MB DECISION

Decision n°: 2011/07
Subject: External Evaluation 2011
Person responsible: Director

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HAVING REGARD to the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, and in particular Article 30 paragraph 3 the Agency shall commission an independent external evaluation of its achievements during the first five years of operations on the basis of terms of reference issued by the Management Board in agreement with the Commission.

HAVING REGARD to the European Commission’s agreement of 13/05/2011 with the Terms of reference for the independent external evaluation of the Agency

The Management Board having examined in detail the Terms of reference for the external evaluation of the Agency

HAS DECIDED AS FOLLOWS:

Article 1

To adopt the Terms of reference for the external evaluation of the Agency presented in the document attached.

Vienna, 20/05/2011

For the European Union Agency for Fundamental Rights

Ilze Brands Kehris
Chairperson of the Management Board

Annexes:
Annex I - Terms of Reference for the external evaluation of the Agency
EXTERNAL EVALUATION OF THE
EUROPEAN UNION AGENCY
FOR FUNDAMENTAL RIGHTS

DRAFT TECHNICAL SPECIFICATIONS

___/___/___
1) Motivation for this evaluation

According to the founding Regulation (168/2007) of the Fundamental Rights Agency (hereinafter referred to as "the Agency") an independent external evaluation shall be commissioned no later than 31 December 2011, to undertake a review of progress and achievements during the first five years of operations of the Agency on the basis of terms of reference issued by the Management Board in agreement with the Commission. The Management Board, in agreement with the Commission, shall determine the timing and scope of subsequent external evaluations, which shall be carried out periodically.

In line with the Founding Regulation the external evaluator shall:

- take into account the tasks of the Agency, the working practices and impact of the Agency on the protection and promotion of fundamental rights;
- assess the possible need to modify the Agency's tasks, scope, areas of activity or structure;
- include an analysis of the synergy effects and the financial implications of any modification of the tasks; and
- take into account the views of the stakeholders at both Union and national levels.

The Director shall notify the Management Board of the main findings and conclusions of external evaluations. The Agency shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.

2) Title of the contract

The title of the contract is “External Evaluation of the European Union Agency for Fundamental Rights”.

3) Contracting Authority

The contracting authority is the European Union Agency for Fundamental Rights (hereinafter referred to as the FRA or the Agency). The Agency was established by Council Regulation No 168/2007 on 15 February 2007 (hereinafter the Founding Regulation).

4) Background

The objective of the FRA is to provide the relevant institutions, bodies, offices and agencies of the Union and its Member States when implementing Union law with assistance and expertise relating to fundamental rights in courses of action within their respective spheres of competence to fully respect fundamental rights.

To meet its objective the Agency shall:

- collect, record, analyse and disseminate relevant, objective, reliable and comparable information and data, including results from research and monitoring;
- develop methods and standards to improve the comparability, objectivity and reliability of data at European level, in cooperation with the Commission and the Member States;
- carry out, cooperate with or encourage scientific research and surveys, preparatory studies and feasibility studies, including, where appropriate and compatible with its
priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission;

- formulate and publish conclusions and opinions on specific thematic topics, for the Union institutions and the Member States when implementing Union law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;
- publish an annual report on fundamental-rights issues covered by the areas of the Agency’s activity, also highlighting examples of good practice;
- publish thematic reports based on its analysis, research and surveys;
- publish an annual report on its activities; and
- develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights and actively disseminate information about its work.

In order to ensure the provision of objective, reliable and comparable information, the Agency shall, drawing on the expertise of a variety of organisations and bodies in each Member State and taking account of the need to involve national authorities in the collection of data:

- set up and coordinate information networks and use existing networks;
- organise meetings of external experts; and
- whenever necessary, set up ad hoc working parties.

The Agency shall carry out its tasks within the thematic areas determined by the Multiannual Framework (Council Decision 2008/203/EC implementing Regulation No 168/2007) as well as in the light of its Annual Work Programme and with due regard to the available financial and human resources.

To achieve coherence and guarantee the best possible use of resources, the Agency shall take account, where appropriate, information collected activities undertaken, in particular by:

- Union institutions and bodies, offices and agencies of the Union, and bodies, offices and agencies of the Member States;
- the Council of Europe, by referring to the findings and activities of the Council of Europe’s monitoring and control mechanisms and of the Council of Europe Commissioner for Human Rights; and
- the Organisation for Security and Cooperation in Europe (OSCE), the United Nations and other international organisations.

The FRA comprises the following bodies and networks:

- The Management Board: composed of one independent human rights expert from each of the 27 Member States. One independent person appointed by the Council of Europe also is part of the Management Board and two representatives of the European Commission. The Management Board appoints the Director and the Scientific Committee;
- Scientific Committee: composed of 11 independent human rights experts. It guarantees the scientific quality of the FRA’s work. It is selected through an open call for applications;
- The Executive Board: it prepares the decision of the Management Board, further assists and advices the Director. It is composed of the Chairperson and the Vice
Chairperson of the MB, two other members of the MB and one of the representatives of the EC;

- The Director is responsible for implementing the tasks of the FRA and for its staffing.

5) Previous assessments of the FRA

The evaluation should take into consideration the reports on the FRA by the European Court of Auditors as well as the Internal Audit Service.

The evaluation should also take into consideration the overall evaluation of European Agencies conducted by the European Commission during 2009. The evaluation was carried out by Rambøll Management Consulting, Eurevall and applied to 26 EU decentralised agencies, including the FRA.

This evaluation was designed to contribute to the discussions on the future of the agencies system of the European Union by taking a horizontal look at analyzing all agencies and examining the implications of the creation and operation of agencies in the EU.

The report included an overall synthesis and options for the years to come; it also provided detailed conclusions at the level of the agency system as well as detailed findings at the level of individual agencies.

The main issues addressed by the evaluation were: rationale and relevance; input into the work of the European Institutions; good governance; coherence; effectiveness; efficiency in the conduct of their activities and the achievement of their objectives; and oversight activities.

6) Overall objective of the evaluation/ terms of reference

The overarching objective of the study will be to evaluate the effectiveness, efficiency, added value, utility, coordination & coherence of the contribution made by the Agency.

7) Specific objectives

The specific objectives of the contract resulting from the present procurement procedure are as follows:

- identify, test and apply methodologies for evaluating the effectiveness, the efficiency and the added value of the FRA in fulfilling its objective;
- assess the usefulness of the FRA in addressing needs for the full respect of fundamental rights in the framework of Union law
- assess the overall ability of FRA to sustain its activities and meet future challenges;
- define the barriers and obstacles to optimal performance;
- identify actions relevant to improve overall performance and added value; identify actions needed to eliminate or reduce possible inefficiencies;
- identify challenges as regards the Agency’s governance (including managerial issues, planning and priority setting and working practices);
- benchmark the overall efficiency, balance of resources, budget distribution and resource allocation with other organisations carrying out similar tasks.
As a preliminary step, the evaluators shall analyse and describe the Agency's key inputs, outputs, results and impacts, as well as the conceptual relations between these elements (i.e. the Agency's intervention logic).

8) Proposed Criteria and Main Outcomes

<table>
<thead>
<tr>
<th>Effectiveness</th>
<th>- the extent to which the FRA objectives are achieved, including the quality and timeline of its achievements</th>
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<tbody>
<tr>
<td>Efficiency</td>
<td>- the extent to which the FRA has conducted its activities and achieved its objectives at a reasonable cost in terms of financial and human resources and administrative arrangements; the scope for simplification.</td>
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<tr>
<td>Utility</td>
<td>- the extent to which the FRA has been successful in addressing needs for the full respect of fundamental rights in the framework of Union law</td>
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<tr>
<td>Added value</td>
<td>- the extent to which the FRA has been more effective and efficient in achieving its results and impacts compared to other existing or possible national level and EU level arrangements.</td>
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<td><strong>Coordination &amp; Coherence</strong></td>
<td>- the extent to which the FRA coordinates with relevant bodies, offices and agencies active in the field of fundamental rights and carrying out similar tasks - the extent to which the objectives and activities of the FRA support or contradict those of other public interventions.</td>
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The evaluation of FRA should allow the evaluators to answer the questions set out below on the basis of the proposed indicative suggested criteria. In the tender documents and during the inception phase of the evaluation, the evaluators will be asked to validate these questions / criteria and / or may wish to make additional proposals for further criteria. The evaluators will also propose quantitative or qualitative indicators for each criterion, so as to measure the extent to which the expected result or impact has been achieved, as well as for target levels and/or baselines.

9) Evaluation questions

**EFFECTIVENESS**

To what extent has the FRA been successful in achieving its objectives and carried out the tasks established by the Founding Regulation?

a) To what extent is FRA issuing timely and adequate assistance and expertise relating to fundamental rights to the relevant institutions, bodies, offices and agencies of the Union and its Member States?

b) To what extent has FRA successfully fulfilled its mandate to collect, record, analyse relevant, objective, reliable and comparable information and data relating to fundamental rights issues in the European Union and its Member States when implementing Union law? To what extent has this data been collected across all Member States? .

c) To what extent has FRA developed adequate methods and standards to improve the comparability, objectivity and reliability of data among the 27 Member States?
d) To what extent has FRA fulfilled its mandate to develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights, and actively disseminate information about its work.

e) To what extent has FRA contributed to the development of effective information and cooperation networks among EU-level and national stakeholders active in the field of fundamental rights?

f) To what extent is FRA effectively providing its services to emerging issues and ad hoc requests from the European Parliament, the Council or the Commission? To what extent are the quality control mechanisms in place effective in ensuring high scientific quality of the work done and outputs produced by FRA?

EFFICIENCY

To what extent has the FRA conducted its activities and achieved its objectives at a reasonable cost in terms of financial and human resources and administrative arrangements?

a) To what extent have the FRA's internal organisation, operations and working practices, as created by the Regulation, been conductive to its efficiency?

b) To what extent is the structure and organisation of the agency (size, organisation, staff composition, recruitment and training issues, etc.) adequate to the work entrusted to it and to the actual workload?

c) To what extent do the Agency's management systems and processes contribute to the effectiveness and efficiency of its operations?

d) To what extent are the mechanisms for monitoring, reporting and evaluating FRA adequate for ensuring accountability and for an appropriate assessment of performance in the context of the agency system?

e) To what extent are the working methods and composition of the Executive and Management Board and its Scientific Committee appropriate and efficient?

f) To what extent have the administrative procedures supported the operational activities of the FRA?

g) Is there scope for simplifying existing administrative arrangements and working methods? To what extent is the ratio administrative/operational staff adequate?

UTILITY

The extent to which the FRA has been successful in addressing needs for the full respect of fundamental rights in the framework of Union law by the European Union, Member states and other stakeholders?

a) To what extent has FRA’s work and actions contributed effectively to help institutions, bodies, offices and agencies of the Union and its Member States to ensure full respect of fundamental rights in the framework of Union law? To what extent has FRA contributed to a greater shared understanding of fundamental rights issues in the framework of Union law among policy/decision-makers and stakeholders in the EU and Member States?

b) To what extent are FRA's stakeholders identified in the Founding regulation (articles 6 – 10) satisfied with the responsiveness and availability of the research activities undertaken?

c) To what extent are FRA's outputs suitable to the needs of its stakeholders in particular of the relevant institutions, bodies, offices and agencies of the Union and its Member States?
d) To what extent has FRA reinforced the value of its activities, services and products bringing relevant organizations working together at different levels of governance?

e) To what extent have publications on project results been taken into account by relevant EU, national and local actors on Fundamental Rights issues?

f) To what extent has general awareness of fundamental rights issues in the European Union and its Member States when implementing Union law been raised among the general public and specific/vulnerable groups?

**ADDED VALUE**

To what extent has FRA been more effective and efficient in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements?

a) To what extent has the FRA been more effective in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements (e.g. implementation by the Commission itself, an executive agency, other agencies and organisations, the Member States, as well as by other non-institutional stakeholders active in the field of fundamental rights) in the light of the Agency's specific mandate?

b) To what extent have the effects been achieved at lower costs because of the Agency's intervention?

**COORDINATION AND COHERENCE**

To what extent has the FRA ensured appropriate coordination and cooperation with the stakeholders identified in the Founding Regulation (articles 6 – 10)?

To what extent is FRA coordinating with relevant Union institutions and bodies, offices and agencies of the EU active in the field of fundamental rights or carrying out similar tasks?

a) To what extent is FRA acting in close cooperation with the Council of Europe and UN to avoid duplication and in order to ensure complementarity? Is the resource allocation proportionate?

b) To what extent is FRA acting in close cooperation with non-governmental organisations and with institutions of civil society? Is the resource allocation proportionate?

c) To what extent are the procedures to ensure this coordination and cooperation effective to secure that FRA activities are coherent with the policies and activities of its stakeholders?

**10) Methodology**

This section gives some guidelines on the data collection and analysis methods to be followed by the external contractor. Nevertheless it is expected that the selected contractor will use its knowledge and experience to refine the suggested approach regarding the compilation and analytical methods and the respective timetable for the required tasks. In particular the contractor must specify how the suggested methodology will deliver on purpose and scope of the external evaluation and should demonstrate the robustness of the methodology as well as to justify the choice of evaluation techniques and point out relative advantages and disadvantages.

The evaluation could make appropriate use of the following means:
a) Intervention logic
The reconstruction of the intervention logic of FRA should be used to help identify the data and information needed to carry out an analysis and assessment.

b) Data collection and information-gathering
Data and information should be gathered from published sources (see par. 11) and directly from the parties concerned.

c) Structured representative sample surveys
The evaluation should draw on information and views supplied directly by key FRA stakeholders. The key tool for gathering such views should be several structured questionnaire scripts but also focus groups could also be considered. Particular emphasis should be placed on the effectiveness of FRA and on gathering counterfactual views. The contractor should invite questionnaire respondents to provide objectively verifiable evidence in support of their views.

d) In-depth interviews
A sample of beneficiaries should be interviewed through in depth face-to-face and telephone interviews with the FRA stakeholders and ensuring geographical balance and representation of all agreed stakeholder categories (see footnote 1).

e) Case-studies
A number of in-depth case-studies should be undertaken of activities which exemplify FRA’s performance in a forward looking perspective. The selection of case studies should take account of the need to ensure balance between the different types of activities FRA carries out and of representation of activities across the various thematic areas in FRA. The contractor is expected to make proposals for a range of case studies and describe the rationale behind the proposals and set out a clear methodology for carrying out such case studies. The final set of case studies will be defined at the kick-off meeting of the project with the Steering Group.

f) Analysis and assessment.
Considerable emphasis should be placed on this stage of the evaluation. The detailed evaluation of FRA’s activities should be guided by the data and information gathered from published sources, internal information, the results of surveys, and information and opinion gathered by interviews. The contractor must support findings and recommendations by an explanation of the degree to which these are based on opinion, analysis and objectively verifiable evidence. Where opinion is the main source, the degree of consensus and the steps taken to test the opinion should be given. Where overall judgements in terms of standard evaluation criteria are made the criteria used should be explained.

The contractor must enter completed survey returns into specialist data analysis software. The rationale for the processing and extraction of data from results tables must be comprehensively documented.

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1 (European Commission officials, Members of the European Parliament, Members of the Council, National Liaison Officers of the FRA, Members of the Fundamental Rights Platform and other Civil Society organisations working with the FRA, Officials from public bodies competent for human rights at the national level, including National Human Rights Institutions and Equality Bodies, Officials from the Council of Europe, Officials from the United Nations and OSCE, Officials from the European Community Agencies).
11) Materials to be provided to the contractor

- The FRA Regulation,
- FRA Management Board Decisions;
- FRA Director’s decisions;
- FRA IAS reports;
- FRA publications (work programmes, annual reports, annual activity reports);
- External publications concerning FRA etc ;
- Court of Auditors’ reports.
- Results on the previous evaluations
- Other relevant legislation;

12) Deliverables and timeframe

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<th>N.</th>
<th>Deliverable</th>
<th>Deadline</th>
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<tbody>
<tr>
<td>1</td>
<td>Inception report (with table of content)</td>
<td>1 month after the entry into force of the contract</td>
</tr>
<tr>
<td>2</td>
<td>Interim report (with table of content)</td>
<td>5 months after the entry into force of the contract</td>
</tr>
<tr>
<td>3</td>
<td>Draft Final report for FRA review (with table of content)</td>
<td>10 months after the entry into force of the contract</td>
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<tr>
<td>4</td>
<td>Final report (with table of content)</td>
<td>11 months after the entry into force of the contract</td>
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