



European Evaluation Network  
for Rural Development

## **WORKING DOCUMENT**

# **Frequently Asked Questions**

in relation to

**SWOT analysis, needs assessment and *ex ante*  
evaluation**

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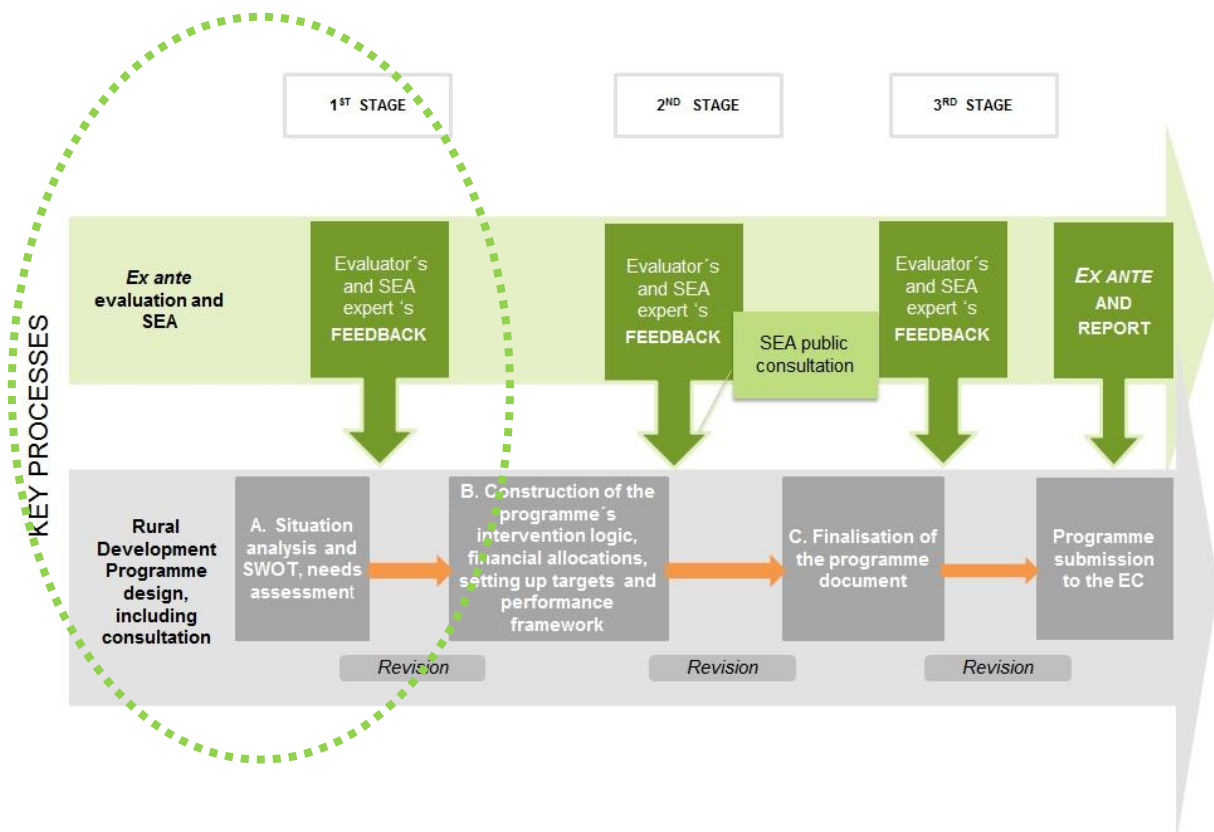
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# 1. INTRODUCTION

The frequently asked questions (FAQs) compiled in this document provide answers and explanations for specific issues related to evaluation of Rural Development Programmes (RDPs) for the period 2014-2020. In particular, the following questions relate to the first development stage of RDPs so that covering the SWOT analysis, needs assessment and the *ex ante* evaluation as highlighted in the graph below.



Source: "Guidelines for the ex ante evaluation of 2014-2020 RDPs", Helpdesk of the Evaluation Network for Rural Development

This document intends to be a "one-stop-shop" for providing key information regarding frequent questions collected from MAs (e.g. from Evaluation Expert Committee meetings, Good Practice Workshops, MS technical enquiries, missions to MS, Focus Groups, etc.) about the SWOT analysis, needs assessment and the *ex ante* evaluation of those.

The answers to the FAQs have been drawn up on the basis of the proposals for regulations adopted by the European Commission on 12 October 2011. It does not prejudice the final nature of the act which is agreed by the Council and the European Parliament, nor the final content of any delegated or implementing acts that may be prepared by the Commission.

## 2. FAQs RELATED TO SWOT ANALYSIS AND NEEDS ASSESSMENT

### 2.1. Common Context Indicators (CCIs)

**Q1. Will data for CCIs be provided by the European Commission (EC) at national/regional level?**

Once the list of the CCIs was considered sufficiently stable, the Commission has extracted the data for the CCIs available from EU sources. For some indicators the Commission also made the calculations required to obtain the value defined for the indicator.

The latest update was sent in September 2013<sup>1</sup>.

**Q2. Shall MAs use only the data on CCIs provided by the EC in the database?**

The databases prepared by the Commission should be considered as the starting point for the collection of data on CCIs to be included in the programmes, but in some cases will need an update or a complementary research/calculation by the MAs to fill in the gaps (i.e. data not found in data sources at European level), or more up to date data available from national sources.

Depending on the indicator, data provided can be considered as "final" or not. Some databases are updated regularly following a defined calendar of releases (Population, Labour Force Survey, National and Regional Accounts, Economic Accounts for Agriculture, etc. - most recent data available could correspond to a first estimate, second estimate, provisional data, forecast, Eurostat estimates, etc.) and then "final" data for year N is only available with a delay of some years (the metadata for each database in Eurostat should be consulted to know more about its specificities). For this reason, two different extractions made in two different moments of the year can produce different data. The databases prepared by the Commission include all the information needed to extract the data again if an update is considered necessary in order to include in the programme the most recent values for a given indicator (name of the table and variables selected). MAs are recommended to use the latest data available to them, and to state the date in their programmes.

In some cases, MAs could have access to more updated values for a specific CCI in national/regional sources and then they are encouraged to use them. Nonetheless, the value provided by the EC (i.e. extracted from European databases) can only be replaced by new data from national/regional data sources when the methodology and definitions applied are the same.

Not all data needed have been found in the European data sources used by the Commission, especially at the regional level. Member States are then encouraged to fill in the gaps by looking for the indicator in their national or regional data sources; when no data exist for a given indicator, proxy indicators need to be used.

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<sup>1</sup> In the databases sent in September to the Member States the only change was the inclusion of the new indicator on ammonia emissions.

### **Q3. What flexibility do Member States have in using CCIs in the SWOT and needs assessment?**

All CCIs should be included in the structured tables of context indicators. By reducing the common set of context indicators, the EC is giving more space, resources and scope to allow Member States to use their own programme-specific context indicators. The final set of CCIs consists of very basic indicators which are commonly applied in a sound territorial analysis. When conducting the SWOT and needs assessment, it is therefore expected that the majority of CCIs are used, since they are fundamental for the description of the territory (population, employment, etc.). Programme-specific context indicators need to be used in order to capture the specificities of the RDP territory in a satisfactory manner. If an alternative definition is used within a territory for a parameter included in the CCI set e.g. definition of rural areas, then this should be included as a programme-specific context indicator, and it is this programme-specific context indicator which should be referred to in the analysis. The CCI should however be included in the structured table.

### **Q4. How to use CCIs for thematic sub-programmes?**

The same steps are applied for thematic sub-programmes as for full programmes; this implies that data will be needed to describe the geographical area and/or the situation for which the thematic sub-programme is implemented. This should provide the justification for the inclusion of the thematic sub-programme and the interventions proposed within it. This data should be included in the structured table as programme-specific context indicators.

### **Q5. How are the different methodologies for the rural/urban split used?**

For the next programming period, the number of indicators where there is a rural/urban split has been reduced. Depending on data availability, two methodologies are used to define the rural typology of the territory:

- (1) Urban-rural typology classifies NUTS 3 regions as predominantly rural, intermediate and predominantly urban (CCI 1, 2, 3, 4, 8, 10, 11 and 12);
- (2) DEGURBA classifies the area according to the degree of urbanization as thinly populated areas (i.e. rural areas), intermediate urbanized areas and densely populated areas based on data aggregated at the municipality level (CCI 5, 6, 7 and 9)<sup>2</sup>.

The Urban-rural typology is suitable for the analysis and comparisons at the EU level. However, this methodology may not perfectly reflect the intra-regional reality, or the definition used within the Member State. MAs can use a different rural typology that better matches their own situation. In this case, programme-specific context indicators should be defined as the methodology differs from the one set for the CCI.

### **Q6. To what extent the values for the CCIs will need to be updated?**

In the preparation of the programmes, the most recent values available for each indicator should be used: as explained in Q2, that is the values provided in the Commission databases (version of July/September 2013) + updating some of the indicators with more recent values

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<sup>2</sup> See more information in the following link:  
[http://ec.europa.eu/eurostat/ramon/miscellaneous/index.cfm?TargetUrl=DSP\\_DEGURBA](http://ec.europa.eu/eurostat/ramon/miscellaneous/index.cfm?TargetUrl=DSP_DEGURBA)

that may exist (from the same EU databases or from national/regional data collected using the same methodology) + filling the gaps that may exist (using national/regional data collected using the same methodology or a proxy if data is not available).

Nonetheless, the baseline for the programming period will be year 2013. Some target indicators require use of this baseline, and so should be updated when 2013 values become available. The SWOT and needs assessment do not have to be updated.

MSs are required to use updated CCI data for their evaluation activities, bearing in mind particularly the requirements of the AIRs in 2017, 2019 and the *ex post* evaluation. Thus the full set of 2013 baseline data will be needed. The EC will provide updated data (dependent on MS submissions to Eurostat) at certain points, particularly for 2013 data, the 2017 and 2019 AIRs and the *ex post* evaluation.

**Q7. How to deal with differences in values between the CCIs provided by the EC and the values available at the Member State level?**

Differences in values may be due to different timing and/or methodologies and/or thresholds. Data for CCIs compiled by the Commission from European data sources was previously delivered by the Member States to Eurostat, and therefore the timing, methodologies and thresholds should be well known (it is advisable to consult the metadata associated to each database in Eurostat and in national databases).

There is no problem to use more updated values from national data sources if available, provided the methodology and definitions applied are the same. However, when data considered relevant for the description of the territory and SWOT analysis has been calculated with other methodologies and/or thresholds than those provided in by the EC, it should be used to create a new programme-specific context indicator in the programme.

**Q8. What is the procedure that MAs have to follow when an indicator value is modified in the database shared by the EC?**

The database supplied by the EC is intended to be helpful to the MS. The MS are responsible for fixing and specifying the data they submit in their structured table, as long as it corresponds to the given methodology.

**Q9. What is the comparative function of indicators? Should proxy indicators use the same definition and calculation methods among RDPs?**

The CCIs will be used to compare and aggregate information at the EU level. For this reason, these indicators need to have a common definition and therefore a common meaning. Where different proxy indicators are used, direct comparability will not be possible. However this should not be an issue as long as they are defined in the programme and used for describing specificities of particular RDPs.

Nonetheless, it is advisable to apply the same proxy for a given indicator in all regional programmes of a given MS, when possible.

**Q10. Can MAs use different methodologies for indicators?**

For CCIs the common methodology should be used. Own definitions can be used for programme-specific context indicators.

**Q11. Is it obligatory to develop programme-specific context indicators?**

It would be unlikely for a programme to have no programme-specific context indicators, since the CCIs do not cover the whole range of relevant information, only areas for which common data is available. The number of programme-specific context indicators used will depend on MS needs and the focus areas and thematic sub-programmes proposed within the RDP (all actions require appropriate evidence-based justification).

**Q12. Rural values for the CCI 5 (employment rate) and CCI 7 (unemployment rate) are not available in Eurostat at regional level. How can regional MAs obtain data on these indicators?**

Due to data confidentiality, Eurostat only publishes values on rural employment and unemployment at the national level. However, these data are collected in all Member States at the municipality level and aggregates by type of area at regional level may be available (or can be calculated) by the national/regional statistical services, which should be consulted.

**Q13. The CCI 5 (employment rate) and CCI 7 (unemployment rate) the age range of the working population is between 15 and 65 years old while in some Member States the national range is between 16-65 years. Can the national age range for the working population be applied for the CCI?**

As explained in the methodology of the Labour Force Survey<sup>3</sup>:

- employed persons comprise persons aged 15 years and more. Exceptions to the standard age group 15 years and more are: 16 years and more in Spain, Sweden (until 2001) and the United Kingdom;
- unemployed persons comprise persons aged 15 to 74 years. Exceptions to the standard age group 15 to 74 are: 16 to 74 years in Spain, Sweden (until 2000) and United Kingdom.

For these 3 Member States data provided only cover persons aged 16 and more even if the category is labelled as 15 and more. A comment clarifying that a different definition of working population is being applied for the CCI can be added by those Member States in the structured tables.

**Q14. Eurostat does not provide values of the rural poverty rate (CCI 9) at the regional level. How can regional MAs obtain data on this indicator?**

These data are based on a survey (SILC). The survey precision requirements are formulated at the national level. There is no EU obligation for Member States to extend the sample size so as to make it representative at the regional level. However, some Member States have extended the survey for national reasons and for those countries data at regional level (only totals) are available and included in the database prepared by the Commission. Poverty rate

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<sup>3</sup> [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/EU\\_labour\\_force\\_survey\\_-\\_methodology](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/EU_labour_force_survey_-_methodology)

by degree of urbanization, needed for the indicator "rural poverty rate", is only available at national level in Eurostat.

As the survey is conducted by the Member States, national statistical institutes should be consulted in order to know if more data are available at regional level. Otherwise a proxy indicator should be used.

**Q15. Does the average size of farm holdings in hectares (CCI 17) account the total agricultural area of the holding or the Utilized Agricultural Area (UAA)?**

The physical size of the holding is calculated in ha of UAA per holding.

**Q16. Values provided in the database for the CCI 18 (Agricultural area) and CCI 29 (Forest and other wooded land (FOWL)) do not correspond with the values of the agricultural and forestry area provided for the CCI 31 (Land Cover). What is the reason for the different values?**

Data collected from two different data sources on the same concept can differ substantially due to the different methodologies or definitions applied for the calculation.

In this case, these three indicators describe three different aspects of the territory. The CCI 31 reflects the different land uses in the territory as a share (%) of the total area (data from CORINE Land Cover). Data for CCI 18 and 29, which are available in different data sources, provide more recent and precise information of the agricultural and forestry area respectively (in hectares). Depending on the contextual aspect analysed, the most suitable indicator can be used in the description of the territory and SWOT analysis.

**Q17. What are the coefficients to transform Livestock heads (by species) into Livestock Units?**

The coefficients are defined in Annex 1 of the Commission Regulation (EC) No 1200/2009.

**Q18. In addition to the CCI 21 (Livestock Units), the use of livestock heads (by species) can be relevant in the description of the territory and SWOT analysis. As this data is also included in the database provided by the EC on CCIs, shall livestock head be considered a CCI?**

The CCI 21 is defined as Livestock Units (LSU) and this is the value that needs to be provided for the CCI in the structured tables of the RDP. In this (and other) indicator, in addition to LSU the database on CCIs provided by the EC includes additional data (Livestock heads by species). This additional information is provided in order to be used, if needed, in the description of the territory and the SWOT analysis. These data can also be used to create programme-specific context indicators.

**Q19. In relation to the CCI 23 (Age structure of farm managers), what is the difference between a farm manager and a farm holder?**

According to the Commission Regulation (EC) No 1200/2009:

Holder: The holder is the natural person, group of natural persons or legal person on whose account and in whose name the holding is operated and who is legally and economically



responsible for the holding, i.e. who takes the economic risks of the holding. The holder can own the holding outright or rent it or be a hereditary long-term leaseholder or a usufructuary or a trustee.

Manager: Manager of the holding is the natural person responsible for the normal daily financial and production routines of running the holding concerned. This person can also be the owner.

**Q20. Data on the CCI 31 (Land cover) in the database provided by the EC is from 2006. Shall MAs provide more updated values on the indicator?**

The data source defined for the CCI 31 is Corine Land Cover 2006, which is the latest database on land cover available at EU level. However, if MAs have access to more updated values that cover all the land use types as defined for the CCI, they are encouraged to change the values in the structured tables. If a more recent version of Corine for the whole EU is released in the coming years, the baseline for this indicator will be recalculated using that new version.

**Q21. Why are wind and solar energy production not accounted by the CCI 43 (Production of renewable energy from agriculture and forestry)?**

The CCI 43 accounts only for energy produced from agricultural and forestry practices and some energy produced in agricultural holdings. Nonetheless, if wind and solar energy production is considered relevant in relation to the RDP analysis and strategy, MAs are encouraged to use programme-specific context indicators in the description of the territory and SWOT analysis.

## 2.2. Proxy indicators

**Q22. What type of data sources can be used for proxy indicators? For instance, there can be data available but from non-official sources which are also generally accepted and used by different institutions (e.g. the Ministry of Agriculture, food and environment). Can MAs use non-official data for proxy indicators?**

Regional and national data sources are valuable inputs to calculate proxy indicators. MAs can use the data sources available to them, provided that they are satisfied concerning the reliability of the data. As mentioned in Q9, it is advisable to use the same data sources and then the same proxy for a given indicator in all regional programmes of a given MS, when possible.

**Q23. In some cases, MAs have access to more recent data on a specific CCI in their national and regional data sources compared to the data provided by Eurostat. If MAs decide to use the national or regional source for the CCI, would this data be considered a proxy indicator?**

The use of national or regional data sources will not be considered a proxy indicator if the value provided on the CCI follows the same definition and methodology as set for the CCI by the EC (see also the answers to Q7 and Q8). In these cases the updated value should be used for the CCI.

**Q24. Can MAs change the value of a CCI in the database for the value of a proxy indicator which is more relevant for the region?**

Proxy indicators provide similar information as a required CCI for which data is not available at the RDP level, using an alternative definition and/or data source. A proxy indicator is not a replacement for a CCI where RDP level information does exist, even if this proxy provides a better assessment of the situation for the territory. The CCI value should not be replaced by the proxy value. But MAs can create a new programme-specific context indicator using this proxy and use it to describe the RDP context, explaining why this indicator is preferred to the CCI.

**Q25. Shall the values for all CCIs be presented for the approval of the RDP?**

Value for all CCIs must be provided to approve the RDPs in the structured tables. For most programmes and most indicators (except the HNV indicator) at national level, all data needed was provided by the EC in the databases prepared and shared with the MAs. Some gaps may still exist, particularly for programmes at regional level. Where the EC cannot provide data using data sources at EU level, MS are obliged to find or calculate missing data for the CCIs using data from national and regional sources or, in case data for the CCIs are not available from any source, MAs of RDPs can use proxy indicators.

**Q26. If a proxy indicator is applied, for how long can it be employed?**

For national RDPs where data on the CCIs should be provided by the MS but it is unavailable, proxy indicators can be accepted on a short term basis to permit submission of the RDP. However, there is an obligation on the MS to supply the required data. The EC will accept a proxy indicator until the required data on the CCI is supplied by the MS. The same applies for regional data which should be available, but for some reason has not been collected or supplied by the Member State.

For those CCIs where regional data is not available or calculated, and there is no requirement or provision for it to be so, the proxy indicator that replaces a CCI can be employed on a long term basis (along the whole programming period).

**Q27. How can MAs be sure that the proxy indicator will be accepted by Commission services?**

The validity and quality of a proxy indicator should be checked in the first instance by the *ex ante* evaluator and secondly by the EC during the approval procedure of the RDP. Geographic desks are supported by the horizontal units of DG AGRI for checking the proxies that MAs propose. It is recommended to establish close collaboration with the *ex ante* evaluator and the EC geographic desk officers to ensure the adequacy and validity of the selected proxy indicators at an early stage. The guidance document on development of proxy indicators provides support on establishing appropriate proxy indicators, including examples of proxies.

## 2.3. Design and presentation of SWOT and needs assessment

### **Q28. In which part of the SWOT analysis should Member States reflect the context indicators that were used?**

The RDP must contain structured tables with the values of all context indicators used (common and programme-specific context indicators). The structured tables provide space for inserting the values of the common and programme-specific context indicators. A structured template for this table has been provided.

Context indicators should be used in the description of the territory and used as factual underpinning for the analysis of the strengths, weaknesses, opportunities and threats.

### **Q29. How should the SWOT analysis be presented and submitted to the EC?**

The EC expects one SWOT per RDP which provides a holistic picture of the whole territory, not separate SWOTs for each priority. Organising the SWOT around the three sections of the structured template for the CCIs (socio-economic and rural situation; sectorial information; environment/climate) offers a simple structure which covers the 6 priorities without repetition.

### **Q30. How the SWOT analysis and the needs assessment should be structured in the RDP?**

One SWOT is expected in the RDP (see answer to Q29). To arrive at this result, MAs can organize their process as they consider it most appropriate (intermediate analysis by 3 CAP objectives, 6 RD priorities, etc.). The needs assessment should be structured following the 6 RD priorities and Focus areas, and the three cross-cutting themes (all should be included). Consistency between the SWOT analysis and the needs assessment is required.

### 3. FAQs IN RELATION TO *EX ANTE* EVALUATION OF SWOT AND NEEDS ASSESSMENT

#### 3.1. *Ex ante* evaluation process and reporting

**Q31. Has the *ex ante* evaluator to carry out the SWOT analysis or rather analyse how the SWOT analysis had been carried out?**

The *ex ante* evaluator is not responsible for drafting the SWOT analysis; this is the responsibility of the MA. The evaluator is responsible for analysing the draft SWOT and making recommendations to improve its quality.

**Q32. How should an iterative approach between *ex ante* and programming be realized when the *ex ante* evaluation has started late?**

If the evaluation exercise reveals significant weaknesses in the description of the situation of the territory, SWOT analysis or needs assessment, these elements will require revision. Following the revision, in order to maintain coherence throughout the RDP, it is possible that the strategy and proposed interventions may also require substantial revision. The evaluator will also be responsible for assessing these elements. The iterative approach will therefore be maintained, but the MA may incur significant extra work in additional revisions of parts of the RDP.

**Q33. What is the relation between *ex ante* evaluation and *ex ante* conditionalities?**

The *ex ante* conditionalities are not required to be considered in the *ex ante* evaluation.

**Q34. What is the expected length for the *ex ante* evaluation report?**

The EC has not set any specific requirements in this matter. The “*Guidelines for the ex ante evaluation of 2014-2020 RDPs*” recommend to the MAs to specify this in their ToR according to the MA’s needs (e.g. limit to 150 pages).

**Q35. Is the EC expecting an *ex ante* evaluation report based on evaluation questions?**

The *ex ante* report should address all evaluation subjects defined in the Regulations, such as the contribution of the RDP to the EU2020 strategy, the coherence and consistency of the RDP with other CSF funds, the Partnership Agreement, Pillar 1 of the CAP and other EU and national policy instrument, etc. The “*Guidelines for the ex ante evaluation of 2014-2020 RDPs*” suggest evaluation questions for each of these subjects as an advisable approach to conduct the *ex ante* evaluation. However, the use of evaluation questions is not mandatory.

**Q36. How should the *ex ante* evaluation be presented in the RDPs? What parts or elements of the *ex ante* evaluation should be submitted with the RDP? Does the feedback provided by the *ex ante* evaluator on the SWOT, needs assessment and intervention logic have to be submitted together with the RDP?**

The full *ex ante* evaluation report should be presented as an Annex to the RDP. The RDP text itself should include a section on the *ex ante* evaluation that provides a description of the overall process, an overview of the recommendations of the *ex ante* evaluator and a brief description of how they have been addressed (a table format is provided in page 24 of the “*Guidelines for the ex ante evaluation of 2014-2020 RDPs*”). This will be specified in the implementing rules and a structured table for this purpose will be included in SFC.

### 3.2. Strategic Environmental Assessment (SEA) and *ex ante* evaluation

**Q37. What is the relation between *ex ante* evaluation and Strategic Environmental Assessment (SEA)?**

Article 48 (4) of [Regulation COM/2011/615/FINAL](#) stipulates: “*The ex ante evaluation shall incorporate, where appropriate, the requirements for Strategic Environmental Assessment set out in implementation of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment*”

The paragraph explains that not all programmes of the Common Strategic Framework (CSF) are subject to SEA. However, Rural Development Programmes are in each case subject to SEA, except those covering only National Rural Networks.

**Q38. How to incorporate the SEA in the *ex ante* evaluation? How to incorporate the recommendations of the SEA into the RDP?**

In the “*Guidelines for the ex ante evaluation of 2012-2020 RDPs*”, MAs can find information regarding the SEA process and its incorporation into the *ex ante* evaluation report. As the SEA forms part of the *ex ante* process, SEA recommendations should be addressed and reported in the same way.

**Q39. Can the SEA be carried out by the same evaluator/evaluation team as the *ex ante* evaluation?**

The Strategic Environmental Assessment (SEA) should be carried out by a specialist (team). Within the legal framework it is up to the Member States to decide how to organize and contract *ex ante* evaluation and SEA. The expert(s) for SEA can be part of the *ex ante* evaluation team or separate. In each case, a close cooperation between *ex ante* and SEA team must be ensured and both processes must be coordinated.

**Q40. If the SEA evaluator is not yet contracted but the *ex ante* evaluator is, should MAs have to wait for the SEA evaluator to start both evaluations together?**

The *ex ante* evaluator can start its work regardless whether the SEA evaluator is already contracted or not. However, both evaluations have to be completed, and the SEA

incorporated within the *ex ante* evaluation for submission as part of the formal RDP submission process.

### 3.3. Financing *ex ante* evaluation

#### **Q41. Can the cost of the *ex ante* evaluation (2014-2020) be covered under technical assistance of the RDPs 2007-2013?**

Regulation (EC) No 1698/2005 does not, in principle, foresee the financing of preparatory costs for the 2014-2020 programming period under the 2007-2013 Rural Development Programmes.

Exceptionally though, such preparatory costs, including the costs of *ex ante* evaluations, may be financed from the technical assistance envelope on the basis of Regulation (EC) No 1698/2005, if a genuine link between the preparatory activities concerned and the activities of the current Rural Development Programme is established, which justifies the continuity of the policy also with respect to technical assistance.

The possibility to finance such preparatory activities for the 2014-2020 programming period has to be provided for in the respective 2007-2013 rural development programme.

#### **Q42. MAs might have decided to launch a multi-funds *ex ante* evaluation. Will DGAGRI accept the possibility of using funds from the EAFRD technical assistance as a complement to ESF and ERDF technical assistance?**

The EAFRD cannot contribute to joint funding of multi-programme *ex ante* evaluations. In the period 2007-2013 TA cannot be used as the EAFRD regulation does not provide for it. This does not mean that certain common elements of the *ex ante* (e.g. description of the territory, SWOT analysis) could not be done once and used across all funds, and incorporated into the RDP *ex ante* but the EAFRD cannot contribute financially to the undertaking.

### 3.4. Guidelines for the *ex ante* evaluation of 2014-2020 RDPs

#### **Q43. What is the character of the “Guidelines for the *ex ante* evaluation of 2014-2020 RDPs – Draft August 2012”?**

The *ex ante* guidance is not legally binding. Nevertheless, the guidance is intended to support a better understanding of the respective sections in the Regulations and should thus provide an orientation for Managing Authorities and Evaluators when conducting the *ex ante* evaluation to ensure that the final result fully respects the minimum legal requirements. Besides an explanation of the evaluation tasks outlined in the Regulation the guidance explains the purpose of the *ex ante* evaluation, suggest practical solutions and highlight good practices. The *ex ante* guidance (Draft August 2012) will remain a “draft” until the legal acts have been approved.