ANNEX I

TERMS OF REFERENCE

Call for selection and designation of the first European Union Reference Centre for animal welfare
1. INTRODUCTION

Purpose

The purpose of this call for proposals is to select a candidate to be designated as a first European Union reference centre for animal welfare. It will be a "pilot centre" used to assess the suitable options and approaches for future enlargement of responsibilities of the centre and/or the possible establishment of additional centres in the future.

The centre will support horizontal activities in the area of animal welfare with a particular focus on official controls carried out to enforce requirements for the welfare of pigs. Improving enforcement in this area is an animal welfare strategic priority for the Commission.

The present call derives from the obligation created by the adoption of the Official Controls Regulation (EU) 2017/625 (later called "the OCR").

Recital (73) of this Regulation states in particular "For the performance of official controls and other official activities which are aimed at identifying possible violations to the rules including those perpetrated (...) in the field of animal welfare, the competent authorities should have access to updated, reliable and consistent technical data, to research findings, new techniques and expertise necessary for the correct application of Union legislation applicable in those (...) areas. For that purpose, the Commission should be able to designate, and rely on the expert assistance of, European Union reference centres (...) for animal welfare."

Article 95 of this Regulation requires that the Commission, by means of implementing acts, designate European Union reference centres that shall support the activities of the Commission and of the Member States in relation to the application of the rules laying down welfare requirements for animals.

The role of the centre is therefore closely connected with the enforcement of EU rules by developing and disseminating knowledge and tools to assist the competent authorities in performing better official controls.

The centre does not duplicate the role of the European Food Safety Authority established under the Food Law as an independent scientific point of reference for assessing risks.

This call is the preliminary step before the designation, by an implementing act of the Commission, of the said centre.

The principles of the call for selection of the first EU Reference Centre for animal welfare

Considering the responsibilities of the EU Reference Centres only the National Competent Authorities of the Member States (NCAs) may submit an application, after having ensured that the eligibility, exclusion and selection criteria are met.

The Commission will set up a selection panel in order to evaluate the applications submitted through the NCAs.

The procedure can be summarised as follows:

• The Commission sends to the NCAs an invitation to submit applications for the centre, together with the present terms of reference.

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2 Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (...).
• NCAs may submit relevant applications to the Commission after having performed a preselection, on the basis of the eligibility and selection criteria set under chapters 3 and 4.
• The Commission will evaluate the applications by following the eligibility, selection and preference criteria.
• The NCAs who submitted an application will be informed about the outcome of the selection process.

IMPORTANT:
Applicants are invited to follow the format recommended by this call (see the list of documents on page 13). By providing information under an alternative format, the applicant takes the risk of involuntarily missing some requirements of the call and being not properly evaluated.
Applicants are also invited to respect the maximum number of pages indicated for each document requested and to focus their applications on conciseness and clarify rather than providing a large quantity of information of marginal interest.

Legal framework

Requirements for the first EU Reference Centre for animal welfare

The legal framework concerning the EU reference centres for animal welfare is laid down in Articles 95 and 96 of the OCR.

Article 95 lays down the conditions of designation of the centres as follows:

1. The Commission shall, by means of implementing acts, designate European Union reference centres for animal welfare that shall support the activities of the Commission and of the Member States in relation to the application of the rules referred to in point (f) of Article 1(2).
2. The designations provided for in paragraph 1 shall:
   (a) follow a public selection process; and
   (b) be limited in time or reviewed regularly.
3. European Union reference centres for animal welfare shall:
   (a) act impartially as regards the exercise of their tasks as European Union reference centres;
   (b) possess a high level of scientific and technical expertise in human-animal relationship, animal behaviour, animal physiology, animal genetics, animal health and nutrition related to animal welfare, and animal welfare aspects related to the commercial and scientific use of animals;
   (c) have suitably qualified staff with adequate training in the areas referred to in point (b) and in ethical issues related to animals and support staff as appropriate;
   (d) possess, or have access to, the infrastructure, the equipment and products necessary to carry out the tasks assigned to them; and
   (e) ensure that their staff have good knowledge of international standards and practices in the areas referred to in point (b) and that the latest developments in research at national, Union and international level, including studies performed and actions undertaken by other European Union references centres for animal welfare, in those areas are taken into account in their work.

The legal requirements are defined in Article 95(1) of the OCR which refers to point (f) of Article 1(2) of the said regulation:

2. This Regulation shall apply to the official controls performed for the verification of compliance with the rules, whether established at Union level or by the Member States, to apply Union legislation, in the areas of:
Designation of the EU Reference Centre for animal welfare

According to Article 167 of this Regulation, centre/s has to be designated by 29 April 2018. The selection of a centre following this call will not constitute the designatation of the centre. Thereafter, the selected centre will be designated by an implementing act of the Commission. The selected centre will be designated for a period of at least five years.

EU financial assistance to the EU Reference Centre for animal welfare

In accordance with Article 30 of Commission Regulation (EC) No 652/2014 of the European Parliament and of the Council, as amended by Regulation (EU) 2016/1012, the European Union provides financial assistance to European Union reference centres. This assistance is in the form of a grant for the costs that they incur in implementing the work programmes approved by the Commission.

According to Article 30(2) of that Regulation, the following costs may be eligible for the grant:

(a) costs of personnel, regardless of their status, directly involved in activities in activity
of the centre which are carried out in their capacity of Union reference centre;

(b) costs of capital equipment;

(c) cost of consumables;

(d) costs of shipment of samples, missions, meetings, training activities.

The EU funding may cover up to 100% of the eligible expenditures.

Modalities applicable in case of the expression of interest by a consortium

In principle for the purpose of these applications a "consortium" could be understood as 'one leading entity on behalf of two or more entities in Member States working together to perform the Centre tasks and responsibilities'. When an application is made by a consortium, it must be submitted by the coordinator of the consortium and must be supported by all NCAs of the involved entities working together. This means that in case the entities are located in different EU Member States all the different NCAs have to express their support. Furthermore all entities in a consortium must adhere to all the requirements stipulated in this call (i.e. Terms of Reference and Practical instructions).

Specific requirements for consortia in addition to the ones foreseen for single entities:

1. Each member of the consortium has to meet all eligibility, exclusion and selection criteria.
2. Each member of the consortium has to submit a mandate/accession letter confirming its participation in the consortium, indicating the specific area of participation and including the support by the relevant NCA.
3. The consortium has to nominate a coordinator who will be the leading entity and the contact point for the Commission services.

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(f) welfare requirements for animals;

The provisions of Article 96 of the OCR are explained later in this call.

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4. Consortium members have to authorise the coordinator to represent the consortium on their behalf.
5. Consortium members have to authorise the coordinator to receive and distribute financial contributions received from the Commission according to a distribution key agreed among consortium members and described in the work program (actions) and its estimated budget.
6. Each member of the consortium has to submit all documents requested for in the Terms of Reference of this call.
7. The consortium shall submit a combined work programme and a consolidated estimated budget.
8. The work program of the consortium contains a demonstration of coherence and complementarity within the consortium members including tasks division, decision making process and the exchange of knowledge.
9. Technical liability: the consortium members are jointly and severally liable for carrying out the action. If a beneficiary fails to implement its part of the action, the other beneficiaries become responsible for implementing this part.
10. Financial liability: the consortium members maintain individual financial liability.

2. Scope, Responsibilities and Tasks of the EU Reference Centre for Animal Welfare

Scope

The centre shall support Member States and the Commission in the area of animal welfare, in line with the tasks defined by article 96 of the OCR and with a particular focus on official controls on the welfare of pigs.

Responsibilities and tasks

Article 96 of the OCR defines the responsibilities and tasks of the centre as follows:

The European Union reference centres for animal welfare shall be responsible for the following supporting tasks insofar as they are included in the reference centres’ annual or multiannual work programmes that have been established in conformity with the objectives and priorities of the relevant work programmes adopted by the Commission in accordance with Article 36 of Regulation (EU) No 652/2014:

(a) providing scientific and technical expertise within the scope of their mission including, where appropriate in the form of coordinated assistance, to relevant national support networks and bodies in the area governed by the rules referred to in point (f) of Article 1(2)

(b) providing scientific and technical expertise for the development and application of the animal welfare indicators referred to in point (e) of Article 21

(c) developing or coordinating the development of methods for the assessment of the level of welfare of animals and of methods for the improvement of the welfare of animals;

d) carrying out scientific and technical studies on the welfare of animals used for commercial or scientific purposes;

(e) conducting training courses for staff of the national scientific support networks or bodies referred to in point (a), for staff of the competent authorities and for experts from third countries; and

(f) disseminating research findings and technical innovations and collaborating with Union research bodies in the fields within the scope of their mission.

Article 21 (8) (e) of the Official Controls Regulation refers to:

(b) the cases and conditions where official controls to verify compliance with animal welfare requirements may include the use of specific animal welfare indicators based on measurable performance criteria, and the design of such indicators on the basis of scientific and technical evidence.

The specific tasks of the Centre, defined in its annual (or multi-annual) work program, may include for example:

- development of risk-based approach for official controls' organisation and performance in the area of animal welfare;
- development and collection, from different points along the food chain, of comparable data on the welfare of animals with a particular focus on pigs aiming to provide the Commission with an overview of the situation in the pig sector;
- development of measurable criteria and specific indicators to verify compliance with the animal welfare legal requirements, with a particular focus on those included in Directives 98/58/EC6 and 2008/120/EC7 and bearing in mind the parameters outlined in Commission Recommendation (EU) 2016/3368 to be considered when assessing a pig farm for tail biting risk;
- consultation of relevant stakeholders to ensure that controls are fit for purpose.

The Centre will operate in close coordination with the Commission and provide, at the request of the Commission, its technical expertise.

### 3. ELIGIBILITY AND EXCLUSION CRITERIA

#### 3.1. Eligibility Criteria

In order for the applicant to be eligible:

- The applicant shall be a legal entity established in one of the EU Member States.

  **Means of proof Document A: Public entity**

  The applicant shall provide the decision establishing the public company or other official document establishing the public-law entity.

- The applicant shall be viable without the EU financial assistance.

  **Means of proof: Document B: NCA assistance**

  The NCA shall assure that they will provide the necessary human and financial resources for the satisfactory operation of the centre. This document must be dated and signed by an authorized representative of the NCA.

- The applicant shall have been entrusted by the NCA to perform tasks of public interest in the area of competence of the call.

  **Means of proof Document C: NCA entrust**

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The NCA shall list the tasks in the area of competence of this call which have been entrusted to the applicant centre. This document must be dated and signed by an authorized representative of the NCA.

- The applicant shall have been excising activities related to research and/or education and dissemination.

**Means of proof Document D: Research/Education**

The applicant shall provide a mission statement on the performed activities in the area of competence of the call [with a maximum of 10 pages].

### 3.2. Exclusion criteria

Applicants shall be excluded if:

- they have conflicting interests with private or public companies or organisations that could restrict their ability of the dissemination of information derived during the execution of activities as the EU Reference Centre for animal welfare or that could prevent it from acting in an unbiased manner when assisting the Commission, especially in case where Member States contest the results of official controls and other official activities which are aimed at identifying possible violations to the rules including those perpetrated in the field of animal welfare;

- it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations; they have been convicted of an offence concerning their professional conduct by a judgement, which has the force of *res judicata*;

- it has been established by a final judgement that the person is guilty of any of the following:

  (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities’ financial interests, drawn up by the Council Act of 26 July 1995;

  (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;

  (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;

  iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;

  (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;

  (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;

- it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;

- it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or...
ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
(ii) entering into agreement with other persons with the aim of distorting competition;
(iii) violating intellectual property rights;
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

- the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union’s budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;
- for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
  i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
  ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
  iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
  iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
  v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

**Means of proof Document E: Exclusion**

The applicant shall certify that they are not in one of the situations listed above. The declaration must be dated and signed by an authorized representative.

**4. SELECTION CRITERIA**

The Commission will use selection criteria as minimum standards to accept or reject applications. If the applicants miss to provide this minimum information, the application may be rejected without further evaluation.
4.1. Economic and financial capacity

The applicants shall provide evidence of financial and economic standing based on the following documents: balance sheets, profit and loss accounts or annual reports for the last three financial years balance. Where available, audits reports of the last 3 years should be provided as well. This information will be referred by the applicant as Document F-Economic and financial capacity.

This does not preclude the written evidence of financial support of applicant by NCA previously mentioned under the eligibility criteria (see 3.1. Document B).

4.2. Scientific and technical capacity

The applicants have to fulfil and to prove the following requirements allowing them to execute the tasks of the centre and the realisation of the work programme:

(a) The applicant has suitably qualified staff with adequate high level of scientific and technical expertise in human-animal relationship, animal behaviour, animal physiology, animal genetics, animal health and nutrition related to animal welfare in pigs;

Means of proof of scientific expertise - Document G

The list of the key scientific staff who:

- are working or available to work for the applicant; and
- have a post-graduate degree and at least 3 years of experience working in the area of the welfare of pigs; and
- are the authors of peer reviewed publications on human-animal relationship, animal behaviour, animal physiology, animal genetics, animal health, animal welfare and nutrition with an emphasis on pigs.

The list of the key publications mentioned above in the last five years [maximum 5 pages].

Means of proof of technical expertise - Document H

The list of the key technical staff who:

- are working or available to work for the applicant and
- have been involved in the following technical activities:
  a) providing expertise for the development and application of animal welfare indicators;
  b) developing or coordinating the development of methods for the assessment of the level of welfare of animals and of methods for the improvement of the welfare of animals
  c) investigation and collection of information on programmes of inspections, enforcement practices and problems;
  d) direct work with stakeholders on activities aimed to improve the welfare of pigs.

The list of the key activities/projects mentioned above in the last five years [maximum 5 pages].

A short description of the support staff associated with the scientific and technical activities (number and roles) [maximum 1 page].

(b) The applicant has, or has access to, the appropriate infrastructure, the equipment and products necessary to carry out the tasks assigned to them;

Means of proof Document I: Infrastructure/equipment

A general description of the technical equipment, tools or facilities at the disposal of the applicant [maximum 5 pages].
(c) The applicant's staff has good knowledge of international standards, including on animal welfare, and practices in the areas referred to in point (a) and of the latest developments in research at national, Union and international level;

**Means of proof Document J-International**
A list of key projects or activities having an EU and an international dimension through non-EU partners in the last five years [maximum 5 pages].

(d) The applicant has physical and human capacity to provide coordinated assistance to the NCAs and other relevant national support networks and bodies in the area of animal welfare;

**Means of proof Document K-Assistance to NCAs**
A list of key projects or activities (except training) related to the assistance of NCAs or similar bodies in the area of animal welfare in the last five years [maximum 5 pages].

(e) The applicant has physical and human capacity to provide tailor training courses for staff of the national scientific support networks or bodies, of staff of the NCAs and of experts from non-EU countries;

**Means of proof Document L-Training**
A list of key training projects or activities targeted to officials in the area of animal welfare realised in the last five years [maximum 5 pages].

(f) The applicant has the capacity to disseminate research findings and technical innovations and to collaborate with Union research bodies in the fields within the scope of their mission;

**Means of proofs Document M - Dissemination**
A list of key dissemination activities with examples of different media used to communicate with the various actors involved and any measurement of the impact of such activities [maximum 5 pages].

(g) The applicant has suitable mechanisms/arrangements/procedures in place to respect the confidential nature of certain subjects, results or communications and Intellectual Property Rights.

**Means of proof Document N - Procedures**
A description of the respective procedures in place [maximum 2 pages].

5. PREFERENCE CRITERIA

The Commission will take the following criteria into account in selecting the centre:

1) **TEAM COMPOSITION and its EXCELLENCE**
Rate: 20%

Based on Documents G and H, the Commission will assess the extent to which the applicant fulfils the following criteria:

The key members of staff of the centre possess an adequate level of competences in the following areas, with a particular focus on the welfare of pigs:

a) level of experience and knowledge of scientific and technical expertise in human-animal relationship, animal behaviour, animal physiology, animal genetics, animal health and nutrition related to animal welfare;
b) suitable qualifications with adequate training in the areas referred to in point (a) and in ethical issues related to animals and support staff as appropriate;

c) additional information on staff capacity in performing the following tasks will be also considered:

- providing scientific and technical expertise for the development and application of animal welfare indicators;
- developing or coordinating the development of methods for the assessment of the level of welfare of animals and of methods for the improvement of the welfare of animals;

2) INFRASTRUCTURE  
Rate: 10%

Based on Document I, the Commission will assess the extent to which the applicant fulfils the following criteria:

Possessing or having access to the appropriate physical as well as research and IT infrastructure necessary to carry out task as EU reference centre.

3) INTERNATIONAL  
Rate: 10%

Based on Document J, the Commission will assess the extent to which the applicant fulfils the following criteria:

a) Staff having good knowledge of the latest developments in research at national, EU-wide and international level, including studies performed and actions undertaken by other centres for animal welfare, in those areas are taken into account in their work;
b) Involvement in international projects and knowledge of international standards and practices in the areas to be covered by the Centre's.

4) CAPACITY OF TASKS EXECUTION AS AN EU REFERENCE CENTRE  
Rate: 20%

Based on Document K, the Commission will assess the extent to which the applicant has the capacity for managing a coordinated assistance to relevant national support networks and bodies in the area governed by EU animal welfare requirements.

In addition, the evaluation of this criterion will be completed by the appraisal of applicant's understanding of the mission as EU Reference Centre. For this purpose, the applicant will provide a presentation of a simulation of work program (description of the methodology, activities, objectives, expected outcomes) to be developed along two years, including budget [max. 10 pages] (Document O – Work program).

5) TRAINING ACTIVITIES  
Rate: 20%

Based on Document "L", the Commission will assess the extent to which the applicant fulfils the following criteria:

Capacity of organising and conducting tailor made training courses for the benefit of staff of the national scientific support networks or bodies, of staff of the competent authorities and of experts from third countries.

6) DISSEMINATING RESEARCH FINDINGS  
Rate: 20%

Based on Document M, the Commission will assess the extent to which the applicant fulfils the following criteria:
Capacity and ability of disseminating research findings and technical innovations to various stakeholders' groups and aptitude to collaborate with Union research bodies in the fields within the scope of their mission.

To complete the evaluation of this criterion, the applicant will also provide an additional document on foreign language knowledge (Document P – Linguistic competences):

English should be a language of communication of the Centre but the key members of staff involved in training has also to be fluent in at least one another EU official language of wide diffusion - German, French, Italian, Spanish or Polish - to successfully fulfil the task of dissemination both within and outside the EU.

6. SELECTION

The application selected will be the one with the highest score.

List of documents to be provided by applicant:

- Document A: Public entity
- Document B: NCA assistance
- Document C: NCA entrust
- Document D: Research/education
- Document E: Exclusion
- Document F: Economic and financial capacity
- Document G: Scientific expertise
- Document H: Technical expertise
- Document I: Infrastructure/equipment
- Document J: International
- Document K: Assistance to NCAs
- Document L: Training
- Document M: Dissemination
- Document N: Procedures
- Document O: Work program
- Document P: Linguistic competences