The Commission understands that further negotiation on this issue will take place once the final version of the guidance on the use of Article 70 of the CPR will be available and the decision of the use of Article 93 of the CPR is made. As a consequence, the financial allocations so far do not meet the proposed actions and this part of the OP will have to be changed accordingly.
36. Since the interventions under this OP are foreseen mainly in the urban and metropolitan areas, it has to be explained how these will be coordinated with the ITIs possibly taking place in the same areas. Please specify whether these interventions will be included in the ITI strategies for the urban/metropolitan areas in question.
37. The strategy does not make a clear distinction between pupils requiring special attention as a result of health / disability / societal challenges (see the comment 14). While inclusive education is important for all groups, there are significant differences between the interventions needed. The definition of challenges has to be more explicit to allow effective interventions. In this respect, please note comments above regarding the use of IP (9ii)/Roma for specific measures targeted at Roma to integrate them in mainstream education.
38. As regards the systemic changes into the Czech educational system, the Commission suggests to explore the opportunity to use HEInnovate tool (launched in November 2013 by EC and OCDE) to assess the entrepreneurial capacity of higher education institutions and encourage institutional change in Higher Education (www.heinnovate.eu). The Commission can provide initial support and consultation on how to use HEInnovate, if needed. HEInstitutions can develop action plans to remedy the weaknesses that were made clear from the assesment, in view of strengthening the institutional capacities in terms of entrepreneurship linked to human resources. Such action could be envisaged for CZ under this OP.
39. Areas of intervention (page 7) have to be listed and numbered in the same logical order as the IPs so as not to cause confusion. In the first area for intervention, the term "quality of

access" is ambiguous. A more appropriate formulation would be "equality of access to education".

40. Semantic comment: the statement (page 6) claims that the OP contributes towards one priority of Europe 2020 (Smart Growth) whereas below, there is a claim of also contributing to a second priority, "Inclusive Growth". The OP can of course address both but the wording of the OP needs to be clarified.

SECTION 2 PRIORITY AXES

(Reference: points (b) and (c) of the first subparagraph of Article 96(2) CPR)

41. Please note that the general comments above also refer directly to the design of priority axes so they should be read together with the ones below. More details about financial allocation planned for different investment priorities/specific objectives have to be provided.

PRIORITY AXIS 1

42. Given the total funding available (more than 1 billion EUR) and the number of needs identified, the Commission recommends working with more than just 2 specific objectives. The current ones are formulated in a very broad manner, trying to cover many different fields of support. This leads to unnecessary generalisation and does not give a good picture on what will actually be supported and what change is to be attained.

To illustrate, it is very difficult to understand what lies behind the specific objective "Strengthening research excellence". It is not clear in which fields the research will be strengthened and what the definition of excellence is or what the region-specific change required is. Similar comments would apply to the specific objective "Increasing the benefits of research to society". Please specify which benefits will be increased and for which sections of the society.

When defining specific objectives, there shall also be a clear link between the specific objectives and the S3. When the specific objective foresees investments in the research infrastructure, it has to be made clear.

43. Throughout the text (for examples p. 27, 29 and 42 of Czech version) and also in the tables on ex-ante conditionalities, different national strategic documents are mentioned. The Commission understands that the drafted S3 will be inserted within a wider framework composed of the different strategies. Nevertheless, the link between the national S3 under preparation and National priorities for Oriented Research has to be explained, as they are very often mentioned and from the formulations it seems that they do not coincide with the S3 priorities. The same applies for frequently mentioned "market and society needs" (for example p. 32 of Czech version).

44. Co-financing of projects in Horizon 2020 programme (subject to prohibition of double funding of the same budget item) as well as possible financing of projects that have passed successfully the evaluation, but could not be funded for lack of Horizon 2020 budget, are foreseen (p. 32 and 33 of the Czech version). While the Commission appreciates the good references to the synergies with Horizon 2020 and other EU instruments throughout the text and the good ideas to be implemented, please note that the ESI Funds cannot be used to cover the national co-financing part of Horizon 2020 projects or projects of other EU instruments and vice versa. This is one of the main principles of synergies and must be correctly reflected in the text.
45. As already requested previously, more detailed information has to be provided on the proposed new instruments for the development of strategic partnerships between the public and the private sector which will lead to the fulfilment of the S3. This is still not provided in the current version of the OP. Since it seems that likely the whole implementation structure of the S3 will be co-financed by the ESI Funds, more details about the actions foreseen have to be provided.
46. Some of the activities related to the improvement of quality of strategic management of the R&I on the national and regional level are mentioned twice in the text (p. 33 of the Czech version).
47. As regards the proposed investments in the educational research infrastructure, a clearer needs analysis has to be presented outlining the identified weaknesses, especially with regards to the investments in the 2007-2013 programming period.
48. Concerning the potential beneficiaries, please indicate whether support of large enterprises is foreseen in the OP or not.
49. Concerning the project selection (p. 35 of Czech version), while compliance with the S3 is explicitly listed as a criterion for selection of individual projects, this reference is missing under major projects. The Commission reminds the Czech authorities that since all ESI Funds investments under thematic objective 1 must be in full compliance with the S3, this criterion has to apply also to the selection of major projects, therefore also for the second phase of the "Extreme Light Infrastructure" project.

As mentioned during informal dialogue, synergies between activities under specific objective 2 and the OP Enterprise and Innovations for Competitiveness are of crucial importance and therefore shall be reflected in the selection criteria. The text still does not provide information on whether the managing authority of the OP Enterprise and Innovations for Competitiveness will be involved in the process and how.

50. The use of financial instruments is not foreseen but a reference to the ex-ante assessment on financial instruments must be inserted.

51. The examples of activities and actions are still very broad and do not give a clear idea of what kind of projects will be co-financed. Please develop the description further and in more detail.
52. Since the priority axis foresees support in the less developed regions as well as in Prague, it has to be clearly described what activities will be financed in Prague and in other regions, and what the share of funding between the two categories of regions will be.
53. The R&I support is reflected in three categories of intervention (58, 60 and 61) distributed between less developed and more developed regions. The amount varies EUR 601.630.729 for less developed regions under category 58 “research and innovation infrastructures” to EUR 98.873 for more developed regions under category 61 “Research and innovation activities in private research centres including networking”. However, the Commission notes a small discrepancy between the total of EUR 904.423.547 from all categories and the total of table 18C for axis 1 which is up to EUR 1.006.013.636. This discrepancy has to be clarified.
54. The result indicators selected for the two specific objectives have to measure the desired or expected change and should not be output indicators. The Commission has also previously recommended using maximum 2 results indicators per specific objective.
55. In almost all result indicators, the baseline value is stated as zero. Baselines for result indicators shall normally never be zero. The ERDF result indicators also have to refer to the whole population/programme area/target sector, and not just the beneficiaries. Please make clear whether this is the case.
56. As for the result indicator "number of participating research teams in foreign programmes of international co-operation", please indicate the baseline and specify in what research fields the participation will be encouraged and how this indicator will be used for project selection. The same comments apply to the indicator "proportion of specialised publications with co-authorship of Czech and foreign researchers".
57. As regards the result indicator "international patent applications", this could be acceptable but links to the S3 need to be enhanced (for the time being it seems that all projects leading to patent applications will be eligible for support).
58. The other two result indicators relating to number of researchers or students using new infrastructure are output indicators and therefore cannot be used as result indicators. One of them is a common output indicator.
59. As for the indicator on number of students using new infrastructure, please specify whether it is correct that the target value is the same for the more developed region as well as for the less developed regions (6 000 students).

60. The result indicators "implemented new products of strategic management of RDI" and "number of regions implementing new tools to support RDI" are very unclear and do not give precise information on what actually will be measured.

PRIORITY AXIS 2

61. The Commission services need to see more information about what types of investments will be carried out in Prague and in the less developed regions respectively. So far, the analysis provided does not show much difference between the two categories of regions (see also previous comment on better needs analysis under chapter 1). It needs to be made clear what the share of investments and benefits between both categories of regions will be – see also the comment above on the matter.
62. The part referring to investments from the ERDF has to be further developed and needs have to be clearly identified, taking into account the education ex-ante conditionalities which are applicable to the infrastructure-related investments. The identification of the needs has to be supported by an analysis which shows how the current and future infrastructure needs were appraised (where the needs are, which universities will be targeted, what parts of their infrastructure will be targeted and why, how the territorial dimension has been taken into account, etc.).
63. The priority shall be given to infrastructure investments related to technical fields of study in order to promote these fields and improve the numbers of graduates which are one of the lowest in the EU.
64. The reconstruction and restoration of unsuitable buildings intended for university education is foreseen, especially in Prague. The Commission reminds the Czech authorities that renovation of buildings with limited impact on quality or participation needs to be avoided as it is to be financed through mainstream maintenance budgets and not with the ESI Funds. The investments shall also be justified as cost-effective and sustainable.

The text also mentions that the reconstructions and renovations will take place mainly in Prague (p. 55 of the Czech version). However, from the selected output indicator "reconstructed, expanded and newly-build capacities" it seems that majority of these investments will take place in the less developed regions (38 000 m² in the less developed regions x 22 000 m² in Prague). Please explain why the newly-build capacities are included if the planned activities focus only on reconstruction and renovation.

65. Further clarification on the term "specialisation of universities" is necessary. This can imply less or more rigorous measures, from identifying more successful study programmes and channelling funds towards them to rationalising the network of higher education institutions and shutting down overlapping or less well performing courses. The exact method of achieving specialisation has to be specified in PA2 IP1, whilst potential negative knock-on effects need to be acknowledged.

66. The definitions of the specific objectives remain very broad and have to be further specified. An explanation as to what is considered as “high quality” educational provisions needs to be given.
67. The list of supported activities needs also to include the development of more profession-oriented bachelor programmes.
68. The principles of project selection are the same as for the PA 1 (p. 56 of the Czech version). Please specify whether this means that compliance with the S3 will be checked also for investments under thematic objective 10.

The link to the ESF financed investments has to be one of the key criteria for the selection of projects but for the time being this does not seem to be the case.

69. In line with identified needs, ESF indicators have to include: i/ newly-created profession-oriented bachelor programmes (in line with a need referred to under IP1, SO1); ii/ completion rates of students (by target group) in newly-created profession-oriented bachelor programmes; iii/ graduate employment rate of students who completed newly-created profession-oriented bachelor programmes.
70. As regards the result indicators, an indicator "Number of supported students of marginalised ethnic groups, including the Roma, in supported organisations" (see a comment to PA 3) is recommended to be added to the newly created IP on Roma. The indicator "participants from disadvantaged socio-economic backgrounds" can be used for the other more general IPs aiming at inclusion
71. However, it has to be avoided that the result indicator "Number of children and students of marginalised ethnic groups, including the Roma, in supported organisations" can hide segregation if the funding is spent in practical schools with a high concentration of Roma. In order to prevent this, output indicators such as "number of Roma children moving from practical schools to mainstream schools" or "number of Roma children attending ECEC facilities" need to be included. It is unclear how the number of students using the infrastructure or software could measure the increased educational quality.

Since the investments will contribute to higher participation of students from disadvantaged groups, this needs to be reflected in the indicators.
72. SO1: the results aimed at are formulated too vaguely (examples: "increasing quality of...", "strengthening internationalisation..."). They need to be better specified and in some way measurable.
73. SO 2: the result on increasing the number of students with disabilities, those from socio-economically disadvantaged backgrounds and ethnic minorities etc. in tertiary education needs to be added.
74. SO 4: it needs to be clarified what is meant under "single informational environment".

75. It is not clear why kindergarten pupils are indicated among target public as most actions deal with higher education.

76. As concerns activities to be supported (chapter 2.2.2.1):

As regards "obtaining and retraining key and promising researchers and academics...", the ESF is meant for start-ups of activities and not for running costs, thus this activity has to be explained or discarded.

The activity referring to conferences, workshops and summer schools has to be clarified as well. Such actions can be financed under particular projects but not as activities as such.

The activity on schemes of gender equality in research is very vague and unclear. It is not evident what will be financed. It must be clearly specified and complemented with clear impact, indicators, results planned or it has to be deleted. Gender equality is a horizontal principle that is to be mainstreamed into all activities; in case specific actions are proposed they need to have direct positive impact on women (working in research) while theoretical activities by gender experts and NGOs have to be avoided.

Development of more profession-oriented bachelor programmes needs to be included.

77. Concerning the acquisition of new software (chapter 2.2.4.1), measures should be foreseen to give priority to open source or to nationally agree upon advantageous prices of licences for education institutions.

PRIORITY AXIS 3

78. The ESF investments for the disadvantaged pupils and students (with special educational needs resulting from disabilities or low socio-economic background) can be complemented by the ERDF ones in barrier-free environment, special tools, etc. in order interventions aimed at education inclusiveness and quality have real impact. In this respect, the complementarities/synergies with IROP has to be demonstrated.

79. Specific actions need to be foreseen in order to make sure that the mainstream pro-inclusive schools maintain and improve their quality standards in order to remain attractive for children from various economic backgrounds.

80. The text needs to be revised to make a more systematic distinction between the pupils from disadvantaged socio-economic backgrounds or with learning difficulties resulting from a disability or health problems. As concerns the results, they have to be more clearly specified / divided as they currently cover several areas of interventions: 1) children from socially excluded localities, 2) children with SEN (here division could be done between children with disabilities and children from socially disadvantaged backgrounds as also supportive activities and tools would be different), 3) pupils with disabilities in special

schools, 4) children in institutional care. Especially the result 5 needs to be divided and better specified (as it was in one of the previous versions).

81. An expression such as "improving education diagnosis of education needs and individual development" seems to cover both children with medically recognised learning disability and SENs. The idea of simply improving education diagnosis does raise concern, in view of for example the case of *DH and others versus the Czech Republic* at the European Court of Human Rights, on cases of misuse of special needs education as regards the Roma communities. The status of such an "education diagnosis" needs to be thoroughly clarified (also in items 1.d and 2.d in IP1):
- it is either a matter of pedagogy, education and evaluation of challenges in children's learning paths in which case it should not be called a diagnosis and it should not have any connection whatsoever with special needs facilities dealing with medically recognized disabilities;
 - or it is a matter of physical and mental health, and it should be clearly dissociated from mainstream pedagogical issues.
82. As regards the target groups, see the comment in Section 1 on (non-)inclusion of migrants.
83. The interventions have to be more ambitious and lead to not only raising the number of pro-inclusion mainstream schools but making all schools embrace inclusion. Fighting segregation at all education levels and preventing placement of Roma children in special needs education should also explicitly cover mainstream education and not only extra-curricular and non-formal education (these measures are currently planned only in "municipalities with socially excluded localities"), i.e. be properly reflected also under IP2 with the aim of having all schools being inclusive in the long term while also aiming at high quality.
84. Within the newly created investment priority on Roma, the specific actions need to be foreseen in order to respond to the challenges identified in the strategic part (such as physical segregation, misdiagnosis as SEN and over-representation in practical schools). The outputs of these actions have also to be reflected in the indicators.
85. Further education of teachers is mentioned under the description of activities under IP 1. It has to be clarified whether it will be really the case as it is also supported under other SOs related to the further education under IP 2; if so, a corresponding result needs to be added under IP 1.
86. In section 2.3.2.1. and throughout the document, when referring to teachers overcoming prejudices to ensure that personal and social factors, such as sex, health, ethnicity or family background do not constitute barriers for individuals to fulfil their potential...", "health" needs to be replaced with "disability", so as to dissipate the ambiguity by which poor health may refer and may not refer at the same time to special needs.

87. The systemic projects with the national impact are mentioned in the chapter 2.3.2.1 (section on the specification of target area). It is necessary to clarify what kind of projects are meant as this SO is under the TO 9 on social inclusion (which targets specifically some locations/problems) and not under TO 10 on education which should be the case. This comment relates also to the next chapter on selection of operations (2.3.2.2). The statement from the previous OP version that the Ministry cannot be a beneficiary has to be kept.
88. Following the general comment on indicators and the one on Roma, the following indicator should be added as output indicator: early school-leavers or in risk to be who are disadvantaged or Roma children. The output indicators should also refer to the number of teachers under IP1 and IP2.
89. As regards the result indicators, The Commission welcomes the idea of "Number of children and students of marginalised ethnic groups, including the Roma, in supported organisations". However, an indicator has also to be added to show the total number of supported children/students to show the overall impact of the OP activities. In addition, the existing indicator is included in the summary table 2, but it is not listed under this PA. It is not clear why the target the indicator 5.16.10 "number of children, pupils and students with SEN in supported organizations" is set zero for Prague region (while it is 8000 for less developed regions). If this would mean the necessary measures would be covered through the OP Prague Pole of Growth, a reference to it needs to be added.
90. In addition, the goal has to be to decrease the number of Roma children in special schools and to increase the ethnic and social diversity in mainstream schools providing Roma with additional targeted support helping them to integrate in the mainstream environment. Therefore, it is recommended to add indicators that are better able to grasp the inclusion impact of interventions, e.g. "number of children transferred from special into mainstream schools." In this context, the needs analysis has to provide the share of Roma children attending special schools. Other output/result indicators could include pre-school participation rate of Roma children and (decreased) share of the disadvantaged or Roma children attending supported special schools (no target value needed).
91. IP 2, SO 1: It needs to be clarified how will the result indicator on the number of educational institutions in which the quality and pro-inclusion increased be measured. The question relates also to the first result indicator in the table 15.

Activities on establishing the cooperation between the stakeholders need to be minor ones; in general, it has to be a pre-requisite/selection criterion for approving projects. In any case tangible results have to be set.
92. SO 3: The 5th goal ("Tools will be prepared for introducing processes of moderation ...") needs to be better explained.

93. SO 5: Activities on increasing participation of companies in work-based learning by providing more on-the-job training places (apprenticeships, traineeships) should be a financially important part under this SO. Monitoring of former students'/ graduates' labour market situation is recommended to be specifically mentioned among the activities. See also the comment in the section 8.

As the majority of the activities relates to VET, it is not clear why these activities are not related to a corresponding IP (c) iv) - to be added). Moreover, the poly-technical education activities at kindergartens of this type need to be separated from other levels of education and be a minor activity as the pre-school education needs to focus on basic skills of children and increasing the capacity of kindergartens.

PRIORITY AXIS 4

94. The two specific objectives currently used are too broad; they are neither linked to the problems identified, nor really addressing the specific needs of the programme. The Commission services recommend reconsidering the definition of both specific objectives so that they would better address the gaps identified and bring elements of ambition and positive change.
95. As regards the co-financing of salaries of staff, it is only possible if following conditions are fulfilled:
- a sound needs analysis in terms of staff is carried out and a kind of a HR action plan is elaborated specifying the estimated allocation of posts by institution. Evidence stemming from experience from the past needs to be provided that supporting salaries has a positive contribution towards staff capacity and HR stability;
 - a level of salary support which takes into account remuneration levels on the labour market in order to retain staff and build/keep know-how in the administration;
 - in case bonuses are to be financed, these have to be clearly performance based;
 - there needs to be adequate regulatory framework in place guaranteeing the independence, stability and competence of the staff, addressing critical issues such as full transparency in the recruitment/appointment process (e.g. via open competitions), appropriate appraisal and promotion provisions (based on performance indicators) and personal development provisions;
 - a review/monitoring measures has to be in place, e.g. to assess fluctuation of staff, transparency and correctness of recruitment process, consistent approach by all actors etc.

The Commission services understand that the majority of these points are to be covered by the elaborated Methodology for the development of human resources. Please refer to it and indicate the main elements of the strategy in the programme (including allocation of posts

based on sound needs analysis, measures to stabilise the staff, reduction of fluctuation and retention of competent personnel, selection of staff, competence mapping, training, monitoring and review measures, remuneration etc.) including a timeframe of the approval of the Methodology and of the fulfilment of the underlying steps by the managing authority. Also, the relation of this methodology to the Civil Servants Acts shall be clarified.

96. List of supported activities needs to be more explicit, especially in relation to technical and IT equipment. Support of in-house nursery/kindergarten is not possible under the TA.
97. A specific budget within the TA allocation has to be reserved for targeted support to beneficiaries. The Commission therefore needs to see a more detailed set of measures designed to improve project development and implementation capacity of beneficiaries.
98. Due to non-fulfilment of the ex-ante conditionalities related to public procurement and state aid, the OP needs to contain at least the main elements of the action plans and make references to activities potentially supported by the TA.
99. In line with CPR Article 125 (4)(c), the commitment of the Partnership Agreement to put in place effective and proportionate anti-fraud and anti-corruption measures in relation to ESI Funds implementation have to be translated into specific actions in the OP for the use of the TA. The OP makes reference to the national anti-corruption strategy related to ESI Funds without listing any programme specific measures. The OP has to state that the necessary risk assessments will be carried out and that the necessary anti-corruption measures will be put in place.

The Commission recommends adding in this context an explicit reference to the horizontal and national recommendations established in the framework of the EU anti-corruption reporting mechanisms for periodic assessment, set up by the Commission decision of 6 June 2011. The first EU Anti-Corruption Report was adopted by the European Commission on 3 February 2014.

100. Commitments taken in the Partnership Agreement regarding ex-ante conditionalities must be properly addressed in each individual programme. Due to non-fulfilment of the ex-ante conditionality related to public procurement and state aid, the OP needs to contain activities supported by the technical assistance budget dealing with the fulfilment of the EAC.
101. Each defined specific objective has to be accompanied by relevant result indicators, giving both baseline and target values. Some of the indicators are not very well selected and do not reflect the desired change in relation to the main weaknesses identified in the past. For consistency reasons, result indicators have also to correspond to those defined at the national level (OP Technical Assistance).

Example of the inconsistencies which need to be corrected: i.e. the result indicator on the level of public awareness was set at 85% in line with OP Technical Assistance. However,

on p. 191 of the EN version of the OP, it is stated that the public awareness of EU funds is already 89%. A more ambitious target has to be set.

102. The Commission services also recommend adding more qualitative indicators which would better reflect the level of service provided by the managing authority to the beneficiaries. It is recommended to include indicators which would relate to improvement the absorption capacity of beneficiaries, level of error rate, number of irregularities in the public procurement procedures, turnover of staff in charge of the OP implementation or average time for project approval or management of payment claim. Other examples to be considered: 'Share of identified training needs (skills needed) covered by training courses', 'Share of staff involved in OP implementation trained on (public procurement, state aid, environmental compliance ...) issues', 'Share of electronic applications in total project applications (%)', 'Share of information about funding opportunities on-line in total information about funding opportunities (%)', 'Number of projects contributing to the reduction of administrative burden', 'Number of evaluations discussed in the Monitoring Committee', 'Number of evaluations, studies, surveys, experts, reports, etc.' etc.

103. The indicator 80130 on level of public awareness of EU funds goes beyond the impact of the programme; it is rather an indicator at the level of the whole PA. Its utility for this OP is therefore questionable.

104. The result indicator “level of absorption” needs to be replaced.

105. In the table 16 in the SFC2014 and its equivalent in the OP under point 2.4.4 (Categories of intervention) the code for dimension 3 is 01 (Large urban areas). Taking into account the character of the TA, the Commission requests using the code 07 (Not applicable).

SECTION 3 FINANCING PLAN

(Reference: point (d) of the first subparagraph of Article 96(2) CPR)

106. See the general comment on a need to ensure consistency of data between the language versions and data in the SFC2014. The figures need to be checked and corrected, i.e. the figure for the more developed regions under PA3 (TO9) is much higher than the relevant figure for less developed regions.

107. The Commission services cannot give their agreement on performance reserve unless there is clear evidence that Art. 20 and 22 of the CPR are respected for all operational programmes and in line with the data provided in the Partnership Agreement. As regards the amount of the performance reserve for ERDF, the requirement in the Article 22 of CPR (among others stipulating that the total amount of the performance reserve allocated by ESI fund and category of region has to be 6%) is not respected (contrarily to the condition of the allocation to each priority within a programme to be 5-7 % which is observed).

SECTION 4 INTEGRATED APPROACH TO TERRITORIAL DEVELOPMENT

(Reference: Article 96(3) CPR)

108. It is not clear why the regional and local levels cannot be involved in improving the quality of pre-school and elementary education (PA 3). This point has to be clarified.
109. More details are needed on the co-ordination mechanism between this OP and IROP and OP Prague as it is presented only in a very general form at the Partnership Agreement level - especially details on the institutional system of co-ordination between those OPs, on a specific document which clearly defines the co-ordination mechanism and on procedural rules has to be provided.
110. Please note that sustainable urban development can only be implemented through ITIs, specific OP or designated priority axis. Therefore the IDPA instrument, although foreseen for 6 regional cities, will not be counted as SUD. Consequently this text needs to be changed to reflect the above.
111. As for the ITIs, the text remains vague. The exact linkage between the OP and the ITIs remains unclear.

Unlike in the previous version of this programme, the allocation for ITIs has now been removed. It is unclear why it is assumed that it would be difficult for ITIs to be compliant with Regional Action Plans for Education Plans (RAP) and Local Action Plans for Education (LAP) when ITI strategies, being integrated and holistic, would be expected to incorporate all existing sectoral strategies for designated urban areas. It shall be specified why ITI and ITDP approaches are used and what is their complementarity/added value in relation to the planned RAPs and LAPs. It is not clear why there are no financial allocations provided and why the financial tables have not been completed.

112. The OP claims that cooperation in research and development within macro-region (in this case Danube macro-region) will be supported. It could be of high benefit to extend collaboration to other countries and regions. Opportunities for transnational and trans-regional cooperation with neighbouring countries and other countries need to be considered. This is essential in delivering high-quality research and innovation in Europe. To summarize, more attention shall be given to transnational/trans-regional cooperation.

SECTION 5 SPECIFIC NEEDS OF GEOGRAPHICAL AREAS MOST AFFECTED BY POVERTY OR TARGET GROUPS AT HIGHEST RISK OF DISCRIMINATION OR SOCIAL EXCLUSION (WHERE APPROPRIATE)

(Reference: point (a) of Article 96(4) CPR)

113. The OP has to explain how synergies will be sought with interventions in the field of employment and social policies in these areas.

SECTION 7 AUTHORITIES AND BODIES RESPONSIBLE FOR MANAGEMENT, CONTROL AND AUDIT AND THE ROLE OF RELEVANT PARTNERS

(Reference: Article 96(5) CPR)

114. The table 23 states that the functions of Certifying Authority, Audit Authority and Body to which the Commission will make payments are all located within the Ministry of Finance. In order to make sure that the principle of segregation of duties is enforced, it is recommended to the Czech authorities to indicate which department/unit at the Ministry of Finance will be in charge of the above-mentioned three functions.
115. The National Co-ordination Authority is mentioned as one of the bodies involved in the implementation of the programme. As this body is not implicitly recognized in the CPR provisions, it is recommended that the Czech authorities indicate the functions and responsibilities of this body in order to understand its role in the implementation structure.
116. The section 7.2.1 is underdeveloped in terms of planned actions to ensure active participation of partners in implementation, monitoring and evaluation, including actions in terms of accessibility. There is only a very general statement. It needs to be specified how the technical assistance will be used to ensure active participation. The text on the involvement of partners in the monitoring committee contains repetitions and has to be redrafted. The information on how the partners were selected, the main added value of the partnership in the OP preparation, the main results of the consultations with partners and their involvement needs to be included.
117. The text also does not mention the intermediate body while it is repeatedly mentioned in other chapters. This needs to be clarified.

SECTION 8 COORDINATION BETWEEN THE FUNDS, THE EAFRD, THE EMFF AND OTHER UNION AND NATIONAL FUNDING INSTRUMENTS, AND WITH THE EIB

(Reference: point (a) of Article 96(6) CPR)

118. The synergies with other EU instruments are well described and give a good idea of the actions to be taken. Moreover, the Commission appreciates very much the coordination actions between the departments in charge of the ESI Funds and Horizon 2020, including the participation of Horizon 2020 committee members in the monitoring committee. However, the reference to Horizon 2020 could be strengthened with reference to the Common Strategic Framework annexed to the cohesion common provisions regulation as well as complementarities with Marie Skłodowska-Curie co-fund; Public-Public Partnerships (Joint Programming Initiatives, Article 185 initiatives); Public-Private Partnerships (Article 187 initiatives).

The paragraph on Erasmus+ simply postpones the description of the principles until the Commission gives further guidelines. The Commission would like to point out that

complete guidance is now available and can be found on the following pages
http://ec.europa.eu/regional_policy/sources/docgener/guides/synergy/synergies_en.pdf

119. As already mentioned above, please make sure that the coordination mechanism between the OP RDE and IROP are clearly explained as these two programmes are complementary.
120. Please provide information whether the memorandum of understanding between OP Research, Development and Education and OP Enterprise and Innovations for Competitiveness has been already signed. Please indicate whether it will be attached to the OP.
121. As regards vocational education, it has to be better explained what is the difference between the interventions foreseen in PA 2, SO 5 in this OP and those in SO 1.5.1 of OP Employment, and how two ministries will co-operate. Moreover, a reference in this OP to further vocational education in the field of food industry is missing while it is mentioned in the OP Employment (Annex 2).

SECTION 9 EX-ANTE CONDITIONALITIES

(Reference: point (b) of Article 96(6) CPR)

122. The self-assessment grids are not complete; especially it has to be ensured that each sub-criterion is taken into account in information provided. The latest self-assessments have to be provided.
123. Each OP has to identify all ex-ante conditionalities (EACs) applicable to that OP and provide assessment of their fulfilment. When an EAC is not fulfilled, an action plan has to be introduced within the corresponding OP containing actions to fulfil the EAC, the responsible bodies and a timetable for such actions (Article 96 of the CPR). No detailed action plans have been provided for all applicable EACs, particularly for the general EACs 4, 5 and 7. The grids for general EACs make reference in some criteria to the Partnership Agreement which is not sufficient; all information need to be provided also in the OP.
124. On the EAC 1.1:

Overall, EAC 1.1 is not fulfilled and this is correctly stated in the OP and the national action plan is attached. The Commission reminds the Czech authorities that a list of the selected priorities/a summary of the main outcomes of the S3 shall be integrated in the OP, once the strategy is completed.

The table includes the standard text on the state of play of implementation of EAC 1.1 used also in other OPs, adding links to other strategies without explanation of their connection to the S3. The Commission recommends their deletion or better explanation.

The text in the tables also still refers to draft regulations. The Commission has also noted that different deadlines for submission of the S3 to the Commission are reported in the OP (31 December 2014) and on the official website of the Ministry of Education, Youth and Sports (September 2014 without SEA, unknown with SEA). As already communicated, no SEA is required at the level of the S3 as SEA procedure is mandatory for the OPs.

The sentence in the table (p. 116; Czech version) stating that "The S3 will be closely related to the relevant operational programmes for 2014+ which are currently under preparation (OP RDE, OP EIC and OP PGP)" does not make sense anymore.

125.Ex-ante conditionality on Roma (EAC 9.2) has to be considered as "applicable" – see comments above.

126.On the EAC 10.1:

Commission services agree with the Czech self-assessment of this EAC as being not fulfilled. The action plan relevant to this EAC only sets the deadlines for the approval of the main strategic documents. More information is needed referring to particular sub-criteria of the fulfilment, namely on: an evidence-base of the system for collecting and analysing data and information on ESL (mainly concerning the disadvantaged); an evidence-base of the ESL strategic policy framework; coverage and targeting of the ESL strategic policy framework; prevention, intervention and compensation measures.

As regards sub-criterion "is based on evidence", the below link provided, which should be leading to info on students with SEN, does not work:

http://www.nuv.cz/uploads/Vzdelava-ni_a_TP/Prede_odch_rozh_dobre_praxe_pro_www.pdf

127.On the EAC 10.2:

Commission services agree with the Czech self-assessment of this EAC as being not fulfilled. The action plan relevant to this EAC only sets the dates for the adoption of the strategic documents.

The specific annex on the EAC 10.2 provides more background on the structure of the strategic documents and their main aims. Concerning the measures, they focus on strategic governance, education quality, internationalisation, research and innovation, "third role" of HEI, quality assurance and infrastructure. However, the detail requested by sub-criteria is not covered (the issues are sometimes mentioned but measures are not described). It is not clear what already exists.

128.On the EAC 10.3:

Commission services agree with the Czech self-assessment of this EAC as being not fulfilled. The action plan relevant to this EAC only sets the deadlines for the approval of the main strategic documents. The Annex 5 lists the strategic documents and relationships

among them in more details. However, it does not specify the details covered by the sub-criteria in the self-assessment. This needs to be completed.

129. On the EAC 10.4:

Commission services agree with the Czech self-assessment of this EAC as being not fulfilled. The action plan provided in the OP does not address some of the details requested by the sub-criteria of the self-assessment. The Commission welcomes that more detailed information is provided in Annex 5. However, more information is still needed on the following issues: skills anticipation, guidance and monitoring/evaluation.

130. On general EAC 3 on disability: As concerns the 3rd criterion, it is also necessary to keep in mind that information on the monitoring mechanism in scope of the ESIF is required, i.e. who will be responsible for monitoring (Ministry of Labour or Government Council for People with Disabilities) and under which framework (a part of the National Plan for Creating Equal Opportunities for People with Disabilities).

131. On general EAC 4 on public procurement - regarding this general EAC and the necessary arrangements for the effective application of EU public procurement rules through appropriate mechanisms, the Commission considers that the following points and questions has to be as a minimum (but not exclusively) covered by a detailed action plan:

- The setup of a coordination mechanism including not only the meetings of a working group, which will be established, but also its powers/mandate (how will it decide and would it be able to enforce its decisions, for example upon the OPC), monitoring and follow up of issues linked to the effective application of EU public procurement rules. Moreover, the EAC assessment attached to the PA to which the OP refers to states that there is a planned analysis of the working group activities to be carried out by the end of 2016 – this needs to be a part of the action plan;
- Information/plan on how are the most common errors going to be tackled, when is an analysis going to take place, what would be the follow up, when is this going to take place and by whom;
- Regarding the internal database of most common errors, the assessment of this EAC in the PA to which the OP refers to notes that it will be modified; the action plan has to state when will the database be functional, is it intended to be public and when is it going to be modified.
- Regarding any possible incompliance of the decisions of the Office for the Protection of Competition (hereinafter OPC) with EC, ECA, ECJ, the Commission acknowledges that OPC is an independent body, but a mechanism shall be in place to prevent, monitor, follow up any possible discrepancies (e.g. an analysis has to take place at a certain point of time by a responsible body about the compliance, e.g. on a sample basis)

As for the arrangements to ensure administrative capacity for implementation and application of EU public procurement rules, it is still not clear whether the competent bodies have already ensured the necessary capacity (see also the Commission's previous point regarding the necessity of a HR analysis) and, if not, by when it will be ensured. The same comment is valid also for the OPC, where the administrative capacity to deal on time with public procurement cases linked to the EU funds in the past was not sufficient.

132. On general EAC 5 on state aid - according to the action plan for the ex-ante conditionality on the state aid included in the Partnership agreement, the individual operational programmes will describe in the state aid action plan OP-specific measures to fulfil this EAC. As the current OP does not mention any additional OP-specific measures compared to the PA, it shall be amended correspondingly for the first and third EAC criteria.

133. On general EAC 6 on EIA/SEA:

The Commission does not agree that criterion 2 and 3 are fulfilled and retains its position that it should be reported only as non-fulfilled on the grounds already communicated to the Czech authorities before.

A critical point is that the Action plan is limited to the adoption of modified EIA law, but does not indicate any information on the fulfilment of the commitments given by the Czech Republic with regards to co-financed projects as well as transitional measures. Also, no details on the foreseen methodological guidelines are available.

134. For all unfulfilled (elements of) EACs it should be noted that until further information is provided there is a risk the significant prejudice clause would be triggered (according to Article 19, para 5).

SECTION 10 REDUCTION OF ADMINISTRATIVE BURDEN FOR BENEFICIARIES

(Reference: point (c) of Article 96(6) CPR)

135. The chapter has been improved substantially and provides a good overview on the actions foreseen. However it has to be made more precise as regards detailed timeframes for the foreseen actions.

It also has to explain how e-cohesion is going to be implemented especially with regard to Art. 122 (3) of the CPR regarding the electronic data exchange between beneficiaries and a managing authority, a certifying authority, an audit authority and intermediate bodies.

As regards the involvement of the LAGs, their role needs to be better explained and justified since it is not evident how they will contribute to the project preparation and

realisation, especially in the area of research, if foreseen. Please indicate whether the functioning of the LAGs is to be supported from the TA.

SECTION 11 HORIZONTAL PRINCIPLES

(Reference: Article 96(7) CPR)

136. The planned requirement for kindergarten teachers to have a master's degree seems too ambitious (page 151). The bachelor degree might be more adequate.
137. The paragraph on feminisation of education sector that would better fit into the next chapter on gender (11.3), where a quite similar paragraph is included (both could be even merged). Instead it would be more relevant to include information on training of teachers for equal opportunities, inclusive education and the one fighting the stereotypes that the OP intends to finance.
138. Note that Erasmus+ (2014 – 2020) covers also vocational education (Leonardo da Vinci), school education (Comenius) and adult education (Grundtvig). Therefore, when referring to Erasmus+, it is not necessary to specify the individual sectors (i.e. pages 182, 381).
139. When editing of the Czech version in order to make it clearer, in particular the text for the PA1 and PA2, please avoid as much as possible technical and bureaucratic jargon.

SECTION 12 SEPARATE ELEMENTS

140. The annex H gives an overview of measures/activities under different OPs to complement each other. However, the difference in the content of those measures/activities is not clear from the OP for many of them. In addition, it has to be made clearer how the synergies/complementarities are foreseen between OPRDE, OPE and IROP in the area of inclusive childcare facilities (for children aged 0-3) and in the area of lifelong learning.
141. The ex-ante evaluation report has to be up-dated so that it refers to the latest OP draft (covering all points required in Article 55.3 CPR).
142. The list of documents (p. 7- 8, Czech version) does not include Digital Growth Strategy which needs to be mentioned as well.
143. There is only one major project listed in the OP although it seems that more might still be included (p. 36). The list of the planned major projects has therefore to be completed.