

Minutes

1 Key information

DATE(S) OF EVENT	1 March 2012, Brussels 9:30 am to 16:30 pm	VENUE	Helpdesk of the European Evaluation Network for Rural Development, Chaussée Saint-Pierre 260, B-1040 Brussels
TITLE OF EVENT	Good Practice Workshop Drafting Terms of Reference for ex ante evaluations		
ORGANIZER(S) OF EVENT	Evaluation Helpdesk		
SHORT DESCRIPTION OF EVENT	In the context of the thematic working group on ex ante evaluation, a first good practice workshop was organised in which the specific challenges of drafting the Terms of Reference for the ex ante evaluation post 2013 were identified and practical solutions proposed.		
SUBJECT(S) PRESENTED OR DISCUSSED	<ul style="list-style-type: none"> • Presentation of legal proposals and requirements for ex ante evaluation and SEA by DG AGRI and DG ENVI • Presentation of challenges stemming from legal proposals on ex ante and SEA from the point of view of Managing Authorities and from the point of view of ex ante and SEA evaluation experts • Drawing key lessons learned for writing the terms of reference. 		
EVALUATION HELPDESK REPRESENTATIVE(S)	Hannes Wimmer, Jela Tvrdonova, Andreas Resch, Isabel Naylor, Margot Van Soetendael, Valerie Dumont, John Grieve		
ANNEXE(S) / DELIVERABLES	<ul style="list-style-type: none"> • Attendance List • Photos of event 		

2 Purpose and expected outcome of the Workshop

2.1 Context

According to Article 48 of the Proposal for Regulation (EU) No COM(2011) 615 final laying down the common provisions for the ERDF, ESF, Cohesion Fund, EAFRD and EMFF, Member States shall, as in the current period, carry out ex ante evaluations to improve the quality of the design of each programme. The main difference to the current period is that the aspects that are to be covered in the ex ante evaluations are described in much greater detail in Article 48 and are more extensive. What is also new is that according to Article 84 of the Proposal COM(2011) 627 final/2 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), Member States shall ensure that the ex ante evaluator is engaged from an early stage in the process of development of the rural development programme. The challenge for the Member States is not only to take the new aspects of the ex ante evaluations into account in the drafting of their ToR but to do so in the absence of final regulations and common indicators as the ex ante evaluations will have to be carried out relatively early in order to be able to be included in the partnership agreements. The integration of the Strategic Environmental Assessment (SEA) poses a further challenge.

2.2 Participants

The workshop was composed of representatives from managing authorities, evaluation experts and evaluators. Three DGs of the European Commission actively took part in the workshop (DG Agri, DG Envi, DG Regio) The number of participants was around 40 high level experts.

2.3 Purpose

The Evaluation Helpdesk of the European Evaluation Network for Rural Development organized this workshop in the context of the working group on ex ante evaluation also organised by the Helpdesk.

The interactive discussions were aimed at providing practical help for Managing Authorities to draft their terms of reference for the ex ante evaluations and SEA for the next programming period.

Participants of the workshop were supported in developing an understanding for:

- The **legal requirements** concerning ex ante evaluation and SEA in the draft regulations
- The **new challenges** of the ex ante evaluation and SEA in **comparison** to the current period (2007-2013)
- How the new requirements and challenges should be **reflected in the terms of reference for the ex ante evaluations and SEA**

The **outcomes** of the workshop were geared towards concrete solutions for the Managing Authorities in the drafting of their terms of reference.

3 Agenda

09.30 Introduction & framing	
• Opening and Welcome	Helpdesk
• Legal proposals and requirements for <i>ex ante</i> evaluation and SEA	DG AGRI / DG ENVI
• Clarification questions	
10.30 Coffee break	
10.45 Reflection on new challenges	
• Challenges stemming from legal proposals on <i>ex ante</i> and SEA from point of view of Managing Authorities	Marc Longhi, French Managing Authority / Sirli Kalbus Estonian Managing Authority
• Challenges from point of view of <i>ex ante</i> and SEA evaluation experts	Erika Quendler, John Grieve (<i>Ex ante</i> evaluators) / João Pedro Silva (SEA expert)
• Discussion	Andreas Resch, Isabel Naylor

13.00 Lunch	
14.00 Practical solutions	
• Introduction to group work	Isabel Naylor
• Group work on checklist for ToR for <i>ex ante</i> evaluations (including SEA)	
15.00 Coffee break	
15.15 Summary session	
• Presentation of group work results	Rapporteurs
• Discussion in plenary	
16.00 Closing the workshop	
• Summary of results	Helpdesk

4.3 Input by DG AGRI

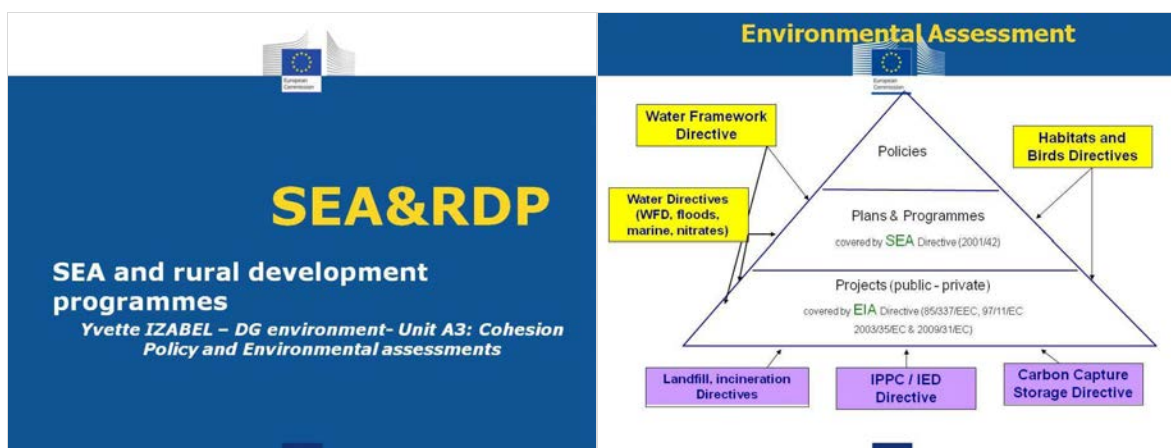
Input 1: Legal proposals and requirements for ex ante evaluation by Ms **Zélie Peppiette**, DG Agri, Unit L.4, Rural Development Evaluation Manager

 <h2 style="text-align: center;">Ex-ante evaluation of post-2013 RDPs outline of legal requirements</h2> <p>Helpdesk Good Practice Workshop: Drafting Ex-ante Terms of Reference 1st March 2012</p> <p style="text-align: right;">1</p>	 <h2 style="text-align: center;">Objective of the ex-ante evaluation</h2> <p style="text-align: center;"><i>To improve the quality of the design of the programme</i></p> <p style="text-align: center;">(Art 48 CSF)</p> <p style="text-align: right;">2</p>
 <h2 style="text-align: center;">General provisions</h2> <ul style="list-style-type: none"> • Responsibility of the Managing Authority (A48 CSF) • To be carried out by experts functionally independent from programme implementation authorities (A47 CSF) • Incorporates SEA requirements (A48(4)CSF) • Submitted to Commission with the RDP (A48 CSF) • Evaluation report shall be made public (on the internet) (A47 CSF + A83 RD) <p style="text-align: right;">3</p>	 <h2 style="text-align: center;">Ex-ante process</h2> <p><i>Ex-ante evaluator shall be engaged "from an early stage" in the preparation of the RDP, including the development of:</i></p> <ul style="list-style-type: none"> ▪ SWOT analysis; identification of needs to be addressed; thematic sub-programmes ▪ Programme intervention logic ▪ Establishment of targets <p style="text-align: center;">(Art 84 RD)</p> <p style="text-align: right;">4</p>
 <h2 style="text-align: center;">Content and coverage (1) (A48(3)CSF)</h2> <ul style="list-style-type: none"> • Contribution to smart, sustainable and inclusive growth (EU2020) in the light of needs/priorities • Internal coherence of RDP • Relation to other relevant instruments (SF, EFF..) • Does budgetary distribution match objectives? • Do priorities and objectives correspond to CSF, Partnership contract/agreement? <p style="text-align: right;">5</p>	 <h2 style="text-align: center;">Content and coverage (2) (A48(3)CSF)</h2> <ul style="list-style-type: none"> • Relevance/clarity of indicators • How will outputs contribute to results? • Are quantified target values realistic? • Rationale/justification given for the proposed support <p><i>All these linked to the involvement in development of RDP SWOT, needs, intervention logic, and targets => Iterative process.</i></p> <p style="text-align: right;">6</p>

<div data-bbox="400 264 501 331"></div> <h3>Content and coverage (3) (A48(3)CSF)</h3> <ul style="list-style-type: none"> • Are human resources and admin capacity adequate to manage RDP? • Are data collection and M&E provisions adequate? • Are performance milestones suitable?? • Are anti-discrimination/equal opportunities measures adequate? • Are measures to promote sustainable development adequate? • SEA requirements (A48(4)CSF) <div data-bbox="703 651 715 667">7</div>	<div data-bbox="995 264 1096 331"></div> <h3>Further details/specification</h3> <p>Provision for implementing rules (A83 RD), BUT</p> <p>Current view is that guidance should be sufficient (and available more quickly)</p> <p>Nevertheless, implementing rules will govern many aspects of programme design and content, therefore need to be taken into account in ex-ante – timing implications for ex-ante contracts.</p> <div data-bbox="1299 651 1310 667">8</div>
<div data-bbox="400 712 501 779"></div> <h3>Guidance documents</h3> <p>Helpdesk Thematic Working Group</p> <p>Kick-off meeting tomorrow.....</p> <p>Consultation and feedback during development...</p> <div data-bbox="703 1093 715 1108">9</div>	<div data-bbox="995 712 1096 779"></div> <h3>Concluding thought.....back to the purpose.....</h3> <p>Specialist expertise provided through ex-ante evaluation should be a support and accompaniment for the Managing Authority, enabling improvement of RDP design and quality throughout the development process</p> <div data-bbox="1299 1093 1310 1108">10</div>

4.4 Input by DG ENVIRONMENT

Input 2: Legal proposals and requirements for Strategic Environment Assessment (SEA), lessons learned in the current programming period by Ms **Yvette Izabel**, DG ENV.A.3, Cohesion Policy and EIA)



<div data-bbox="411 264 507 331"> </div> <h3>SEA Directive - Objectives</h3> <ul style="list-style-type: none"> • <i>High level of protection of the environment</i> • <i>Integration of environmental considerations into the preparation of plans and programmes</i> • <i>Promotion of sustainable development</i> 	<div data-bbox="1008 264 1104 331"> </div> <h3>Which plans and programmes?</h3> <ul style="list-style-type: none"> • <i>prepared and/or adopted by an authority at national, regional or local level</i> <ul style="list-style-type: none"> • AND • <i>required by legislative, regulatory or administrative provisions.</i> <p>The definition <u>includes</u>:</p> <ul style="list-style-type: none"> – modifications of plans and programmes – P&P co-financed by the EC
<div data-bbox="411 712 507 779"> </div> <h3>P&P for which SEA is always required (art.2)</h3> <div data-bbox="191 833 718 990" style="background-color: #e0ffe0; padding: 5px;"> <p>a) P&P prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use</p> <p style="text-align: center;">AND</p> <p>which set the framework for future development consent of projects listed in the EIA Directive</p> </div> <p style="text-align: center;">OR</p> <div data-bbox="191 1019 718 1093" style="background-color: #e0e0ff; padding: 5px;"> <p>b) that require an assessment under Article 6 or 7 of the Habitats Directive</p> </div>	<div data-bbox="1008 712 1104 779"> </div> <h3>P&P not covered by SEA (art. 3(8))</h3> <ul style="list-style-type: none"> • <i>National defence, civil emergency,</i> • <i>financial or budget plans/programmes</i> (cf. in certain cases some ESF or Interreg OPs)
<div data-bbox="411 1160 507 1227"> </div> <h3>SEA and the planning procedure</h3> <p>Article 4(1)</p> <h4>The environmental assessment must be carried out:</h4> <ul style="list-style-type: none"> • <i>During the preparation of the plan or programme</i> • <i>Before its adoption (or submission to the legislative process)</i> 	<div data-bbox="1008 1160 1104 1227"> </div> <h3>The environmental assessment procedure</h3> <div data-bbox="753 1227 1311 1541"> <pre> graph TD A[Screening] --> B[Scoping] B --> C[Environmental Report/Study] C --> D[Information and Consultation] D --> E[Decision] E --> F[Information on decision] F --> G[Monitoring] </pre> </div>



<div data-bbox="411 264 507 331"> </div> <h2 data-bbox="204 331 395 358">Consultations</h2> <p data-bbox="188 392 438 414">Consultations have to:</p> <ul data-bbox="188 436 699 555" style="list-style-type: none"> • Be carried out at an <u>early</u> stage • Give an <u>effective</u> opportunity for the consulted parties to express their opinion • Be organised within a <u>sufficient</u> time frame <p data-bbox="188 589 699 611">Consultations need to be take place <u>before</u> the adoption of the P&P</p>	<div data-bbox="1008 264 1104 331"> </div> <h2 data-bbox="801 268 970 295">Decision (art. 8)</h2> <div data-bbox="785 324 906 683"> </div> <p data-bbox="922 347 1284 398">The competent authorities must take account of:</p> <ul data-bbox="954 425 1276 600" style="list-style-type: none"> • Environmental report • Opinions expressed pursuant to the consultation (public, environmental authorities) • Results of any transboundary consultation
<div data-bbox="411 712 507 779"> </div> <h2 data-bbox="194 694 678 721">Information on the final decision Article 9</h2> <div data-bbox="188 761 311 1120"> </div> <p data-bbox="331 795 446 817">To whom?</p> <ul data-bbox="331 817 710 891" style="list-style-type: none"> ▪ Environmental authorities ▪ Public ▪ Transboundary consultations (if consulted) <p data-bbox="331 936 641 963">Information made available</p> <ul data-bbox="331 963 721 1079" style="list-style-type: none"> ▪ Adopted plan/programme. ▪ How environmental report and results of consultations have been taken into account. ▪ Reasons for choosing between alternatives. ▪ Monitoring measures. 	<div data-bbox="1008 712 1104 779"> </div> <h2 data-bbox="794 705 1013 739">Monitoring Article 10</h2> <div data-bbox="785 761 906 1120"> </div> <p data-bbox="922 772 1300 862">Member States have to monitor the significant environmental effects of the implementation of the plan/programme in order to:</p> <ul data-bbox="933 884 1268 952" style="list-style-type: none"> ▪ identify at an early stage unforeseen adverse effects ▪ be able to undertake remedial action <p data-bbox="922 974 1316 1012">Existing monitoring arrangements may be used</p> <p data-bbox="922 1034 1305 1079">Monitoring measures must be covered in the SEA Report</p>
<div data-bbox="411 1160 507 1227"> </div> <h2 data-bbox="183 1232 694 1258">SEA and the new Regulations – Does SEA applies?</h2> <ul data-bbox="188 1303 699 1415" style="list-style-type: none"> • Plans and programmes co-financed by the European Community are included in the scope of the SEA Directive (art. 2) • SEA will be applicable to P&P drawn up under the new Regulations as to any other plan and programme <p data-bbox="175 1482 721 1527"><i>The ex ante evaluation shall incorporate, where appropriate, the requirements of the Strategic Environmental Assessment set out in implementation of Directive 2011/42/EC .. (art. 48(4))</i></p>	<div data-bbox="1008 1160 1104 1227"> </div> <h2 data-bbox="778 1227 1066 1254">SEA and the new Regulations</h2> <p data-bbox="785 1294 1316 1361">Plans and programmes co-financed under new Regulations will have to be checked against the Directive's « tests » (Art. 2, definition of P&P and Art. 3, scope)</p> <ul data-bbox="821 1384 1316 1505" style="list-style-type: none"> ➤ Verify if the individual OPs meet the requirements foreseen by the directive, ➤ If they <u>meet the requirements</u>, they have to be subject to an SEA, ➤ If an SEA is carried out, <u>ensure</u>: quality of the report, consultations, decision making, monitoring.

 <h2 style="text-align: center;">Lessons learnt from the past programming period</h2>	 <h3>GENERAL ISSUES</h3> <ul style="list-style-type: none"> ➤ <i>Timing: SEA carried out late in the planning process.</i> <ul style="list-style-type: none"> - When too late, the content of the OPs were clearly not influenced by the SEA. - Parallel development of OP & SEA = ensures that environment is taken into account - Consider review of OP if SEA demonstrated negative environmental effects ➤ <i>Justification for no SEA or for screening is needed</i> ➤ <i>Some minimalistic SEA procedures, others ambitious</i> ➤ <i>In some cases SEA procedure not finished when submitting OP</i>
 <h3>ENVIRONMENTAL REPORT</h3> <ul style="list-style-type: none"> • <i>Quality of the environmental reports varied considerably among MSs, and in some cases relatively poor.</i> • <i>Report does not cover all issues in Annex I (particularly alternatives; zero option)</i> • <i>Parts of the OP not covered by SEA procedure (indicative list of major projects)</i> • <i>Impacts not always quantified</i> • <i>Insufficient consideration of Natura2000 sites given heavy infrastructural measures of programme</i> 	 <h3>NON TECHNICAL SUMMARIES</h3> <ul style="list-style-type: none"> • <i>Often poor quality - not giving the info laid down in Annex I</i> • <i>Sometimes just sign posting "go to page X"</i> • <i>Some cases no NTS at public consultation</i> • <i>No consideration of alternatives</i>
 <h3>CONSULTATIONS ENVIRONMENTAL AUTHORITIES</h3> <ul style="list-style-type: none"> • <i>Env. Authorities were involved in the decision-making process, however</i> • <i>Some complaints that Env. Authorities were not consulted on the content and/or results of SEA process</i> • <i>Not always clear if views of Env. Auth. were taken into account</i> 	 <h3>PUBLIC CONSULTATIONS</h3> <ul style="list-style-type: none"> • <i>Timeframes differ between MSs, sometime not sufficient</i> • <i>In some MSs limited participation.</i> • <i>Very narrow interpretation of "public" – 3 stakeholder organisations</i> • <i>Often consultation only posted on web</i> • <i>Consultation must be on both SEA report + NTS <u>and</u> OP</i> • <i>Awareness raising needed for the public in general</i> • <i>Limited consultation time period – 2 weeks</i> • <i>Structured consultation approach: Setting up of consultation group with all relevant stakeholders that met regularly</i>

 <p>ARTICLE 9 STATEMENT</p> <ul style="list-style-type: none"> • <i>No statement / to be issued later</i> • <i>Often vague and general</i> • <i>Need to review the OPs to take into account the SEA</i> • <i>Statement not always covers all information required (consultations, integration and alternatives)</i> 	 <p>MONITORING</p> <ul style="list-style-type: none"> • <i>Monitoring measures absent or not clearly identified, insufficient indicators</i> • <i>Indicators measuring impact on CC (some MS "carbon neutrality")</i>
 <p>Sources of information</p> <ul style="list-style-type: none"> • EIA / SEA Homepage: http://ec.europa.eu/environment/ela/home.htm Guidance on the implementation of the SEA Directive Studies and reports on the implementation of the EIA/SEA Directives • GRDP Handbook on SEA for Cohesion Policy 2007-2013 (Interreg IIIC, GRDP greening regional development programmes) http://ec.europa.eu/regional_policy/sources/docoffic/working/doc/sea_hanbook_final_foreword.pdf 	

4.5 Input by Managing Authority France

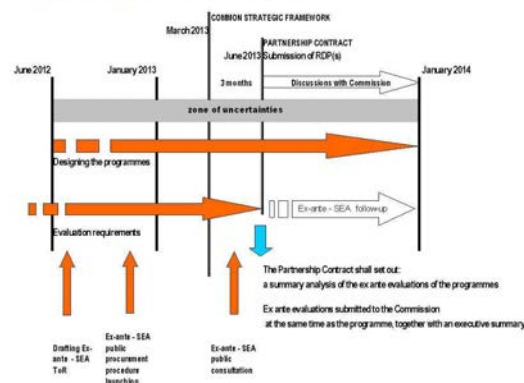
Input 3: Challenges stemming from legal proposals on ex ante and SEA from the point of view of a Managing Authority by Mr **Marc Longhi**, Ministère de l'Agriculture, de l'Alimentation, de la Pêche, de la Ruralité et de l'Aménagement du territoire, France

 <p>Ex ante evaluation and Strategic environmental assessment 2014-2020</p> <p>MAIN CHALLENGES</p> <p>A French approach by the Managing Authority</p>	<p>MAIN CHALLENGES</p> <p>1. TIMING</p> <p>2. UNDERSTANDING THE REQUIREMENTS</p> <p> Watch out!</p> <p> Meaning what?</p> <p>2</p>
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1. TIMING

- coordinate the design of the rural development programme(s) and the regulatory requirements concerning ex ante evaluation and Strategic Environmental Assessment
- coordinate the design of the partnership contract with the ex ante evaluation:
 - availability of the summary analysis of ex ante
 - performance framework
- coordinate SEA public consultation and partnership contract
- coordinate programme submission with the follow-up of ex ante and SEA

TENTATIVE WORKING PLAN



2. UNDERSTANDING THE REQUIREMENTS

an equation with several unknown factors

State of play at the moment

Article 48 (COM(2011) 615 final)
Ex ante evaluation

2. Ex ante evaluations shall be carried out under the responsibility of the authority responsible for the preparation of the programmes. They shall be submitted to the Commission **at the same time as the programme**, together with an executive summary.

The Fund-specific rules **may establish thresholds** under which the *ex ante* evaluation may be combined with the evaluation for another programme.

Meaning what ?

EVALUATION PLAN

Article 49 (COM(2011) 615 final)

Evaluation during the programming period

1. An **evaluation plan** shall be drawn up by the managing authority for each programme and submitted in accordance with the Fund-specific rules.

With no hint at the moment on **the content of the Evaluation plan**

- is the evaluation plan a « simple » tentative list of all the evaluations to be achieved within the scope of the programme?
- is Ex-ante evaluation included within the EP?
- is the evaluation plan susceptible to change and can evolve over time or is it drawn up once and for all?
- where (who?, what level?) is the procedure for modifying the EP to be decided?

PARTNERSHIP CONTRACT

Article 13 (COM(2011) 615 final)
Preparation of the Partnership Contract




4. Each Member State shall transmit its Partnership Contract to the Commission within 3 months of the adoption of the Common Strategic Framework.

Implies **comprehensive coordination** between adoption of the Common Strategic Framework, the drafting of the Partnership contract and undertaking the evaluations (ex ante, SEA)

<p>PARTNERSHIP CONTRACT</p> <p>Article 14 Content of the Partnership Contract The Partnership Contract shall set out:</p> <p>(ii) a summary analysis of the <i>ex ante</i> evaluations of the programmes justifying the selection of the thematic objectives and the indicative allocations of the CSF Funds;</p> <p>1 It implies that the <i>ex ante</i> ToR must include this justification, it also implies that allocations have been made.</p>	<p>STRATEGIC ENVIRONMENTAL ASSESSMENT</p> <ul style="list-style-type: none"> - must be included in the ToR for the <i>ex ante</i> - regulation states : 4. The <i>ex ante</i> evaluation shall incorporate, where appropriate, the requirements for Strategic Environmental Assessment ? <p>SEA is a legally enforced assessment procedure required by Directive 2001/42/EC (known as the SEA Directive) it implies systematic assessment of the environmental effects of strategic land use related plans and programmes.</p> <p>1 To assess impact of a programme – the programme must be designed by the time the assessment is initiated</p>
<p>STRATEGIC ENVIRONMENTAL ASSESSMENT</p> <p>Public consultation</p> <p>SEA Directive states: « Authorities with relevant environmental responsibilities and the public are to be consulted during the assessment of plans and programmes, and appropriate time frames are set, allowing sufficient time for consultations, including the expression of opinion. »</p> <p>1 This requirement implies a 3 months period - at least - in order to:</p> <ul style="list-style-type: none"> - draw up the survey - advertise the survey - collect the answers - analyse the answers - take into account the relevant answers in the programme(s) <p>These steps must be clearly identified within the terms of reference.</p>	<p>19</p>

4.6 Input by Managing Authority Estonia

Input 4: Challenges stemming from legal proposals on *ex ante* and SEA from the point of view of a Managing Authority by Ms **Sirli Kalbus**, Estonian Ministry of Agriculture Rural Development Department Local Initiative and Human Environment Bureau

<p>Challenges stemming from legal proposals on <i>ex ante</i> and SEA – Estonian case</p> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <small>Maailm Linnaga Euroopa Põllumajanduslik Eestus ja arendus arengufondid</small> </div> <div style="text-align: center;">  <small>Eesti Linnaga Euroopa Põllumajanduslik Eestus ja arendus arengufondid</small> </div> <div style="text-align: right;"> <p>Sirli Kalbus sirli.kalbus@maas.ee Estonian Ministry of Agriculture Rural Development Department Managing Authority 01. March 2012</p> </div> </div> <div style="text-align: center; margin-top: 20px;">  Ministry of Agriculture Republic of Estonia </div>	<p>Estonian RDP <i>ex-ante</i> evaluation in process (I):</p> <hr/> <p>Dec – Feb: preparation the ToR;</p> <ul style="list-style-type: none"> • 16. February 2012 – announcement; • 12. March 2012 – opening of tenders; • End of March – contract; • March 2012 – 1. Jan 2014 - evaluation. <p>* Different <i>ex ante</i> evaluations for EAFRD, EMFF and other structural funds (ERDF, ESF, CF).</p> <div style="text-align: center; margin-top: 20px;">  Ministry of Agriculture Republic of Estonia </div>
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Estonian RDP *ex-ante* evaluation in process (II):

- The lowest offer will win.
- Qualification requirements:
 - Tenderer's net sales received from national surveys or national evaluation services must have been during the three previous financial years at least as big as the value of the tender divided by two. Data must be submitted for the years 2009, 2010 and 2011;
 - Tenderer must have the experience of three last years (2009–2011) from conducting national surveys or national evaluations.



Estonian RDP *ex-ante* evaluation in process (III):

- Team composition:
 - Tenderer must form a team of at least 5 persons to provide the service and divide the tasks between the team members. Tenderer's team must include the following persons:
 - Project manager,
 - Substantive or methods manager,
 - Area experts (7 different are required),
 - Expert of foreign experience,
 - Expert of strategic environmental impact assessment.

*One and the same expert can cover several fields in some cases.



Main challenges stemming from legal proposals:

- Timing;
- Tasks and Evaluation questions;
- Methodology.



Timing

- MS shall ensure that the *ex ante* evaluator is engaged from an early stage in the process of development of the RDP... (Art 84 EAFRD)
 - It was difficult to prepare the ToR, because there are still not definitive tasks for *ex ante* evaluator to give (basic act still subject of discussions, draft implementing acts not yet presented)
 - no time to wait these.
- Chosen solution: to start as early as possible ☺.



Tasks and evaluation questions (I)

A lot of uncertainty is created by the absence of legal acts...

- Some tasks (which are not known yet) may come from implementing acts...
- Compulsory evaluation questions are not known...
- No guidelines yet...



Tasks and evaluation questions (II)

- Chosen solutions:
 - MA has formulated all the evaluator's tasks (CSF Art 48) and evaluation questions (5 blocks, 22 questions) based on the provisions of draft regulations and experience from the previous programming period;
 - Clause: Evaluator must also answer all the EU evaluation related questions, which will become known at a later stage after the publication of the EC *ex ante* evaluation guidelines. At the same time, evaluator must follow the possible *ex ante* evaluation rules, instructions and principles established by the EC at a later stage.



Tasks and evaluation questions (III)

- Clause for supplementary works: There may arise supplementary works that the evaluator must do. In case the volume of supplementary works does not increase considerably (up to 20%), evaluator will not receive any additional remuneration for those works. If the volume of supplementary works will increase more than 20%, additional remuneration will be paid according to the average hourly wage given in the tender.
- MA has taken into account that there may be additional tasks that the evaluator must do and is ready to pay extra money for performing those tasks (if the tasks are not mentioned in the ToR).



IV Methodology:

- No guidelines for methodology...
- Chosen solutions:
 - Evaluator shall choose the suitable *ex ante* evaluation methodology by itself, but methodology must be approved by the MA first.
 - Evaluator shall submit with tender the preliminary description of methodology (how *ex ante* evaluation is planned and what data/sources will be used). Detailed description of the evaluators tasks to be performed should also be provided.



Summary:

- The absence of approved legal acts and guidelines creates some uncertainty, but...
 - we have to start with *ex ante* evaluation to truly benefit from it;
 - we used previous experience to do as good ToR as we were able;
 - We left room for flexibility (20% clause);
 - We are ready to pay for supplementary works if really needed (if extra tasks come from legal acts).



Thank you for your attention!



4.7 Written Input by Managing Authority Finland

Input 5: Challenges stemming from legal proposals on *ex ante* and SEA from the point of view of a Managing Authority by Mr Eero Pehkonen, Senior Officer, Ministry of Agriculture and Forestry, Finland.

Ex ante evaluation and terms of reference - Finnish MA point of view

Eero Pehkonen (eero.pehkonen@mmm.fi)
Ministry of Agriculture and forestry, Finland
Workshop 1.3.2012 Brussels

7.3.2012



General

- Finland planned to make two RDP in 2014-2020 -> Mainland Finland and Åland Island
- This presentation concentrate to Mainland Finland RDP
- This is preliminary ideas how we have defined *ex ante* task

7.3.2012



Timetable

Timetable for the evaluation

March-April 2012	Launching the tendering procedure
May 2012	Selection of the evaluator
May-June 2012	Negotiations on the agreement, more detailed processing of the work plan in the steering group and agreement of the implementation of the evaluation
September 2012	Evaluation of the analysis of the situation of the programme completed
December 2012	Evaluation of the measures and selection of programme priorities completed
December 2012	Results of the 1st stage (SWOT analysis and possible proposals for measures based on this to the customer)
February 2013	Midterm reporting to the steering group
May 2013	Draft final report to the steering group
September 2013	Final report to the customer

7.3.2012



Minimum requirements

- The ex ante evaluation shall appraise and give recommendations on the programme proposal according to the themes in Article 48(3) of the general Regulation.
- The RDP for Mainland Finland the requirements under the Regulation have been specified as follows.

7.3.2012



Art 48.3 specifications 1/3

- a) the contribution to the Union strategy for smart, sustainable and inclusive growth, having regard to the selected thematic objectives and priorities, taking into account national and regional needs;
 - Evaluation of the programme proposal relative to the objectives of the EU 2020 Strategy.
- b) the internal coherence of the proposed programme or activity and its relation with other relevant instruments;
 - Evaluation of how the programme has been reconciled with the other funds and national policies.
- c) the consistency of the allocation of budgetary resources with the objectives of the programme
 - Evaluation of whether the programme funds are allocated in an appropriate manner to different measures in accordance with the challenges identified in the analysis of the current state.

7.3.2012



Art 48.3 specifications 2/3

- f) how the expected outputs will contribute to results;
 - Evaluation of the functioning of the planned programme process and the expected impacts in the area covered by the programme.
- h) the rationale for the form of support proposed;
 - Evaluation of whether the analysis of the current state in the programme gives a sufficiently extensive and accurate picture of the state and recent development in the area covered by the programme and to give proposals for improving the analysis of the current state.
 - Evaluation of whether appropriate measures have been selected, taking account of the findings of the analysis of the current state and EU priorities.
- i) the adequacy of human resources and administrative capacity for management of the programme;
 - Evaluation of the realisation of the ex ante conditionalities of the programme.
 - Evaluation of the simplification of the programme implementation; whether the proposed practices are simpler than in the period 2007-2013.

7.3.2012



Art 48.3 specifications 3/3

- k) the suitability of the procedures for monitoring the programme and for collecting the data necessary to carry out evaluations;
 - Giving recommendations for the appropriate implementation of the evaluation and monitoring system.
 - Giving recommendations for the programme evaluation plan.
- m) the adequacy of planned measures to promote equal opportunities between men and women and to prevent discrimination;
 - Evaluation of the procedures for selecting the beneficiaries (application procedure, selection criteria for projects).

7.3.2012



Minimum requirements

- Evaluation shall also:
 - give recommendations and development proposals for the current situation and SWOT analyses.
 - contain an evaluation relating to the programme preparation and content as regards their environmental impacts (SEA).
 - The environmental impacts assessment may also be carried out by a party outside the evaluation consortium.

7.3.2012



Reporting

- Recommendations for specific measures
- Recommendations in accordance with the EU priorities.

7.3.2012



Open questions

- Timetable and we don't have final regulations.
- What is role of evaluation recommendations to the RDP preparation? Evaluators are independent and don't know all issues of RD policy.

7.3.2012



4.8 Input by ex ante evaluation expert Austria

Input 6: Challenges from the point of view of an ex ante evaluation expert by Erika Quendler, AT; AWI-Bundesanstalt für Agrarwirtschaft, Austria

Challenges from point of view of an evaluation expert

Erika Quendler

Presentation
Workshop „Drafting Terms of References for
ex ante evaluation“

AWI BUNDESANSTALT für Agrarwirtschaft
FEDERAL INSTITUTE of Agricultural Economics

Challenges ex ante
Erika Quendler - 3. März 2012

Ex ante evaluation

- ... aims to analyse the status quo and envisage the end status desired while a rural development programme (RDP) is being developed.
- ... gathers information and serves as input for this RDP.
- ... gives a point of reference for the assessment of the deficits and gaps in the initial situation and the possible impacts of the measures of a RDP based on previous evaluations.

AWI BUNDESANSTALT für Agrarwirtschaft
FEDERAL INSTITUTE of Agricultural Economics

Challenges ex ante
Erika Quendler - 3. März 2012

The old versus the new: lessons learned



CLEAR challenges

- Concise outline for an ex ante report
- Little changes – don't fix it if it is not broken
- Easy framework (objectives, data collection, ...):
 - ▢ Objectives to be defined based on the situation/changes desired (ranking inequalities)
 - ▢ SMART indicators, in line with the points of reference, transparent
 - ▢ expected level of expenditure (budget resources)
 - ▢ micro- and macro-economic data, defined by region
 - ▢ Methodology used
- Appropriate contingency plan in case of targets not being reached
- Relevant steps to be considered (check list for ex ante evaluation)

BUNDESLANDSINSTITUT für Agrarwirtschaft
FEDERAL INSTITUTE of Agricultural Economics

Challenges ex ante
Erika Quentzler - 3. März 2012

Thanks for your attention!



4.9 Input by ex ante evaluation expert UK

Input 7: Challenges from the point of view of an ex ante evaluation expert, by John Grieve, Helpdesk expert

An Evaluator's Perspective John Grieve

The Guidance/Expectation

- Ex ante evaluation **supports the preparation of proposals** for new or renewed community actions. Its purpose is to gather information and to carry out analyses which help to ensure that the policy objectives will be delivered successfully, that the measures used are cost-effective and that reliable evaluation will be subsequently possible.
- *Evaluating EU Activities: a practical guide for the Commission Services*, Directorate General for the Budget, July 2004, page 12.

The Guidance/Expectation



- *Ex ante evaluation shall form part of drawing up each rural development programme and aim to optimise the allocation of budgetary resources and improve programming quality. It shall identify and appraise:*
 - the medium and long term **needs**;
 - the **goals** to be achieved;
 - the **results** expected;
 - the **quantified targets** particularly in terms of impact in relation to the baseline situation;
 - the **Community value-added**;
 - the extent to which the **Community's priorities** have been taken into account;
 - the **lessons** drawn from previous programming;
 - the **quality of the procedures** for implementation, monitoring, evaluation and financial management

The Guidance/Expectation



- *The task of ex ante evaluation is to provide an **independent judgement** and **recommendations** on technical and/or policy issues linked to the programme in view of **improving and strengthening its quality**.*
- *Ex ante evaluation represents **the starting point for ongoing evaluation** within the Common Monitoring and Evaluation Framework. Ex ante evaluation will establish the **basis for effective monitoring, mid-term and ex post evaluations**, by ensuring that there are explicit, quantified objectives and appropriate indicators reflecting the strategic and operational objectives of the programme.*
- *The interaction between programme formulation and ex-ante evaluation should permit the responsible authorities to develop each component of the programme in the light of the **input progressively acquired** from the ex-ante evaluation.*

The Guidance/Expectation



- *'it is clear that ex-ante evaluation has to be carried out by an ex-ante evaluator who is **not directly involved** in conceiving, implementing, managing or financing the programme.'*
- *The **SWOT analysis** of the geographical area covered by the programme **precedes ex ante evaluation**...ex ante evaluation has to **assess the results** of the programme-related SWOT analysis.*

Specification and Role



- End of pipe
- Preparatory
- Iterative
- Period and involvement
- Working together, the basis of engagement
- Plusses and minuses
- External or internal, objectivity vs iteration paradox

Scotland ToR



- Phase I** Assess the baseline situation and how the RDR affects Scotland
- Phase II** Appraise the proposed Rural Development Strategy for Scotland and initial plan for the Rural Development Programme in Scotland.
- Phase III** Appraise the revised plan for the Rural Development Programme in Scotland (also RIA and SEA)
- **For Phase 1 the Contractor must:**
 - Summarise the measures and expenditure in the current SRDP, relevant structural fund programmes and associated non-accompanying measures.
 - Review existing evaluations of rural development programmes in Scotland in order to assess value for money and identify lessons learned.
 - Assess how current measures and spending relate to the axes and minimum expenditure limits in the new Rural Development Regulation.
 - **Identify the current, medium and long term rural development needs through SWOT (Strengths, weaknesses, opportunities and threats) analysis.**
 - **Make recommendations for priorities** for the 2007-2013 rural development plan including assessment of what can be delivered within different scenarios of budget constraint.
 - Incorporate findings from stakeholder focus groups into the SWOT analysis.

England ToR



1. An ex ante evaluation is required **as detailed in Articles 15 and 89 of the Regulation**. The evaluation is a tool for **improving the quality of programmes** and providing information on the basis of which decision makers can **judge the value of a proposal**.
2. It is intended that the ex ante evaluation be carried out **in parallel with the design of the RDP** to allow Defra's Rural Development Programme Team to **feed results into the preparation of the proposal**.
3. The evaluators will be asked to provide **reports whilst the programme is under development**. This will allow the processes involved to be validated and any weakness addressed at an early stage. The key stages when reports would be expected are detailed below.

<h3>The Plan</h3>  <ul style="list-style-type: none"> • Preparatory and overhead activities. • Evaluation of the fundamental analyses. • Evaluation of the draft NSP. • Evaluation of the draft RDP in three phases. <ul style="list-style-type: none"> • Consistency of SWOT and objectives • Indicators and targets • Governance and delivery • Production of the ex-ante evaluation report. 	<h3>The Challenges</h3>  <ul style="list-style-type: none"> • Inertia, lack of preparedness • Political determination • Legacy effects • Resistance to effective baselines and evidence base • Change in programme approach • Box ticking exercise, evidence for the EC? • Lack of evaluation evidence • Identifying other evidence • Intervention logic vs entitlement mentality • Evidence based policy?
<h3>The Weaknesses</h3>  <ul style="list-style-type: none"> • Weak understanding of CMEF and Ex Ante process • Unwillingness to resource the programme development process • Poor drafting organisational structure • Lack of resources, capacity and knowledge • Resistance to advice and recommendations • Role expanded as scale of task to cover gaps became clear • The need for continuity from an early stage • Budget more than doubled 	<h3>Some Issues Arising in On-going & MTE</h3>  <ul style="list-style-type: none"> • Development/delivery disconnect • Delivery not adequately addressed in ex ante • Ability to monitor and report inadequately addressed • Data systems not thought through and aligned • No one picks it up, takes ownership • Staff knowledge and capacity gaps become more evident • In effect retrospective ex ante • The advantages of continuity, RDP, evaluators • The challenge of objectivity
<h3>Ex Ante Pitfalls Commonly Encountered</h3>  <ul style="list-style-type: none"> • Weaknesses in evidence base: <ul style="list-style-type: none"> – absence of a neutral tone. – gaps in and / or relevance of available data. – emphasis on description at the expense of analysis. – failure to draw out key findings. • Weakness in SWOT analysis and Strategy Formulation: <ul style="list-style-type: none"> – failure to concentrate on strategic issues. – strategic issues misassigned. – poorly specified objectives. • Weaknesses in Coherence: <ul style="list-style-type: none"> – priorities poorly justified in underlying rationale. – relevance of Measures to Priority rationale unclear. – targets lack realism when set against context or resources allocated. 	

4.10 Input by SEA expert, PT

Input 8: Challenges from the point of view of SEA evaluation expert, by João Pedro Silva, PT

No PPP is available.

The major challenge is timing and how to combine all processes. Experiences show that the results of SEA in the past were not incorporated in programme design (re-integration) and the whole exercise was very formal (pro forma). The Public Consultation period in which you have several stages is the challenge, the dynamic is: to talk, to integrate, to talk to integrate....all with the MA and the environmental Authority which has the legal power to launch the public consultation. It would be ideal to integrate the monitoring of the environment in this process too, based on several environmental indicators. This monitoring is an obligation nowadays and it is going to be a new challenge. SEA has been there for a long time. The role of environmental authorities, who know the legal requirements, ideally also shall work with the ex-ante evaluator. In the past, contradictory

proposals by the ex-ante and SEA people were often linked to the same indicator , caused by two different reports in connection with the same programme.

4.11 Discussion, questions and answers

- Q: Will ex ante requirements be part of an implementing act? A: According to the current stage of discussion, no. Ex ante will be covered by guidance document only.
- Q: The Fund-specific rules may establish thresholds under which the ex ante evaluation may be combined with the evaluation for another programme. What does that mean? A: not relevant for EARDF
- Q: Is the Evaluation Plan linked to ex ante evaluation? A: Ex-ante is not directly but indirectly part of the evaluation plan as the starting/framing point for evaluation during the programming period: In the EARDF evaluation plan must be submitted with the programme, in the ERDF it can be submitted at a later stage
- Q: Where have performance milestones to be addressed? A: in the EARDF milestones are defined at national level, compared to the ERDF, where there are only programme related milestones
- Q: How do ex ante conditionalities relate to ex-ante evaluation, A: Ex-ante conditionalities do not relate directly to the ex-ante evaluation, but you can include an extra task in the ToR in this respect.
- Q: Ex ante conditionalities with respect to the environment? A: There are two: water and waste – the idea is to report on them but not evaluate.
- Q: What is NTS – non-technical summary?: A: It is meant for public consultation so good quality is necessary.
- Q: In relation to ex ante and SEA, should there be the same evaluator, the same process? – A: SEA should be carried out by a specialist but in collaboration with the ex ante evaluator. ZP: it is not specified how many contracts shall be prepared. There is some freedom for the MA, but the ex ante report has to include SEA, the advice is to integrate both in one process.
- Q: Transboundary consultation in the SEA in case of water? – A: all the programmes have to do these consultations, therefore if they cover the same territory, it is a good idea if this done for all of them at once.
- Q: Ex-ante evaluation from an early stage – how early? A: Reflection on needs assessment can start very early. There are different ways of approaching ex-ante: an end of pipe approach where the evaluator only comes after the programme is designed, or s/he joins the team from the beginning - in the first case s/he is independent, in the second s/he is integrated. Ideally s/he should be integrated in an iterative process but also independent from the beginning. The ex ante evaluator could be seen as critical friend.
- Q: We have a description of the ex ante evaluation in the umbrella reg. The fund specific reg. speaks about an additional legal fund; what is the reason for this special regulation? A: Common elements are described in detail in the umbrella reg.; a detailed description will be in the implementing acts of the different funds. We do not think that there should be an independent implementing act just for ex ante, just a guidance document.
- Q: Regarding SEA, what does “where appropriate” mean? A: “where appropriate” means that some programmes such as those supported by the ESF or Network programmes are not the subject of SEA; agriculture is definitely subject to SEA
- Q: How deep should the consultation process on the SEA be – it is quite difficult to comply with the requirement of a 3 month period, on the other hand, if it is done only by internet it could be a rather quick exercise? Q: Consult with the responsible environmental body.
- Q: Estonia, have you announced the budget in the call for proposal? A: No, however award criteria are available, the financial allocation for the contract is expected to be 115.000 EUR for the national programme.
- Q: A quite long contracting period was proposed in the case of Estonia – till 2014? A: Estonia – the reason is because the ex ante has to accompany the programme design, which means if changes are proposed before the approval of the programme, the evaluator shall still be present.

- Q: The best principle is to favour the quality of the offer not so much the price. A: Estonia: we came back to the lowest price principle in the selection criteria because we found out that bidders are more or less equal in quality of proposed bids and lowest price is a very clear criterion.
- Q:SEA: is there a possibility to combine SEA and ex ante ToR or it is better to have separate ToR for ex-ante and SEA A: There is always the possibility to have one contract with separate modules, one for ex ante and one for SEA, something like a framework contract; different blocks inside the contract (e.g. SEA)
- Q: how to pay for the ex ante? Out of Technical Assistance of this programming period? A: At the next RDC meeting the discussion on how the ex-ante shall be financed will be discussed; the discussion with layers has to start on how the legal framework of current PP can be modified and consequently also RDPs in this respect (that TA will allow to finance the ex ante evaluation). LM: it is a question of creating links between both programming periods. The ideal would be to set up the transition rules as it was in previous PP, and as it is not now the case. If the finance option for ex ante is included in the current programme documents, it would be much easier to legally support the payment.

4.12 Systematic categorisation of challenges; rating of the importance and relevance for drafting the ToR by the participants

Helpdesk members extracted the main challenges which were presented in the morning session and recorded them on two posters with the ToR checklist (one for ex ante and one for SEA).

In the ToR checklist the main section headings of a ToR document are outlined.

Once the challenges had been stuck to the posters, the participants were asked to stick dots on the challenges. This was a rating of the importance of the challenges in order to decide which to work on in the afternoon session. The number of dots is outlined in the table.

Challenges for ex ante evaluation

ToR Section headings; rating of importance by the participants by no of dots	Related challenges
Overall purpose of the contract (No of dots..1)	<ul style="list-style-type: none"> • The ex ante is a complex package with a number of new aspects
Specific objectives of the ex ante evaluation (No of dots..9)	<ul style="list-style-type: none"> • What is the role of the evaluator if there is very little to evaluate at the beginning? Does s/he produce content? • How to manage objectivity? • What is the role of the recommendations for the RDP preparation? Evaluators are independent and don't know all issues of RD policy
Legal context and framework conditions (No of dots..1)	<ul style="list-style-type: none"> • Regulations and Guidance documents will not be adopted before 2013 • ToR and preparation of RDPs will be influenced by the concretisation of the relevant framework conditions at EU and national level • A number of the documents that should be referred to do not yet exist
Content of ex ante evaluation (No of dots..15)	<ul style="list-style-type: none"> • A number of aspects are new compared to the current period • A number of aspects need more in depth analysis • Adjustments to the contents may be required after the adoption of the Regulation
Main methods (No of dots..10)	<ul style="list-style-type: none"> • How can robust conclusions be reached on the basis of dependable sources and representative data in the

	absence of any specific legal requirement?
Deliverables (No of dots..13)	<ul style="list-style-type: none"> The definition of separate concrete packages/deliverables to be produced in a relatively long and changing period of time How to secure the quality of the deliverables? How to ensure that the deliverables feed directly into the programming process?
Timetable and interactive procedures (No of dots..16)	<ul style="list-style-type: none"> 4 parallel interactive processes influencing the ex ante evaluation process (Partnership contract, ex ante evaluation, SEA, preparation of programmes) The duration of the contract is much longer than in the past
Indicative Budget (No of dots..2)	<ul style="list-style-type: none"> Longer, more interactive process will presumably be more costly
Required Qualifications of the Team (No of dots..0)	<ul style="list-style-type: none"> Broader range of knowledge required from evaluators: CSF Funds, human resources and administrative capacity...
Selection (award) criteria (No of dots..8)	<ul style="list-style-type: none"> Greater transparency in the award criteria required

Challenges for SEA

ToR Section headings; rating of importance by the participants by no of dots	Related challenges
Overall purpose of the contract (No of dots)	
Specific objectives of the ex ante evaluation	
Legal context and framework conditions	<ul style="list-style-type: none"> What is meant by “where appropriate” in Art. 48(4)
Content of ex ante evaluation (4 dots)	
Main methods	
Deliverables (1 dot)	<ul style="list-style-type: none"> Integration of SEA report into the ex ante report
Timetable and interactive procedures (2 dots)	<ul style="list-style-type: none"> Timing of the SEA in relation to other three processes Timing and duration of public consultation, at least 3 months SEA can only be done when the programme has been designed BUT the SEA should taken into account in the drafting of the programme Coordination between different evaluation teams contracted to do ex ante and SEA
Indicative Budget	
Required Qualifications of the Team	

Selection (award) criteria	
----------------------------	--

Challenge to manage four parallel interactive processes

4 parallel interactive processes:	2011			2012												2013												2014	
	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2
Preparation and negotiation of Partnership Contract																													
Implementation of ex ante evaluation																													
Implementation of SEA																													
Preparation and negotiation of Rural Development Programmes																													

4.13 Breakout groups

Four groups – corresponding to the most highly rated challenges – were established. People decided themselves which group they would go into. Each group chose a rapporteur. A Helpdesk member assisted in each of the groups. The group work was structured around the following guiding questions:
 What is your concrete solution to tackle the challenge identified in the morning session?
 The groups produced flip chart posters which are presented in the following section.

4.13.1 Findings Group 1: Content and main methods

IDENTIFY:
TASKS FOR EVALUATOR (LIST)

1. SWOT \Rightarrow ASSESSMENT OF SWOT
(done by MA or outsource)
RATIONAL FOR MEASURES SELECTED BY MA
model of ex-ante
CAN THE RDP \Rightarrow ACHIEVE PF
2. ASSESSMENT OF TARGETS AND MILESTONES - ARE THEY REALISTIC
3. NEEDS ASSESSMENT - assessment of rationality

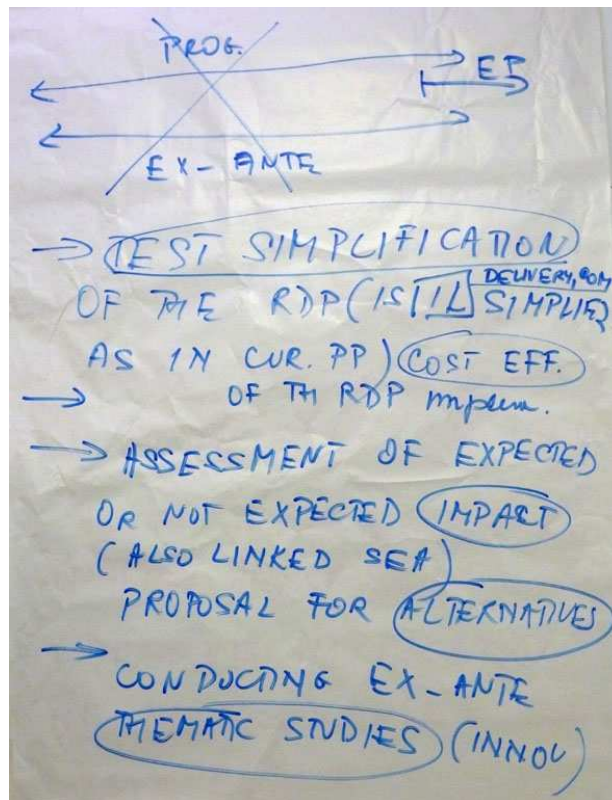
POINT: THERE ARE ALREADY IN UMBRELLA REG.
BUT MORE CLARITY NEEDED

CONDITION

- \rightarrow Ex-ante conditionalities? shall be included as part of the program
- \rightarrow check if they are fulfilled
- box likely procedure or qualitative assessment?

TASK FOR EVALUATOR

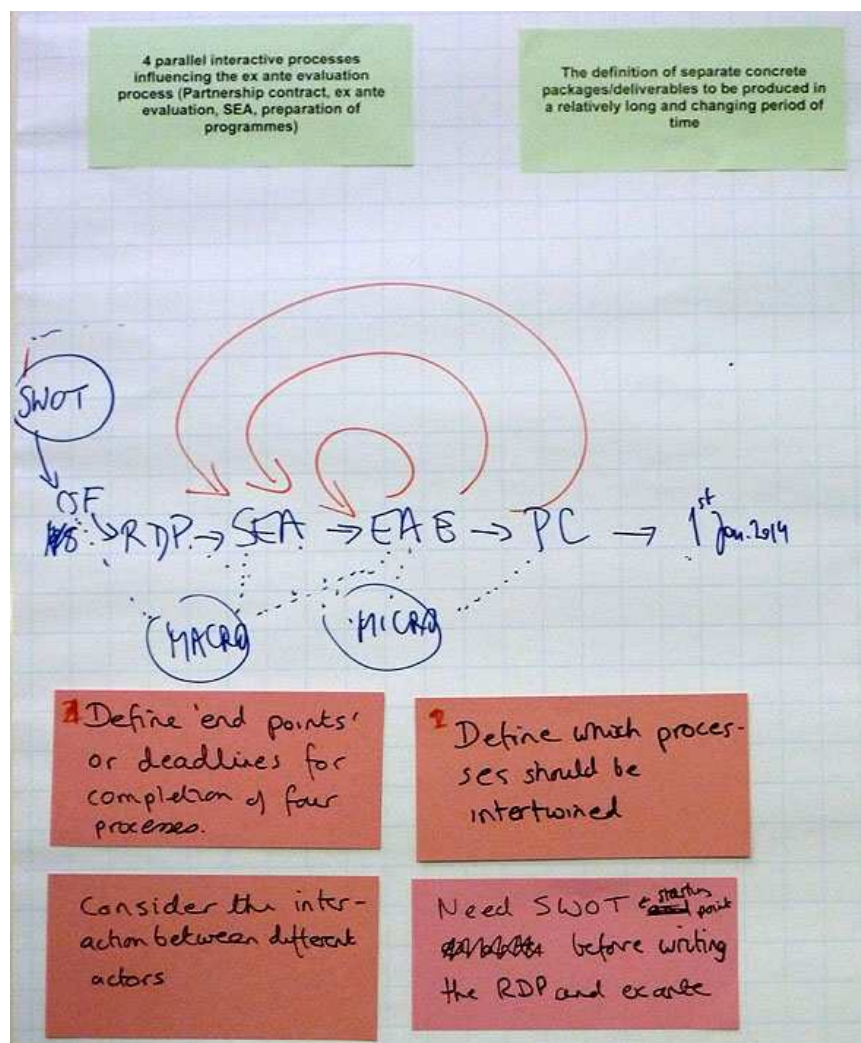
- \rightarrow LESSONS FROM PR PERIOD
- \rightarrow ASSESSMENT OF PARTNERSHIP CONTRACT \rightarrow CONSISTENCY OF RDP (REG.)
- \rightarrow APPRAISE THE CONSISTENCY OF E Plan
- \rightarrow JUDGEMENT OF SATISFACTORY OF MILESTONES OF PF



METHODS

- USE DATA ALREADY EXISTING (^{CURRENT} PREVIOUS / PP)
- COMPARISONS WITH PAST PERIODS
- DESK RESEARCH
- DESCRIBE EV. APPROACH
- DEFINE METHODS USED
- WITH PREFERENCE ^{GROUPS} IN METHODS DESCRIBED
- DESCRIBE IMPLICATION OF METHODS USED FOR DATA REQUIR

4.13.2 Findings Group 2: Timetable, interactive procedure including SEA and deliverables



4.13.3 Findings Group 3: Selection criteria, budget

AWARD CRITERIA **GROUP C**

~~BUDGET~~
~~QUALIFICATIONS~~

WHAT ARE THE MAIN ISSUES?

Greater transparency in the award criteria required

Broader range of knowledge required from evaluators: CSF Funds, human resources and administrative capacity

SPLIT AWARD & SELECTION.

SELECTION CRITERIA NOT DEMANDING ENOUGH

WHAT IN TENDER? SPECIFY ELIGIBILITY

WHAT IN SELECTION CRITERIA? COMPANY STATUS

WHAT IN AWARD CRITERIA? QUALIFICATION CV

What is your concrete solution to tackle the challenge?

Longer, more interactive process will presumably be more costly

→ EXCLUSION CRITERIA

⇒ SELECTION CRITERIA

COMP. — TEAM

→ AWARD CRITERIA

↳ OFFER

Price

Quality →

SELECTION CRITERIA

RELATIVELY STRAIGHTFORWARD.

- WELL QUALIFIED EXPERTS.
- FRAMEWORK?

AWARD CRITERIA

- ① NOT JUST PRICE - HAVE TO ESTABLISH QUALITY CRITERIA TO JUDGE
- ② SHOULD DEMONSTRATE CLAIMED COMPETENCY FROM SELECTION.
- ③ METHODOLOGY - THE BASICS +?
 - SPECIFY? > MA CHOLE
 - OFFERS?
 - DIFFERENTIATE METHODS & TASKS.

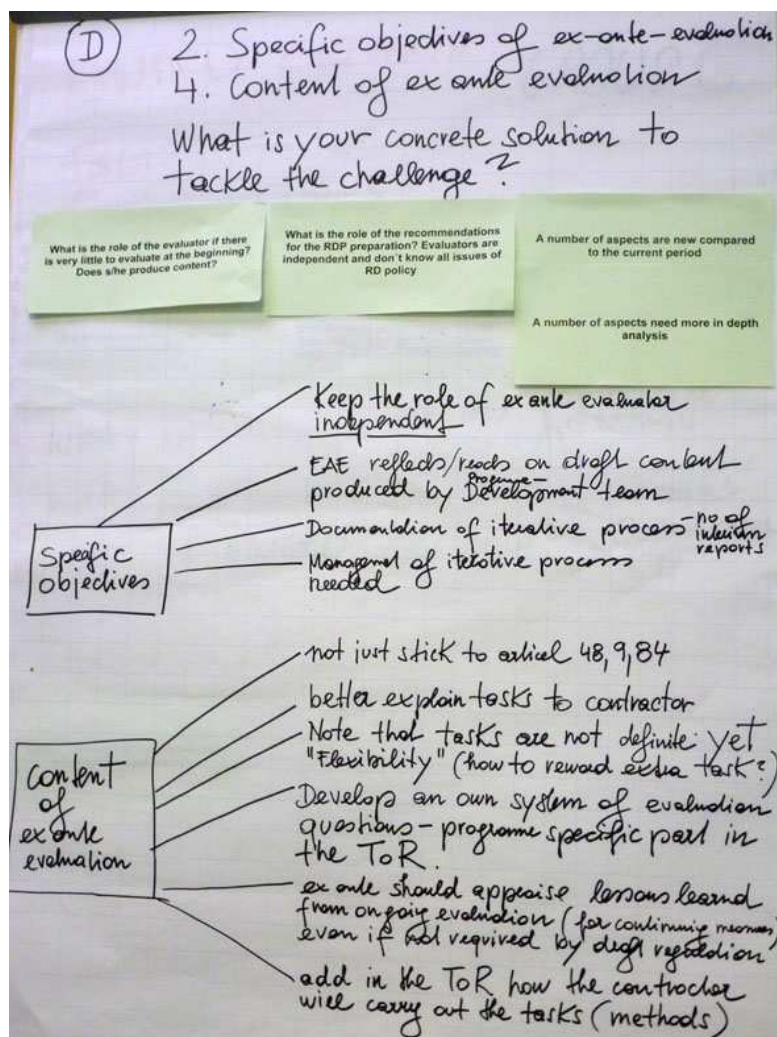
? SPECIFY TASKS - DIFFERENTIATE ON METHODS PROPOSED.
- ④ UNDERSTANDING OF TASKS MEETING MA NEEDS.
(CONTEXTUAL UNDERSTANDING)

- ⑤ STRONG LINK TO SELECTION CRITERIA
RISK MANAGEMENT -
TIMING - MANAGEMENT PLAN.
VITAL FOR EX-ANTE.
- ⑥ REALISM OF PROPOSALS RE
PEOPLE, TASKS, BUDGET ETC.
- ⑦ ALLOCATION OF RESOURCES.
- ⑧ REALITY CHECK (BUT HOW?)
- ⑨ QUALITY THRESHOLDS IN
EACH CRITERION - CUT OFF.
- ⑩ SUB-CRITERIA TO JUSTIFY
SCORES/CRITERIA.

BUDGET.

PL - CONTRACTOR CAN ASK.

4.13.4 Findings Group 4: Specific objectives, content



4.14 Summary of results

The Terms of Reference (ToR) for the ex ante evaluation – including SEA – of the Rural Development Programmes in the programming period 2014-2020 serve as the basis for the contractual relationship between the client and the contractor. The Terms of Reference are important as they define the essential cornerstones of the evaluation and are an inherent point of reference for the contract which can be referred back to at all times during the work.

The following list of concrete solutions is not a terms of reference per se but provides an **overview of the main points** to be covered in the ex ante terms of reference. It should serve as both checklist and prompt for the Managing Authorities in the drafting of their Terms of Reference.

4.14.1 Overall purpose of the contract

- State clearly the necessity to realise a complex package of different and not yet fully defined tasks: ex ante evaluation of the Rural Development Programmes in the programming period 2014-2020, Strategic Environmental Assessment (SEA), evaluation of the ex ante conditionalities according to the Annex IV of the Umbrella Regulation, contribution and coordination with the partnership contract at national level according to Art. 14 of the Umbrella Regulation and with the thematic sub-programmes

according to Art. 8 # 1 of the RDP Regulation the financial instruments according to Art. 32 of the Umbrella Regulation.

- To allow more integration of tasks ex ante evaluation could be placed as LOT 1 and Strategic Environmental Assessment as LOT 2. Allow for contractors to bid for two lots.

4.14.2 Specific objectives of the ex ante evaluation

- The ex ante evaluation has the aim of improving the quality and design of the Programme and to check if the aims and objectives of the Programme can be realised.
- The ex ante evaluation accompanies the Programme's development including the SWOT analysis, the development of the intervention logic of the Programme and the definition of the aims of the Programme. It covers all the aspects of the Programme and sub-programmes.
- Moreover, ex ante is the starting point for evaluation during the programming period and should establish a basis for effective monitoring and evaluation.
- The ex ante evaluation should be carried out in close cooperation with the Managing Authorities and other contractors working on e.g. the SWOT analysis, the programme planning documents, the partnership agreement, etc.
- Keep the role of ex ante independent. State clearly the role of the ex ante evaluator as independent judging on the programme design. Ex ante reflects on draft content produced by Programme Development Team in an iterative process and does not produce content of the programme document.

4.14.3 Legal context and framework conditions

- ToR should mention that preparation of RDPs and the accompanying ex ante evaluation will be strongly influenced by the concretisation of the relevant framework conditions at EU and national level.
- ToR should list all Regulations, Guidelines, Directives, Working Papers including evaluations that need to be taken into account in the course of ex ante evaluation, even if not yet available and not yet in force.
- Mention that it is a non-exhaustive list giving margin to add something later on, if needed.
- Evaluators must follow the future ex ante evaluation guidelines published by the Commission.

4.14.4 Content of ex ante evaluation

- Main contents of the ex ante evaluation and the issues to be covered are stated in Article 48 of the General Regulation, Article 9 und Article 84 of the EAFRD Regulation. However, do not just stick to legal requirements; it is better to explain tasks to the contractor. Note that the tasks are not definite yet.
- The issues to be covered include content and implementation related issues. Ex ante conditionalities and performance milestones are more related to implementation.
- Most of the requirements are the same as in the current period 2007-2013
- A number of aspects need more in depth analysis compared to the current period: Appraise the adequacy of human resources and administrative capacity
- A number of aspects are new compared to the current period: appraise the programmes' relation with other relevant instruments, appraise the rationale for the form of support proposed, appraise the

suitability of the milestones selected for the performance framework, inclusion of SEA in the ex ante evaluation report, new or modified set of common indicators (according new CMEF), appraisal of new priorities such as Innovation

- For new or in depth issues (e.g. innovation) thematic studies could be carried out in the course of ex ante
- A number of aspects are no longer covered by the regulation but should be retained in particular for continuing measures: Appraise the lessons learned from the previous programming period
- Develop an own systematic of programme specific evaluation questions (see input from Estonia)
- Assessment of expected and unexpected impacts should form part of ex ante
- Mention that some adjustments on the issues to be covered can be done after the adoption of the regulation and publication of ex ante guidelines.

4.14.5 Main methods

- There are no specific legal requirements on methods, however good practice has to be taken into account
- In order to reach robust conclusions on the basis of dependable sources and representative data, a mix of known and tested methods should be used in the ex ante evaluation.
- The ToR should stipulate that the proposal should describe and explain the methods to be used and their implications for the quality of the data and the results.
- Ex ante evaluation is expected to utilize already existing data (no new data mining)
- The client will accompany the realisation of the ex ante evaluation and will wish to be kept informed of the status of the evaluation.
- The contractor may be asked by the client to participate in events and to give presentations.
- The Terms of Reference should state which criteria will be used for the quality check of the ex ante evaluation, e.g.: fulfilment of the tasks described in the ToR, adequate length, adequate methods, robustness of the data, well-founded analysis, clarity and feasibility of the results

4.14.6 Deliverables

- There are no specific legal requirements on methods, however good practice has to be taken into account
- The Terms of Reference should state the phases of the reporting whereby these may need to be adapted depending on e.g. the implementation of the SEA or the contributions to the partnership agreement. Standard phases may be:
 - Alternative Phase 1: First Interim Report: Methods and tools to be proposed by the contractor/evaluator and they are to be discussed (amended if necessary) and finally validated by the client [Note: in case it is up to the tenderer/evaluator to propose the methodology and tools]
 - Phase 1: First Interim Report: Assessment of the needs and SWOT analyses for the new programming period on the basis of the description of the situation and the results of the mid-term or ongoing evaluations of the current period (2007-2013)

- Phase 2: Second Interim Report: Evaluation of the draft programme including the SEA and the evaluation of the ex ante conditionalities
- Phase 3: Final report: Evaluation of the final programme
- Note: The number of deliverables will depend on the duration of the tasks.
- For the quality check of the work in progress it is important to clearly specify in the ToR the number of deliverables to be submitted and the number of meetings to discuss the work/deliverables.
- The environmental report in the framework of the SEA is an integral part of the ex ante evaluation and should be included as a sub-chapter.
- The number of copies, electronic version, CD ROM etc. should also be mentioned in the Terms of Reference.
- The number of pages of the report, the executive summary, the SEA should be given, e.g. 150 pages of which max. 50 pages for the SEA, max. 5 pages for the executive summary (also in English) etc. The client should write into the Terms of Reference that he maintains the right to ask for the report to be shortened. The report has to be drafted in a clear and easily understandable language.

4.14.7 Timetable and interactive procedures

- Legal requirements state that Member States shall ensure that the ex ante evaluator is engaged from an early stage in the process of development of the rural development programme.
- Four parallel interactive processes influencing the ex ante evaluation process (partnership contract, ex ante itself, SEA, preparation of programmes). Define end points for completion of the four processes.
- Make sure that ex ante is not understood by the contractor as an end of pipe exercise but as an iterative process which needs to be managed and documented
- The Terms of Reference should provide the:
 - Overall timeframe of the contract: at least 1 year
 - Nature and timing of the communication and coordination of the contractor with the client
 - Communication and coordination of the contractor with the programme writers, with the person in charge of the partnership contracts, and with the person in charge of the SEA
- With respect to SEA take into account the following points:
 - Coordination with Environmental Authorities from the beginning is extremely important
 - Sufficient time for the public consultation has to be provided (about 3 months)
 - The non technical summary for public consultation has to be of good quality
 - The findings of the SEA needs to be re-integrated in the programme and ex ante evaluation

4.14.8 Indicative Budget

- Contractor should have an idea of the overall budget which is available
- Additional tasks not mentioned in the ToR have to be paid extra by the MA.

4.14.9 Required Qualifications of the Team

- Besides classical selection criteria (proven years of experience in EARDF or SEA, proven years working as an evaluator of public programmes) put more emphasis on
 - Knowledge of other EU programmes funded through the ERDF and ESF in order to be able to judge the external coherence of the programme with other relevant instruments,
 - Knowledge of human resources and administrative capacity in order to be able to judge the adequacy and appropriateness of the administrative capacities and personnel foreseen,
 - Knowledge of monitoring and evaluation standards and procedures in order to be able to judge the provisions in this field,
 - Knowledge of equal opportunities to be able to judge the adequacy of the provisions in this field and whether gender mainstreaming is guaranteed.

4.14.10 Selection (award) criteria

- There are no specific legal requirements on selection criteria, however good practice has to be taken into account
- The way the offers are going to be assessed has to be clearly indicated in the ToR for the sake of transparency and cannot be changed later on. The weighting for quality and price shall be specified. It is advisable to use a formula for the assessment of the offers, indicating that the winning offer is the one with higher/lower score (depending on the formula used).
- Distinguish between eligibility criteria (e.g. company status), selection criteria (straightforward criteria to assess the competence of the tenderer) and the award criteria to assess the offer (quality and price).
- Not just price – quality award criteria have to be established to judge the offer.
- The offer should present a management plan which is very useful to appraise how realistic the proposals are.
- A best bidder approach is recommended and not the cheapest by awarding 70% of the points to technical quality and 30% to price. Quality thresholds in each criterion should be established to cut off proposals which have all their eggs in one basket.

4.15 Closing word by Commission

Leo Maier from the Commission closed the workshop saying that it had been a very successful meeting raising important issues and proposing solutions which will feed into future discussions on the subject.

5 Participant list

1. Rute; AZEVEDO; EC; DG AGRI – L4
2. Elita ; BENGHA; LV; LS Institute of Agrarian Economics
3. Martina; BOLLI; IT; INEA-Italian National Institute for Agriculture Economics
4. Angel ; CALVO-SANTOS; EC; DG MARE
5. Sofia ; CHATZIPANTELI; GR; MA of Greek RDP
6. Carla; CISCALDI; MT; MRRA
7. Luz; CORREIA; PT; Managing Authority
8. Sam; CUNNINGTON; UK; Defra
9. Samuele; DOSSI; EC; DG - REGIO
10. Linn; DUMEZ; BE; Flemish Government, Department of Agriculture and Fisheries
11. Bozhura; FIDANSKA; BG; Ministry of Agriculture and Food
12. John; GRIEVE; UK; Evaluation Helpdesk – Core Team
13. Grégory; HENRARD; BE; Service public de Wallonie - Direction générale de l'Agriculture, des Ressources naturelles et de l'Environnement
14. Yvette; IZABEL; EC; DG ENVI
15. Sirli; KALBUS; EE; Estonian Ministry of Agriculture
16. Alena; KUBŮ; CZ; Ministry of Agriculture
17. Alkistis; LIATSIKOU; GR; MA of Greek RDP
18. Marc; LONGHI; FR; French Ministry of Agriculture
19. Tomas; LOZORAITIS; LT; Ministry of Agriculture
20. Robert ; LUKESH; AT; Evaluation Helpdesk – Core Team
21. Martin; MAJERECH; SK; Ministry Of Agriculture And Rural Development
22. Isabel; NAYLON; AT; Evaluation Helpdesk
23. Magdalena; NOWICKA; PL; Ministry of Agriculture and Rural Development
24. Eero; PEHKONEN; FI; Ministry of Agriculture and Forestry
25. Zélie; PEPPIETTE; EC; DG AGRI – L4
26. Tatyana; PETROVA; BG; Ministry of Agriculture and Food
27. Lars; PETTERSSON; SE; Swedish Board of Agriculture
28. Erika; QUENDLER; AT; Federal Institute of Agricultural Economics
29. Andreas; RESCH; AT; Evaluation Helpdesk
30. Jana; REVÁKOVÁ; SK; Ministry of Agriculture and Rural Development
31. Marielle ; RICHE; EC; DG REGIO
32. Marion; SCHLUE; DE; Ministry of Agriculture NRW
33. Dirk; SCHUBERT; DE; Evaluation Helpdesk
34. João Pedro; SILVA; PT; Evaluation Helpdesk
35. Mária; SZABÓ; HU; Ministry of Rural Development
36. Andrea-Maria; TUINEA; RO; Managing Authority for Romanian NRDP
37. Jela ; TVRDONOVA; SK; Evaluation Helpdesk – Evaluation Manager
38. Aart W.; VORSTENBURG; NL; Managing Office for the RDP for the Netherlands
39. Hannes; WIMMER; AT; Evaluation Helpdesk – Team Leader
40. Marcin; ZARZICKI; EC; DG AGRI – L4