
Specifications - Open Invitation to tender No VT/2011/006

Study on the consequences of the documentation of the risk assessment (Article 9 of Directive 89/391/EEC) by very small enterprises, compared with a possible exemption from that obligation.

1. TITLE OF THE CONTRACT

Study to assess the consequences, including full social and economic impact, of the High Level Group recommendation to exclude very small enterprises undertaking certain low risk activities from the obligation to document the risk assessment, compared with the existing obligation which applies to all undertakings as laid down in Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work¹ (hereafter "the Directive").

2. BACKGROUND

2.1. PROGRESS Introduction

PROGRESS² is the EU employment and social solidarity programme, set up to provide financial support for the attainment of the European Union's objectives in employment, social affairs and equal opportunities as set out in the Social Agenda³, as well as to the objectives of the Europe 2020 Strategy. This new strategy, which has a strong social dimension, aims at turning the EU into a smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion. The European Union needs coherent and complementary contributions from different policy strands, methods and instruments, including the PROGRESS programme, to support the Member States in delivering on the Europe 2020's goals.

The PROGRESS mission is to strengthen the EU's contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To this effect, PROGRESS is instrumental in:

- Providing analysis and policy advice on PROGRESS policy areas;
- Monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- Promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- Relaying the views of the stakeholders and society at large.

More specifically, PROGRESS supports:

- The implementation of the European Employment Strategy (section 1);
- The implementation of the open method of coordination in the field of social protection and inclusion (section 2);
- The improvement of the working environment and conditions including health and safety at work and reconciling work and family life (section 3);
- The effective implementation of the principle of non-discrimination and promotion of its mainstreaming in all EU policies (section 4);
- The effective implementation of the principle of gender equality and promotion of its mainstreaming in all EU policies (section 5).

The present call for tenders is issued in the context of the implementation of the 2011 annual work plan which can be consulted at: <http://ec.europa.eu/social/main.jsp?catId=658&langId=fr>

¹ OJ L 183, 29.6.1989, p. 1.

² Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity — Progress, JO L 315 of 15.11.2006

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Renewed social agenda: Opportunities, access and solidarity in 21st century Europe COM/2008/0412 final of 02.07.2008.

2.2. Background information specific to this contract

In January 2007, the Commission adopted an Action Programme for Reducing Administrative Burdens in the European Union⁴. The European Council endorsed the Programme in March 2007⁵ and agreed that administrative burdens arising from EU legislation, including national measures implementing or transposing this legislation, should be reduced by 25 % in 2012. The European Council also invited Member States to set national targets of comparable ambition.

The Action Programme is an essential part of the Commission's overall "Better Regulation Agenda". Since the regulatory environment in which businesses operate influences their competitiveness and their ability to grow and create jobs, the Commission is committed to developing a better regulatory environment for businesses; one that is simple, understandable, effective and enforceable. To this end, the Better Regulation Agenda of the Commission aims at:

- implementing a strategy to simplify existing legislation through a simplification rolling programme composed of about 185 initiatives in all policy areas;
- reducing administrative burdens by 25% by 2012;
- placing greater emphasis on the use of impact assessments and public consultations when drafting new rules and regulations;
- monitoring the application of EU law.

On 31 August 2007, the Commission set up a so-called "High Level Group of Independent Stakeholders on Administrative Burdens" (hereafter "HLG") to provide it with advice on the implementation of the Action Programme. On 28 May 2009, the HLG adopted an opinion in the priority area working environment / employment relations, which puts forward its recommendations with a view to reducing unnecessary administrative burdens⁶. The opinion is largely based on data provided by a Consortium of private contractors hired by the Commission for the purpose of helping with the mapping and measuring of information obligations in all 13 selected priority areas. The HLG opinion will be made available to the contractor.

Among the various recommendations put forward by the HLG, only one recommendation implies a modification of the current EU legislation. It concerns Article 9(1)(a) and (2) of the Directive, which read as follows:

"1. The employer shall:

(a) be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks";

"2. Member States shall define, in the light of the nature of the activities and size of the undertakings, the obligations to be met by the different categories of undertakings in respect of the drawing-up of the documents provided for in paragraph 1 (a) and (b) and when preparing the documents provided for in paragraph 1 (c) and (d)."

The wording of the Directive leaves no room for exceptions to the obligation for employers to possess a written risk assessment⁷, but Member States are to a limited extent free to define in what way the obligation regarding the drawing-up of the document must be met by employers. The document can be laid down on paper or by electronic means.

The HLG recommends amending the Directive in order "to exempt very small firms undertaking certain low risk activities from having to produce a written assessment of the risks to health and safety" (see point 56 of the HLG opinion). The HLG based itself mainly on an estimation of the costs of the current rules, with little emphasis on the benefits. It should be noted that the Consortium did not gather data on the reduction potential of the recommendation to exempt very

⁴ COM (2007) 23.

⁵ Presidency conclusions of the European Council (7/8 March 2007), p. 10.

⁶ http://ec.europa.eu/enterprise/policies/better-regulation/files/hlg_opinion_working_environment_09052009_en.pdf.

⁷ As confirmed by the Court of Justice in case C-5/00, *Commission v. Germany*, European Court reports 2002, page I-01305.

small firms undertaking low risk activities from the obligation to document the risk assessment for companies (see point 58 of the HLG opinion). Only the administrative burden related to the risk assessment as a whole was globally measured by the Consortium.

The Commission is of the opinion that, as the EU legislation at issue has a direct impact on the safety and health of workers in the EU, this recommendation needs to be carefully considered and developed and that any possible initiative would have to be preceded by an extensive assessment of its impact. A subsequent Communication from the Commission containing further detailed information about the plans of the Commission in the area of the reduction of administrative burdens⁸ refers to this recommendation as being "under consideration".

The mentioned extensive assessment by the Commission of the impact of such a possible modification includes several actions:

Firstly, both the Advisory Committee on Safety and Health at Work ("ACSH")⁹ and the Senior Labour Inspectors Committee ("SLIC")¹⁰ have been consulted and have adopted opinions in December 2009 on the HLG recommendations including the recommendation on the written risk assessment derogations. Both consultative bodies highlighted the fact that risk assessment is an essential part of health and safety management and the important role of a written document in supporting this. The ACSH opinion stressed that, "[a]s well as administrative costs, it is important to remember the costs of health and safety failures (mentioned in para 7 of the HLG Opinion). The historical reduction achieved in these partly reflects the benefits of OSH [Occupational Safety and Health] Directives. The relation between costs and benefits will help to determine whether the administrative burden imposed by the obligation to possess a written risk assessment is *unnecessary* or not". It further mentions that "there is a limited evidence base in this area, both on the potential for cost savings from the recommendation (as noted in para 58 of the HLG Opinion) and on the benefits arising from the current obligation". Both bodies stressed the need for a thorough analysis before any decisions are made about modifying the EU legislation. These opinions will be made available to the contractor.

Secondly, the Commission services are in the process of carrying out a comprehensive mapping of the situation in the 27 Member States to have an up-to-date and complete overview of the actual state of play of the national requirements for an employer to complete and document an assessment of the risks in the workplace. The outcome of this mapping will be made available to the contractor.

Thirdly, the Commission services are publishing the present call for tenders for a study to assess the consequences, including full social and economic impact, of the HLG recommendation to exclude very small enterprises undertaking certain low risk activities from the obligation to document the risk assessment, compared with the existing obligation which applies to all undertakings as laid down in the Directive.

3. SUBJECT AND SCOPE OF THE CONTRACT

This invitation to tender invites bids for the preparation of a study to assess the consequences, including full social and economic impact, of the HLG recommendation on a possible exclusion for very small enterprises undertaking certain low risk activities from the obligation to document risk assessment, compared with the existing obligation in the Directive.

The study would therefore need to compare the following three situations and assess their consequences:

⁸ Communication from the Commission to the Council and the European Parliament - Action Programme for Reducing Administrative Burdens in the EU - Sectoral Reduction Plans and 2009 Actions (COM (2009) 544).

⁹ Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work, OJ C 218, 13.9.2003, p. 1.

¹⁰ Commission Decision 95/319/EC of 12 July 1995 setting up a Committee of Senior Labour Inspectors, OJ L 188, 9.8.1995, p. 11.

1. The actual situation, i.e. the present-day transposition and application by very small companies (i.e. with fewer than 10 workers) of the existing obligation in the Directive to document the risk assessment (i.e. the "status quo");
2. The situation of 100% compliance by Member States and very small enterprises with the existing obligation in the Directive to document the risk assessment, and
3. The alternative situation as proposed in the HLG recommendation: the exemption of very small firms undertaking certain low risk activities from the obligation to document the risk assessment.

The study must compare these three situations in the broadest sense, for example by assessing the social and economic impacts of each of the situations, covering both the benefits and the drawbacks for the undertakings concerned and for society as a whole, the impact on the number and type of accidents at work and on work-related health problems (and possibly the wellbeing of workers, productivity, absenteeism, etc). This would include the consequences for management and workers of both situations with regard to their awareness and handling of OSH issues.

It needs to be stressed that the measurement of the consequences must thus not be limited to an analysis of costs and cost savings, but must also cover benefits to workers, employers and society. Where possible it should monetise these.

Following the mapping of the situation in the 27 Member States, the services of the Commission already dispose of some information regarding the national legislative measures. The present study will complete this information with an analysis of the consequences of the three above-mentioned situations.

Since a comprehensive study of the situation in all Member States and covering all economic sectors would not seem feasible in the present context, the outcome of the study shall at least be representative for the situation in the EU as a whole, and cover the different sectors of economic activity in a representative way.

In addition, as part of the study, several related issues must be investigated:

- the extent to which the benefits and drawbacks of the three situations can or cannot be expressed in monetary terms;
- the feasibility and evidence for distinguishing between "low-risk" versus "high-risk" sectors and activities. The mapping exercise in the Member States contains some information on this point from the national authorities;
- the extent to which there is a risk that very small companies will not perform a risk assessment when they are no longer under an obligation to document such assessment, and that such companies will therefore be less aware of the risks, and the potential "chain effect" on the information and consultation duties.

The contractor may highlight possible impacts in terms of gender, i.e. possible differences in the impact on male and female workers (see also point 5.2), and age (younger / older workers).

In order to arrive at a comprehensive assessment, the contractor shall obtain information available from the public authorities, the available literature and studies on the subject, as well as make its own investigations - to the extent necessary to reply suitably to the issues raised - by taking up contacts with undertakings, workers' and employers' organisations, experts in the field and public authorities, in a qualitative rather than quantitative manner.

The tasks to be carried out are described in more detail in point 5.

4. PARTICIPATION

Please note that:

The competition is open to any physical person or legal entity coming within the scope of the Treaties and any other physical person or legal entity from a third country which has concluded with the European Union a specific agreement in the area of public contracts, under the conditions provided for in that agreement.

Where the Multilateral Agreement on Public Contracts concluded within the framework of the WTO applies, the contracts are also open to nationals of States that have ratified this Agreement, under the conditions provided for therein. It should be noted that research and development services, which come under category 8 of Annex II A of Directive 2004/18/CE, are not covered by this Agreement.

5. STRUCTURE OF THE REPORT AND TASKS TO BE CARRIED OUT BY THE CONTRACTOR

5.1 General description of tasks

5.1.1 The assignment

The contractor shall carry out a comprehensive study into the consequences of the High Level Group recommendation to exclude very small enterprises undertaking certain low risk activities from the obligation to document the risk assessment, compared with the existing obligation which applies to all undertakings as laid down in the Directive.

5.1.2 Subject matter to be covered by the study

As already briefly set out in point 3, the study would need to compare the following three situations and assess their consequences:

1. The actual situation, i.e. the present-day transposition by the Member States and application by very small companies of the existing obligation in the Directive to document the risk assessment (i.e. the "status quo" situation). The available information suggests that compliance by very small enterprises with the documentation obligation is quite poor. The Directive allows Member States some flexibility to further define the documentation obligation for companies in the light of the nature of the activities and size of the undertakings; importantly, the fact that some Member States have used this flexibility may provide useful evidence to the contractor allowing different actual situations to be compared. The mapping exercise shows however that most Member States apply the same standards to all undertakings. This aspect must be taken into account in the study, since in a Member State where there is a "lighter" documenting regime for certain very small companies, such companies may less see the need for an exemption from the documentation obligation. On the other hand, in Member States that apply the same rule across the board, such companies may well have a different opinion. Furthermore, it appears that some Member States do not apply the documentation obligation to certain categories of very small enterprises, so these are in practice already exempted. Finally, the study should consider the rate of awareness of the existence of the on-line tool that the Bilbao Agency (EU-OSHA) is currently developing that will allow especially micro- and small companies to carry out risk assessment using a uniform template and comply with the documentation obligation in a simplified manner, i.e. the On-line interactive Risk Assessment tool (OiRA).

2. The situation of 100% compliance by very small enterprises with the existing obligation in the Directive. This implies that every very small company would perform a risk assessment and lay it down in a document.

3. The alternative situation as proposed in the HLG recommendation: the exemption of very small firms undertaking certain low risk activities from the obligation to document the risk assessment.

In line with the HLG opinion, the study shall cover the situation of very small enterprises, i.e. those with fewer than 10 workers.

The study must compare the full consequences of each of the three situations in the broadest sense. These consequences include the social and economic consequences of each of the situations, such as:

- The benefits and the drawbacks for very small enterprises and for society as a whole;
- The consequences for management and workers as regards their awareness and handling of OSH issues. Indeed, as pointed out in a recent study on new and emerging risks published by the European Agency for Safety and Health at Work (OSHA)¹¹, there are several factors that motivate or encourage undertakings to manage OSH and those that impede or discourage it. One of the principal drivers for OSH management in the EU-27 turned out to be the fulfilment of legal obligations, with requests from workers or their representatives coming second. The main difficulties in dealing with OSH in the EU-27 were lack of resources followed by lack of awareness. It would, *inter alia*, need to be assessed whether an exemption from the documentation obligation would therefore lead to a change in the awareness and in turn to a change in handling of OSH issues by the undertakings concerned and then to a change in OSH outcome. In addition, consideration should be given to the consequences of the three situations in relation to the rights of workers to request the employer for appropriate measures, to check if the employer is minimising risks, and possibly to appeal, as well as in relation to the right of access to the risk assessment for certain categories of workers (see Articles 10 and 11 of the Directive);
- The consequences for the labour inspection and their control and supervision tasks. Indeed, the above-mentioned SLIC opinion refers to the fact that "[s]everal Member States' labour inspectorates make use of written risk assessments as an essential part of their inspection process". The study would, *inter alia*, need to assess the consequences for the effective operation of the labour inspection services if the risk assessment is no longer laid down in a document;
- Possible decreases or increases in the number and type of accidents at work and work-related health problems, and possibly certain other less direct effects as on the wellbeing of workers, productivity, job creation and absenteeism.

Furthermore, as part of the study, several related issues of a more general nature would need to be investigated:

- The extent to which the benefits and drawbacks can or cannot be expressed in monetary terms. For example, the cost of a worker or employer drawing up the document for the risk assessment can readily be measured in monetary terms, but it is more problematic to put a value on the wellbeing of workers and accidents at work – however, techniques do exist for such valuations;
- The notion of "low risk", since the HLG recommends to restrict possible exemptions to very small enterprises "undertaking certain low risk activities". The HLG does not define nor give examples of "low risk activities" in its opinion. From the mapping exercise of the situation in the Member States, it follows that some Member States distinguish to some extent between low and high risks activities¹². In addition, Annex II of the

¹¹ ESENER, *European Survey of Enterprises on New and Emerging Risks*, OSHA, 2010, p. 51 et seq. (weblink: http://osha.europa.eu/en/publications/reports/esener1_osh_management).

¹² See also HSE paper, "Towards a working definition of 'Low Risk'", January 2010 (work in progress), mentioned under point 5.1.3.

Construction Sites Directive 92/57/EEC¹³ contains a non-exhaustive list of work involving particular risks to the health and safety of workers. On the other hand, there are some indications that a distinction between low and high risks cannot be made on a scientific basis¹⁴. Indeed, even workers in offices in a supposedly "low risk" sector such as the services sector, can be exposed to such serious risks as work-related musculoskeletal disorders. In light of the apparent difficulties to come to a uniform definition, the study shall rather propose different scenarios with respect to "low risk", i.e. explore various definitions of "low risk" and address their consequences for a possible exemption of very small enterprises from the documentation obligation, as well as their potential effectiveness in practice (if "low risk" is defined as ..., the consequences are ..., etc.). The definitions found in certain Member States may serve as input here.

- The extent to which there would be a risk that very small companies may not perform a risk assessment when they are no longer under an obligation to document the risk assessment, and that such companies will therefore be less aware of the risks, and what the effects of this would be on OSH management and outcome / and the potential "chain effect" on the information and consultation duties, such as the above-mentioned right of access to the risk assessment of certain categories of workers;

A comprehensive study of the situation in all Member States and covering all economic sectors would not seem feasible in the present context. The outcome of the study shall nevertheless be representative for the situation in the EU as a whole, i.e. the contractor shall take into account the diversity of the different Member States to come to representative conclusions, e.g. take account of aspects such as size (large and small Member States), duration of EU membership ("old" and "new" Member States), geographical situation (possible differences between East and West, as well as between North and South) and legislative approach to the obligation for very small undertakings to document the risk assessment (same obligation for all undertakings or differentiation on the basis of size and activities). The study shall also cover the different sectors of economic activity in a representative way. There are likely to be different levels of compliance with the documentation obligation in different sectors of economic activity. It would appear that, for example, compliance with the Directive in the commercial, public and services sectors, which generally have a high rate of office workers, may well be lower than expected, possibly because these sectors consider themselves as a low risk sector.

It needs to be stressed that the measurement of the consequences must not be limited to an analysis of costs and cost savings, but must also cover benefits to workers, employers and society, using where possible quantitative or sound qualitative (e.g. causality analysis, expert opinions) approaches.

5.1.3 Sources of information

The contractor is requested to make use of the following sources of information:

- Publicly available data

The study should primarily consist of an analysis of the available data at the European and national levels e.g. statistics on risk assessment and its documentation, health and safety in very small enterprises, occupational accidents or data on health problems attributed to workplace conditions, etc. Such sources can be official statistics as well as any other relevant and reliable sources of information. Information can, in addition to the national authorities, for example, also be obtained from the EU's statistical office Eurostat¹⁵ and the European Agency for Safety and Health at Work (OSHA)¹⁶, and the latter's network of national focal points¹⁷.

¹³ Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC), OJ L 245, 26.8.1992, p. 6.

¹⁴ SER-advies 2005/09 Evaluatie Arboret 1998, point 4.3. Also available in English. Weblink: <http://www.ser.nl/nl/publicaties/adviezen/2000-2007/2005/b23777.aspx>. See under point 5.1.3.

¹⁵ <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home>.

¹⁶ <http://osha.europa.eu/en>.

– Own surveys

The contractor shall also make its own limited investigations - to the extent necessary to reply suitably to the issues raised - by taking up contacts with the actors "in the field", i.e. workers, workers' organisations, employers, employers' organisations, scientists and other OSH experts, public authorities, national OSH research institutes, insurance companies, etc.

For this data collection, qualitative interviews with these actors conducted by telephone or face-to-face should be preferred over online interviews and mail questionnaires, in order to guarantee the quality and reliability of the information.

The focus of the study shall however be on the analysis of available data and the amount used for conducting own surveys by the contractor shall therefore not exceed a limited amount, for example 25%, of the total budget.

– Studies

Helpful information can also be found in the following studies / reports. In so far as these are not available directly on the internet, the texts will be made available to the contractor.

"Arbo in kleine ondernemingen", Onderzoek in opdracht van de Vakcentrale FNV, J.Z. Heijink, Nijmegen, June 2004 ("Health and Safety In Small Firms" by HSE translation service);

"SER-advies 2005/09 Evaluatie Arboret 1998", Advice of the Dutch Social Economic Council¹⁸, available in English;

"Zogenaamde lage risico's in Nederland: welke regels vinden werknemers belangrijk om in de Arboret te handhaven, en wat zijn de gevolgen van het schrappen van deze regels?" ("So-called 'low risks' in the Netherlands – occupational safety"), TNO-rapport 20352 / 11292, November 2005, also available in English;

"Towards a working definition of 'Low Risk'", UK Health and Safety Executive, January 2010 (work in progress);

Standard guidance on impact assessment / option appraisal, e.g. the 'Green Book' used in the UK¹⁹.

"Implementation of the Directives on Health and Safety at Work as a Cost Factor", Study, European Parliament, October 2010²⁰.

"The development of a methodology to assess the quality of EU-directives: a pilot study on the basis of the Directive on Visual Display Units (Directive 90/270/EEC), integrated cross-national report", 2007, TNS Infratest.

5.1.4 Organisation of work

The contractor will carry out the work in close collaboration with the ACSH Working Party "Evaluation of OSH Directives" and the European Commission (DG Employment, Social Affairs and Inclusion, Unit EMPL B/3 "Health, Safety and Hygiene at Work") and take due account of all their suggestions, contributions and proposed arrangements.

The contractor will: take part in six (6) meetings – three (3) with the Commission (Unit EMPL B/3) and three (3) with the ACSH Working Party. The latter will take place the day after each meeting

¹⁷ <http://osha.europa.eu/en/oshnetwork/focal-points>.

¹⁸ SER-advies 2005/09 Evaluatie Arboret 1998, point 4.3. Also available in English. Weblink: <http://www.ser.nl/nl/publicaties/adviezen/2000-2007/2005/b23777.aspx>.

¹⁹ http://www.hm-treasury.gov.uk/data_greenbook_index.htm.

²⁰ <http://www.europarl.europa.eu/activities/committees/studies/download.do?language=en&file=32809>.

with the Commission. These meetings will be organised by the Commission (Unit EMPL B/3) and held in the Commission premises in Luxembourg.

5.1.5 Outcome

The outcome of this evaluation shall be a report drawn up in English which should present the information comparing the above-mentioned three situations. Subdivisions shall be made to cover the different consequences of each of the situations (e.g. in terms of social and economic impact, occupational accidents, costs, benefits, and other consequences) in order to facilitate the comparison.

The report shall contain clear conclusions and include an executive summary in English, French and German.

The contractor shall provide references to all sources used during the work. Data that has been collected in the course of the project shall be made accessible, while respecting the principles of data protection.

5.2. Requirements on how the tasks shall be carried out

The PROGRESS Programme aims to promote gender mainstreaming in all its five policy sections and commissioned activities. Consequently, the Contractor shall take the necessary steps to ensure that:

- Gender equality issues are taken into account when relevant for the drafting of the technical offer by paying attention to the situation and needs of women and men;
- Implementation of proposed activities includes a perspective informed by a systematic consideration of the gender dimension;
- Performance monitoring includes the collection and gathering of data disaggregated by sex when needed;
- Its proposed team and/or staff respect the gender balance at all levels.

Equally, needs of disabled people shall be duly acknowledged and met while executing the requested service. This will ensure in particular that where the Contractor organises training sessions and conferences, issues publications or develops dedicated websites, people with disabilities will have equal access to the facilities or the services provided.

Finally, the Contracting Authority encourages the Contractor to promote equal employment opportunities for all its staff and team. This entails that the Contractor is encouraged to foster an appropriate mix of people, whatever their ethnic origin, religion, age, and ability.

The Contractor will be required to detail in its final activity report the steps and achievements made towards meeting these contractual requirements.

6. SKILLS AND PROFESSIONAL QUALIFICATIONS REQUIRED

See also Annex IV of the model contract, experts' CVs.

Additional requirements:

Tenderers must have at their disposal a team with a proven capability to carry out the tasks related to the evaluation of the social and economic impact of legislation in the field of occupational safety and health. The expertise and confirmed experience in the specific field of health and safety at work as well as in applying methods and techniques for analysis of costs and benefits, impact assessment and collecting information with respect to EU legislation is required. The experts must be familiar with the existing evaluation tools and with EU legislation in the field of health and safety at work.

The team should prove its ability to work independently and objectively.

7. TIME SCHEDULE AND REPORTING

See also Article I.2. of the model contract.

7.1. Specific deadlines for the performance of the tasks

The work must be completed within a maximum of **eight (8) months** from the date on which the contract is signed. It will include the following stages:

7.1.1 Within **two (2) weeks** after the signature of the contract, the contractor shall participate in a **kick-off meeting** in Luxembourg in English with the Commission services, unit EMPL B/3, Health, Safety and Hygiene at Work (hereafter Unit "EMPL B/3") to discuss the offer, the expectations and any questions.

7.1.2 **One and a half (1.5) months** after signature of the contract, the contractor shall submit to Unit EMPL B/3, a **detailed document** relating to the methodology and approach presented in the bid, together with the work schedule. The Commission will organise a **second (2nd) meeting** in Luxembourg with the contractor and the day after with the ACSH Working Party to discuss the document with the contractor as well as the most appropriate way to carry out the tasks, coordinate the dates of the meetings, explain the role of the ACSH Working Party and exchange other useful information. The contractor will take into account the suggestions and recommendations made at the meeting by the members of the ACSH Working Party as well as the proposals made by the Commission (Unit EMPL B/3).

7.1.3 No more than **three (3) months** after signature of the contract, the contractor must submit an **interim report** in English to the European Commission (Unit EMPL B/3), describing the progress of the work in relation to the envisaged timetable. This report must contain a summary of the results to date, and in any case address the scenario's regarding the notion of "low risk" and the question whether there would be a risk that very small companies may not perform a risk assessment when they are no longer under an obligation to document the risk assessment. The interim report must also indicate whether any methodological adjustments were made.

This interim report must be presented and discussed at the **third (3rd) meeting** in Luxembourg with the Commission (Unit EMPL B/3) and the day after with the ACSH Working Party to discuss its contents and to provide guidance on the preparation of the final report. The contractor will take into account the suggestions and recommendations made at the meeting by the members of the ACSH Working Party as well as the proposals made by the Commission (Unit EMPL B/3).

7.1.4 **Five (5) months** after signature of the contract, the contractor must submit a **draft final report** in English to the European Commission (Unit EMPL B/3). Following the receipt of the draft final report, the Commission will organise a **fourth (4th) meeting** in Luxembourg with the Commission (Unit EMPL B/3) and the day after with the ACSH Working Party to discuss the content of the final draft report and to define the degree of its compliance with the contract requirements.

7.1.5 The European Commission (Unit EMPL B/3) may transmit objections and comments to the contractor within **sixty (60) days of receipt** of the draft final report. **Within thirty (30) days of receiving such objections and comments**, the contractor must submit a **final report** in English taking account of them. In any case, this final report must be submitted not later than **eight (8) months** after signature of the contract.

The contractor must present the final report containing the various elements referred to in sections 5 and 7 of these specifications.

The contractor shall provide with the draft final report and with the final report the following:

- An executive summary of the study on 5/6 pages in English, French and German;
- A presentation of the key points of the study on one page. These key points should be concise, clear and easily understandable. They must be provided in English, French and German.

The detailed methodology and work plan, together with the various reports referred to in this section, must be submitted to the European Commission (Unit EMPL B/3) both on paper (two copies) and in a widely-used word-processing electronic format (CD-ROM or DVD). The contractor must also supply a copy of the information collected as mentioned in sections 5 and 7 and used in preparing the final report. The pictograms, pictures, graphics and other illustrations must also be presented in a widely-used electronic format.

7.2. Publicity and information requirements

In accordance with the General conditions, all contractors are under the obligation to acknowledge that the present service has received funding from the Union in all documents and media produced, in particular final delivered outputs, related reports, brochures, press releases, videos, software, etc, including at conferences or seminars. In the context of the European Union's Programme for Employment and Social Solidarity – PROGRESS, the following formulation shall be used:

This (publication, conference, training session etc) is commissioned by the European Union Programme for Employment and Social Solidarity - PROGRESS (2007-2013).

This programme is implemented by the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment, social affairs and equal opportunities area, and thereby contribute to the achievement of the Europe 2020 Strategy goals in these fields.

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

For more information see: <http://ec.europa.eu/progress>

For publications it is also necessary to include the following reference: "The information contained in this publication does not necessarily reflect the position or opinion of the European Commission".

With regard to publication and any communication plan linked to the present activity, the Contractor will insert the European Union logo and mention the European Commission as the Contracting Authority in every publication or related material developed under the present contract.

7.3 Reporting requirements

PROGRESS is implemented through a results-based management (RBM). The Strategic Framework, developed in collaboration with the Member States, social partners and civil society organisations, sets out the intervention logic for PROGRESS-related expenditure and defines PROGRESS' mandate and its long-term and immediate outcomes. It is supplemented by performance measures which serve to determine the extent to which PROGRESS has delivered the expected results. See in Annex the overview of PROGRESS performance measurement framework. For more information on the strategic framework, please visit PROGRESS website <http://ec.europa.eu/social/main.jsp?catId=659&langId=en> .

The Commission regularly monitors the effect of PROGRESS-supported or commissioned initiatives and considers how they contribute to PROGRESS outcomes as defined in the Strategic Framework. In this context, the Contractor will be asked to dedicatedly work in close cooperation

with the Commission and/or persons authorised by it to define the expected contribution and the set of performance measures which this contribution will be assessed against.

The Contractor will be asked to collect and report on its own performance to the Commission and/or persons authorised by it against a template which will be annexed to the contract/service order/. In addition, the Contractor will make available to the Commission and/or persons authorised by it all documents or information that will allow PROGRESS performance measurement to be successfully completed and to give them the necessary rights of access.

8. PAYMENTS AND STANDARD CONTRACT

In drawing up the bid, the tenderer should take into account the provisions of the standard contract comprising the "General terms and conditions applicable to service contracts".

8.1 Interim payment

The contractor can request an interim payment. To be acceptable, such request must be accompanied by:

- an interim technical report in accordance with the instructions laid down in section 7,
- the relevant invoices
- statements of reimbursable expenditure in accordance with Article II.7 of the draft contract.

The report must have been approved by the Commission.

The Commission has 60 days from receipt of the report to approve or reject it, and the contractor has 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, an interim payment corresponding to the relevant invoices, up to a maximum of 40% of the total amount referred to in Article I.3.1 of the draft contract shall be made.

8.2 Payment of the balance

To be acceptable, the contractor's request for payment of the balance must be accompanied by:

- a final technical report in accordance with the instructions laid down in section 7,
- the relevant invoices,
- statements of reimbursable expenditure in accordance with Article II.7 of the draft contract.

The said report must have been approved by the Commission.

After receiving the report, the Commission has 60 days in which to accept or reject it, and the contractor has 30 days in which to submit new documents.

The balance corresponding to the relevant invoices will be paid within 30 days following the date of approval of the report by the Commission.

9. PRICES

Under the terms of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union, the latter are exempt from all charges, taxes and duties, including value added tax; such charges may not therefore be included in the calculation of the price quoted. The amount of VAT is to be indicated separately.

The price must be stated in EUR(€), net of VAT (using, where appropriate, the conversion rates published in the C series of the Official Journal of the European Union on the day when the

invitation to tender was issued), and broken down according to the model in Annex III included in the attached standard contract.

■ Part A: Fees and direct costs

- Fees, expressed in number of person/days and unit price per working day for each expert proposed. The unit price covers the experts' fees and administrative expenditure, but not the reimbursable expenses referred to below.
- Other direct costs (please specify).

■ Part B: Reimbursable expenses

- Travel expenses (not including local transport)
- Subsistence expenses of the contractor and his personnel (covering expenditure incurred by experts on short trips away from their normal place of work) — see Annex III to the model contract
- Expenses for the shipment of equipment or unaccompanied luggage, directly connected with performance of the tasks specified in Article I.1 of the draft contract
- Contingencies.

Total price = Part A + Part B **with a maximum of 200,000 €**

10. GROUPINGS OF ECONOMIC OPERATORS OR CONSORTIA

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for proper performance of the contract²¹. However, a grouping of economic operators must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following points 11 and 12 must be supplied by every member of the grouping.

11. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

1) Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situation referred to in Articles 93 and 94 a) of the Financial Regulation.

Those articles are as follows :

"Article 93 :

Applicants or tenderers shall be excluded if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;*
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;*

²¹ These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract has to be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the grouping (a power of attorney or sufficient authorisation is to be attached to the contract), when the tenderers have not formed a legal entity.

- c) *they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;*
- d) *they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;*
- e) *they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;*
- f) *they are currently subject to an administrative penalty referred to in Article 96(1)²².*

Article 94 :

Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:

- a) *are subject to a conflict of interest;*
- b) *are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information (...)"*

2) The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in Article 134 of the implementing Rules, confirming the declaration referred to in point 1 above.

Article 134 of the Implementing Rules – Evidence

§3. The contracting authority shall accept as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in point (a), (b) or (e) of Article 93(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (d) of Article 93(1) of the Financial Regulation, a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

§4. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraph 3 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

See Annex I (which may be used as a checklist) for the supporting documents accepted by the European Commission to be provided by applicants, tenderers or tenderers to who the contract will be awarded.

3) The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in Article 134 of the Implementing Rules, if such evidence has already been submitted to it for the purposes of another procurement procedure launched by DG

²² Cf. Article 96(1): "The contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94;

(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

(...)"

EMPL and provided that the issuing date of the documents does not exceed one year and that they are still valid.

In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

12. Selection criteria

All bids must also contain the documents listed below, testifying to the tenderer's financial and economic capacity, technical capability and professional qualifications. In particular, the European Commission will verify the following:

12.1 Financial and economic capacity (on the basis of the following documents)

- turnover during the previous financial year (statement of overall turnover – at least twice the value of the contract, i.e. € 400,000 -)
- balance sheets and profit and loss accounts for the last three financial years, if the legislation of the country in which the tenderer is established requires them to be published;
- regular accounts for the quarter preceding that in which the tender notice was published, if the full accounts for the previous financial year are not yet available.

If, for some exceptional reason which the contracting authority considers justified, the tenderer or candidate is unable to provide the references requested by the contracting authority, he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate.

12.2 Tenderer's technical capability

- a description of the tenderer's technical capability and practical experience in the field referred to in section 6 of these specifications. For consortia of companies or groups of service providers, this description must relate specifically to the tasks to be performed by each of their members;
- a list of work and/or publications of last 3 years demonstrating the tenderer's practical experience in the fields referred to in section 6 of these specifications
- the tenderer must provide the names and CVs (maximum of three pages each) of the persons responsible for the specific tasks described in section 5 of these specifications, with a view to demonstrating their practical experience and their capability to prepare practical guidelines.
- a description of the parts of the services to be provided by each consortium of companies or groups of service providers (where applicable).

13. Award criteria

The contract will be awarded to the bid offering the best price/quality ratio, taking into account the following criteria :

- Understanding of the objectives and tasks:	25%
- Quality and consistency of the methodological approach	40%
- Quality of the work plan proposed:	20%
- Organisation of the work and management of the project:	15%

The contract will **not** be awarded to a tenderer whose bid receives less than (70%) for the award criteria.

The points total will then be divided by the price, with the highest-scoring bid being chosen.

14. Content and presentation of bids

14.1 Content of bids

Bids must include:

- a presentation letter duly signed by the legal representative;
- all the information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see sections 12 and 13 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form duly completed;
- the price;
- the detailed CVs of the proposed experts;
- the name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties);
- proof of eligibility: tenderers must indicate the State in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law.

14.2 Presentation of bids

- Bids must be submitted in triplicate (i.e. one original and two copies).
- They must include all the information required by the Commission (see points 9,10,11 and 12 above).
- They must be clear and concise.
- They must be signed by the legal representative.
- They must be submitted in accordance with the specific requirements of the invitation to tender, within the deadlines laid down.

Annex I

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or tenderers to who the contract will be awarded	
	Procurement (Article 93(2) FR; Article 134 IR)	
1. Exclusion from a procurement procedure, Article 93(1) FR : <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i>		
1.1. (subparagraph a) <i>they are bankrupt or being wound up,</i> <i>are having their affairs administered by the courts,</i> <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i> <i>or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations²³;</i>	- Recent extract from the judicial record or recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance or - Where no such certificate is issued in the country concerned : sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance	
1.2. (subparagraph b) <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata²⁴;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
1.3. (subparagraph c) <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i>	Declaration by the candidate or tenderer that he is not in the situation described	
1.4. (subparagraph d) <i>they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed²⁵;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described or Where no such certificate is issued in the country concerned : sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance	
1.5. (subparagraph e) <i>they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests²⁶;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
1.6. (subparagraph f) <i>they are currently subject of an administrative penalty referred to in Article 96(1)²⁷. »</i>	Declaration by the candidate or tenderer that he is not in the situation described	

²³ See also Article 134(3) IR : Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in paragraphs 1 and 2 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

²⁴ Cf. footnote n°23.

²⁵ Cf. footnote n°23

²⁶ Cf. footnote n° 23

²⁷ Article 96(1) FR: The contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94;

(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or tenderers to who the contract will be awarded	
	Procurement	Grants
2. Exclusion from a procurement or grant award procedure Article 94 FR : « <i>Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>		
2.1. (subparagraph a) <i>are subject to a conflict of interest;</i>	atement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal	
2.2. (subparagraph b) <i>are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information»²⁸.</i>	No specific supporting documents to be supplied by the applicant, tenderer or bidder It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete ²⁹ and to identify any misrepresentation	

28 Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within the time limit it specifies. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of obvious clerical errors. »

29 Cf. footnote n°28

Annex II

Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest

The undersigned [*name of the signatory of this form, to be completed*]:

- in his/her own name (*if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator³⁰*)
or
- representing (*if the economic operator is a legal person*)

official name in full (*only for legal person*):

official legal form (*only for legal person*):

official address in full:

VAT registration number:

declares that the company or organisation that he/she represents / he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

³⁰ To be used depending on the national legislation of the country in which the candidate or tenderer is established and where considered necessary by the contracting authority (see art. 134(4) of the Implementing Rules).

In addition, the undersigned declares on their honour:

- g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract;
- k) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete;
- l) that in case of award of contract, they shall provide upon request the evidence that they are not in any of the situations described in points a, b, d, e above.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the Tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.]

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature

Overview of PROGRESS Performance Measurement Framework

PROGRESS Ultimate Outcome
Member States implement laws, policies and practices in a manner that contributes to the desired outcomes of the Social Agenda

PROGRESS works towards its ultimate outcome by helping strengthen the EU’s support for Member States' efforts to create more and better jobs and to build a more cohesive society. PROGRESS seeks to contribute to (i) an **effective legal regime** in the EU in relation to the Social Agenda; (ii) **shared understanding** across the EU with regard to Social Agenda objectives; and (iii) **strong partnerships** working towards Social Agenda objectives.

In operational terms, support provided by PROGRESS facilitates (i) provision of analysis and policy advice; (ii) monitoring and reporting on the implementation of EU legislation and policies; (iii) policy transfer, learning and support among Member States; and (iv) relaying to decision-makers the views of the stakeholders and society at large.

Legal Regime Outcome: <i>Compliance in Member States with EU law related to PROGRESS areas.</i> Performance Indicators	Shared Understanding Outcome: <i>Shared understanding and ownership among policy/decision-makers and stakeholders in Member States, and the Commission, of objectives related to PROGRESS policy areas.</i> Performance Indicators	Strong Partnerships Outcome: <i>Effective partnerships with national and pan-European stakeholders in support of outcomes related to PROGRESS policy areas.</i> Performance Indicators
<ol style="list-style-type: none"> 1. Transposition rate of EU law on matters related to PROGRESS policy areas 2. Effectiveness of application in Member States of EU law on matters related to PROGRESS policy areas. 3. EU policies and legislation are grounded in thorough analysis of situation and responsive to conditions, needs and expectations in Member States in PROGRESS areas 4. Extent to which PROGRESS-supported policy advice feeds into the development and implementation of EU legislation and policies 5. Cross-cutting issues are addressed in PROGRESS policy sections 6. EU policies and legislation display a common underlying logic of intervention in relation to PROGRESS issues 7. Gender mainstreaming is systematically promoted in PROGRESS 	<ol style="list-style-type: none"> 1. Attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas 2. Extent to which national policy discourses or priorities reflect EU objectives 3. Extent to which principles of good governance (including minimum standards on consultation) are respected in policy debate 4. Extent to which the outcomes of policy debates feed into the development of EU law and policy. 5. Greater awareness of policy-and decision-makers, social partners, NGOs, networks regarding their rights/obligations in relation to PROGRESS policy areas 6. Greater awareness of policy-and decision-makers, social partners, NGOs, networks regarding EU objectives and policies in relation to PROGRESS policy areas 	<ol style="list-style-type: none"> 1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies 2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels 3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas. 4. Number of individuals served or reached by networks supported by PROGRESS. 5. Extent to which advocacy skills of PROGRESS-supported networks have improved 6. Satisfaction of EU and national authorities with the contribution of networks 7. Extent to which PROGRESS-supported networks take a cross-cutting approach