



TENDER SPECIFICATION FOR THE EU CO-FUNDED ACTION

Pillars of the Sea 3: Project implementing part of the SSDC Work Programme roadmap towards socially sustainable fishing

Grant Agreement Project 101051878

External contractor: Development of guidelines on the recruitment of migrant fishers

Brussels, 12 October 2022

1. Background

Sea fishing is a remote and challenging professional activity, yet for many years the attention of the legislators and policy makers has been focused on the environmental side of the sector. The ratification level of international conventions dedicated to working conditions in fisheries is terribly low. Lack of coordination between different units of national administrations and international bodies dealing with fisheries seems to be one of the key reasons behind the current state.

For instance, the overarching International Labour Organization Convention Work in Fishing (ILO C188) has been ratified by only 20 countries, out of which 7 EU Member States. The Social Partners for Sea Fisheries have been promoting the ratification of the Convention for years. To that end, we concluded in 2012 the Agreement on implementing the ILO Work in Fishing Convention, transposed into EU law by the Council Directive (EU) 2017/159. However, this Directive still has to be implemented by many Member States.

This negligence in promoting decent working conditions in the fisheries sector leads to reduced interest in joining the profession by EU citizens. This in turn contributed to the increased employment in the EU waters of migrant fishers (from non-EEA countries) who often end up working in precarious conditions or even fall victim to labour abuse. Due to the specificities of the fisheries sector, like working offshore for long periods of time, it is often overseen by the regulatory and enforcement bodies, making migrant fishers especially vulnerable.

The Social Partners would like to draw particular attention to the issue of the international recruitment and placement of migrant fishers, as cases of abusive and fraudulent practices are still a reality in the sector. There is therefore need for practical guidelines for the vessels owners on how to ensure that the private employment agencies that they engage comply with human rights and international and EU labour regulations.

The action is a continuation of the previous project, were the Social Partners reached a milestone, but further work is needed on the model contracts. The guidelines should be practical to ensure that the private employment agencies that vessel owners engage with, comply with human rights and international and EU labour regulations. The deliverables therefore ought to be drafted in the legal and technical language used by international organisations and in particular ILO, with cross-referencing to ILO and IMO texts. This will facilitate the submission of the deliverables to ILO to possibly inspire future guidelines on the matter.

2. Purpose of the contract

The contract is aimed at providing the Social Partners with the specific expertise on decent recruitment guidelines for the fisheries sector, required to perform the above-mentioned action.

3. Tasks to be performed by the contractor

3.1 Description of tasks

The contractor should perform the following task:

- Research preconditions for international recruitment, international conventions, EU and national legislation and other non-binding sources concerning the private employment services and recruitment of migrant fishers. This includes an in-depth desk study of preconditions to be included in the practical guidelines for the vessels owners on how to ensure that the private employment agencies engage with and comply with human rights and international and EU labour regulations, and it includes a mapping of international conventions, EU and national legislation concerning the private employment services and recruitment.
- Develop model contracts between a fisher and a private employment agency, between a fishing vessel owner and a private employment agency.
- To formulate practical guidelines for the vessel owners on decent recruitment of migrant workers in the fisheries industry. The development of the guidelines will be based on EU legislation and other binding international instruments. The guidelines need to include preconditions for international recruitment.

The consultant will be required to attend 5 steering group meetings and 1 conference.

3.2 Guidance and indications on tasks execution and methodology

The contractor will work under the guidance of the project's steering group and of the ETF and Européche's Secretariats. The deadlines for deliverables will be set jointly by the contractor and the project partners according to the project's timeline.

4. Expertise required

Candidates should meet the following criteria:

- Sound expertise on international and EU legal environment related to the scope of the task.
- Knowledge of fisheries and maritime sector is highly desirable.
- Excellent command of written and spoken English.
- Sound experience in drafting documents and reports.
- Respect of budgetary constraints.

5. Time schedule and reporting

The contractor will be required to work for a total of 60 days between December 2022 and August 2024, including the participation to steering group meetings and the final conference (the first meeting will take place on 7 December 2022 in Amsterdam, the Netherlands). The time schedule for

deliverables and reports will be established jointly by the contractor and the project partners according to the project's timeline and will be indicated in the contract signed by the two parties.

6. Payments and standard contract

The contractor will receive an advance and a final payment according to the time and modalities that will be indicated in the contract between the parties. The project promoter will draft a contract which will be submitted to the contractor.

7. Price

The maximum budget available is EUR 30,000 VAT included. This does not include travel, accommodation and subsistence expenses related to the attendance of meetings, which will be reimbursed upon the presentation of receipts if previously authorized by the project promoters. The amount eligible for reimbursement follows the thresholds set in the project's budget and the general European Social Fund+ Social Prerogatives and Specific Competencies Lines Guidelines (Version 1.0, 1 June 2021).

8. Legal obligations

The basis of the contract is the grant agreement between the European Commission and Europêche. The terms of this grant agreement are also applicable to the Contractor.

9. Selection criteria

The offers will be examined by the Steering Committee against the following criteria:

Criterion	Description	Value
Price	Best value for money	30 per cent
Quality and expertise	Proven expertise as specified in point 4.	40 per cent
Approach	Structured and open approach	10 per cent
Ability to write and speak in clear and concise English		20 per cent
TOTAL:		100 per cent

10. Award criteria

The contract will be awarded to the tenderer whose offer represents the best value for money – taking into account the evidence provided to prove their expertise in the fields indicated under point 4. The respect of the principles of transparency and equal treatment with a view to avoid any conflict of interest will be undertaken. It should be noted that the contract will not be awarded to a tenderer that receives less than 70 % of the award criteria.

11. Content and presentation of the bids

11.1 Content of the bids

The bids must indicate how candidates meet the criteria listed above, present a draft working plan, a draft schedule for the tasks to be performed and indicate the total price of the consultancy. In case of bids submitted by individual candidates, a CV should be attached. This should include a list of publications and works done by the applicant in the fields relevant for the tasks to be performed. References should also be provided.

In case of bids submitted by organisations, a list of the organisation's activities in fields relevant for the tasks to be performed should be attached as well as the CVs of the people who will be involved in the project. Organisations should also indicate a contact person who will be responsible for the supervision of the tasks and who will report to the project promoters.

Only bids in English will be considered.

11.2 Presentation of the bids

Bids must be submitted by email to: rosalie.tukker@europeche.org by **10 November 2022**. The title of the task for which the candidate applies must be specified in the bid.