

Terms of Reference

MAC Performance Review (2019-2022)

Brussels, 16 August 2021

1. Introduction

In 2020, the European Commission initiated discussions on improving the functioning of the Advisory Councils, aiming to ensure smooth functioning and a balanced representation of all stakeholders in the fields of fisheries and aquaculture. In this process, taking into account that the Advisory Councils, as bodies pursuing a goal of common EU interest, are granted financial support, the Commission recognised the importance of regular monitoring and evaluation of their functioning through external, regular and independent performance reviews.

At the 14 May 2021 meeting, in the context of an exchange of views on a MARE paper on suggestions to improve the functioning of the Advisory Councils, the Executive Committee agreed with the undertaking of an external evaluation on the performance and functioning of the MAC. The review should consider the methodology of reviews previously undertaken by other Advisory Councils. At the 6 July 2021 meeting, the Executive Committee provided further guidance on the exercise and agreed with the necessary financial expenditure. As an action item, the Secretariat would prepare terms of reference for approval.

2. Objectives¹

- Perform an external and objective assessment of the functioning of the internal bodies of the MAC, including General Assembly, Executive Committee, Working Groups, and Focus Groups. *Ad hoc* events (e.g., workshops and seminars) should also be covered.
- Identify examples of good practices and shortcomings, list of recommendations aiming at improving the functioning, and overall contribution to the objectives of the Common Fisheries Policy.
- Tackle or reply to specific issues raised in the Terms of Reference.

¹ The review will not include aspects of administration and finance already subject to annual auditing.

3. Topics of Review

- a) Functioning of the Working Groups and the Executive Committee
 - i) Relevance and coverage of the addressed topics
 - ii) Organisation of the meetings
 - iii) Participation and evidence-based input from members (both orally at the meetings and in writing through consultations)
- b) Decision-making process
 - i) Openness of the process to members
 - ii) Adequate time for discussion, consultation and adoption of drafts
 - iii) Reflection of the consensus views of the members in advice
 - iv) Reflection of minority and diverging views in advice
 - v) Underpinning of advice with factual evidence, policy and/or science
 - vi) Use of written consultations and of urgent consultations
 - vii) Working environment (e.g., respect and professional behaviour)
- c) Representation of different interests
 - i) Balance between sector organisations and other interest groups
 - ii) Balance within the category of sector organisations (catching, aquaculture, processors, traders, retailers and trade unions)
 - iii) Balance between small and large organisations
 - iv) Geographical representation
 - v) Common identity and sense of ownership
 - vi) Added value of membership and participation
- d) Performance of MAC Chair, Vice-Chairs, Working Group Chairs and Secretariat
 - i) Fulfilment of duties and responsibilities
 - ii) Leadership, impartiality, and work environment
 - iii) Deliverance of work programme, optimisation of budgetary resources, timely transmission of documents and information, compliance with rules of procedure

- e) Relationship with the European Commission
 - i) Satisfaction with the official replies
 - ii) Cooperation, including attendance in meetings, with the relevant Commission services (e.g., MARE, TRADE, SANTE, STECF)
 - iii) Provision of adequate time by the Commission for response to consultations and requests of advice
 - iv) Provision of adequate information on relevant upcoming initiatives
 - v) Influence of advice on EU policy-making
- f) Relationship with the Member States
 - i) Reaction to advice
 - ii) Participation in meetings & financial support
 - iii) Engagement of national stakeholders
- g) Relationship with other Advisory Councils
 - i) Cooperation and topics of common interest
- h) Contribution to the objectives of the Common Fisheries Policy
 - i) Long-term environmental sustainability, socio-economic benefits, availability of food supplies
 - ii) Efficient and transparent internal market & level-playing-field
- i) Transparency
 - i) Publication and accessibility (to the members and to the general public) of documents on the website
 - ii) Information on membership composition
- j) Communication & Public Relations
 - i) Reputation and image of the MAC
 - ii) Use of social media and official website
 - iii) Efforts to attract new membership applications
 - iv) Representation at external meetings

4. Working Methodology & Schedule

- External consultant to attend the following meetings:
 - o General Assembly in September 2021
 - o Executive Committee in January and March 2022
 - o Working Groups in September 2021, January and March 2022
 - o Other relevant meetings
- Analysis of applicable legislation, including the Common Fisheries Policy and the Commission Delegated Regulation on the functioning of the Advisory Councils.
- Analysis of existing documentation, including statutes, rules of procedure, guidelines, work programmes, adopted advice, replies to advice, and minutes of meetings.
- Inclusion on the mailing list, in order to consider official communications from the Secretariat to members and observers.
- Structured interviews with MAC Chair, Vice-Chairs, Secretary General, members, European Commission representatives that coordinate or participate in MAC work, active observers and Member States representatives.

5. Working languages

English, Spanish, and French.

6. Tender

In line with the applicable rules on awarding contracts for the implementation of its work programme, for a contract of “very low value” (€1000.01 - €15000 – including VAT), at least one candidate must be invited to tender. *Ex ante* publicity is not obligatory. The tender will be requested to include details of similar audit work, a short CV of the person/team responsible for the review, a work plan of activities and deliverables, and an estimation of the necessary time (in hours) to implement it. The tender is to be presented in English. The deadline for submission of the tender is 24 August 2021.

7. Delivery Date

The full review report to be delivered by 31 March 2022. Preliminary draft report to be presented by the consultant at the January 2022 Executive Committee meeting. Presentation of the review report by the consultant at the March 2022 Executive Committee meeting.

8. Documents and references of interest

- Statutes, Objectives and Rules of Procedure
- Guidelines agreed by the Executive Committee
- Work programmes, advice, official replies, minutes
- Website: <https://marketac.eu/en/>
- Common Fisheries Policy (Regulation (EU) No 1380/2013)
- Rules on the functioning of the Advisory Councils (Commission Delegated Regulation (EU) 2015/242)