



Call for tender for subcontracting external expertise
Social Prerogative and Specific Competencies Line (SOCPL)
“Employers’ studies”

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1. BACKGROUND AND OBJECTIVES

BusinessEurope was awarded a grant from the European Commission under the Social Dialogue budget line to enhance and strengthen the connection between social dialogue at both national and European levels. Such grants aim to tackle emerging issues of shared significance, fostering collaboration and dialogue to effectively address challenges faced by stakeholders across the continent.

The focus of this grant is to conduct a study on **smart approaches to address social regulatory burdens** from the employers' perspective. BusinessEurope decided to subcontract external expertise to carry-out this study.

Regulation is a fundamental government function that impacts all aspects of businesses and citizens' lives. Poorly designed regulation can place unnecessary burdens on both businesses and regulators and negatively affect citizens' lives, and standards of living¹.

As Europe looks to stimulate economic growth and improve its global competitiveness, it is crucial for the EU to focus on creating regulatory frameworks that foster increased productivity and innovation. This is echoed in the Draghi report on competitiveness which highlights that a larger 'regulatory flow' is one of the key factors making the EU's regulatory environment less favourable for conducting business compared to the US².

Despite its considerable economic repercussion, data on regulatory burdens in the social sector remains limited. This lack of insight not only obscures the potential impacts on business operations but also complicates the formulation of effective policies that balance regulatory demands with economic growth.

This project aims to fill this gap by assessing the burden **employers face with regard to EU social legislation** and documenting smart ways of avoiding excessive burden or reducing it. It will also examine how EU laws are transposed and implemented by member states, while showcasing best practices vs cases of unnecessarily gold-plating the EU legislation by national authorities. The project will result in a *study report* that addresses the following points:

- Identifying smart approaches to designing EU social regulation that avoid unnecessary administrative burdens and compliance costs for employers
- Balancing the creation of a business-friendly regulatory environment with the protection of workers' rights
- Exploring the role of social dialogue and collective bargaining in promoting or ensuring proportionate labour market regulations
- Learning from national approaches to implementing EU social legislation that avoid excessive regulatory burdens for employers
- Examining ways to facilitate compliance of legislation through means of digitisation
- Having in mind the special needs and requirements for SMEs also in the field of social policy

¹ OECD (2022), *Better Regulation Practices across the European Union 2022*, OECD Publishing, Paris, <https://doi.org/10.1787/6e4b095d-en>.

² Draghi, M., *The Future of European Competitiveness 2024*, Publications Office of the European Union, [ec1409c1-d4b4-4882-8bdd-3519f86bbb92_en \(europa.eu\)](https://ec1409c1-d4b4-4882-8bdd-3519f86bbb92_en.europa.eu)

By conducting this study, BusinessesEurope, a European cross-industry social partner, will help provide an in-depth analysis, from an **employer's perspective, on a key priority for European social policy in 2024-2029**. The end goal is to support better EU social policy-making, improve the coordination of national employment and social policies, and promote the effective use of public and private resources. Additionally, this project will strengthen employers' ability to contribute to the debate on the impact of EU social initiatives. BusinessEurope seeks to help the EU and Member States improve labour market outcomes by providing sound evidence of how companies are affected by policies that directly or indirectly impact employment.

The final study report is expected to contribute to the Commission's goal of reducing red tape through initiatives such as [Better Regulation Agenda](#), including the [regulatory fitness and performance programme \(REFIT\)](#), [competitiveness checks](#), [Fit for Future platform](#), [one in, one out principle](#), [reduction of burdens associated with reporting requirement by 25%](#), and any other new relevant tools to be put in place by the new European Commission.

The study will also consider on input from member federations as well as some input from EU sectoral organisations through online surveys and rounds of interactive stakeholder consultations that may include interviews and/or focus groups (see section 2 on tasks to be performed).

Throughout the duration of this study, a **Steering Committee** will be established with representatives from BusinessEurope member federations and the sub-contracted expert. The primary focus of this study will be on the cross-industry level given that most EU social directives apply across sectors. However, this study will also consider sector-specific elements related to social regulatory burdens where appropriate. Additionally, the involvement of other relevant stakeholders will be considered on an ad-hoc basis. This Committee will help provide guidance to the subcontractor and feedback on the different tasks carried out and will meet 4 times during the implementation period. If deemed necessary, more meeting could be planned.

2. TASKS TO BE PERFORMED BY THE SUBCONTRACTOR

The bids submitted in response to this call for tender must include **a comprehensive methodological framework to help better document social regulatory burdens from an employer's perspective**, clearly outlining the approach for executing each of the specified tasks below (see section 7 *Form, structure, and content of the tender*).

Task 1- Desk research

This task aims to establish a foundational understanding of the social regulatory landscape, focusing on the identification of the burden faced by employers and how it evolves with socio-economic changes. In particular, this task will address the following points:

1. **Identify relevant social directives generating unnecessary burden from an employers' perspective:** Conduct research to compile a comprehensive list of social directives that directly impact employers, particularly those that may impose excessive regulatory obligations or compliance requirements. This list should also consider any other non-social legislation that would have a considerable impact on the social aspect for employers. The subcontractor is

expected to put forward a preliminary list of these directives in the proposal, explaining the identified issues in terms of regulatory burdens for employers.

2. **Develop selection criteria for burdensome directives:** Establish clear, objective criteria to assess which directives are considered burdensome from the employers' viewpoint, making use of the [Better Regulation Toolbox](#).
3. **Analyse variability in transposition of directives across member states:** Examine whether specific factors cause variations in the burden social legislation imposes for employers when directives are transposed into national laws across different EU member states, considering economic, legal, and institutional differences.
4. **Overview of quantitative indicators measuring regulatory burden:** Provide a status-quo overview of existing quantitative indicators that are used to measure the regulatory burden in the EU. Highlight trends, gaps in measurement and identify the most relevant indicators for assessing the impact on employers. Examples include, but not limited to: [Responsive administration and burden of regulation | Single Market Scoreboard](#), [Regulatory fitness and performance programme \(REFIT\)](#), and [Annual Burden Survey](#).
5. **Expected impact of emerging trends on regulatory burden:** Based on the available literature and quantitative indicators, what are the expected impacts of emerging trends like digitalization, the green transition, and demographic shifts on regulatory burdens for employers. Identify specific areas where regulations could become more complex or demanding.

T2- Online survey on impact of social regulations on employers

This task is concerned with conducting a survey of companies in different countries and sectors across Europe with the support of BusinessEurope's member federations and the project's affiliated EU sectoral organisation(s). The survey is meant to measure the impacts of a number of EU social legislations (identified in Task 1) on employers in terms of regulatory burdens. Special attention needs to be paid to ensure that the survey is representative in terms of coverage of the EU-27 member states as well as key sectors.

Naturally, questions posed will vary depending on the type of the respondents. Below are examples of survey questions addressed to companies that may be included:

- How familiar is your company with the following EU social legislations? (List identified directives from Task 1)
- To what extent has your company had to adapt its operations to comply with these EU social legislations?
- What level of additional financial burden has your company faced as a result of complying with these social legislations?
- How would you rate the administrative complexity involved in implementing these legislations?
- How much additional time does your company spend annually on compliance with EU social legislations?
- If your company operates in multiple EU member states, have you noticed differences in how these social legislations are implemented or enforced across countries?
 - If yes, please specify which legislations and member states, and describe the differences.
- To what extent has complying with EU social legislations impacted your company's competitiveness in the market?
- Has the implementation of these legislations influenced your company's employment practices (e.g., hiring, training, wages)?

- If yes, please describe the changes.
- Do you anticipate that upcoming EU social directives will increase the regulatory burden on your company?
 - If yes, in which way?
- Have you identified any best practices that have helped your company manage the regulatory burden of EU social legislations more effectively?
- What changes would you recommend introducing to reduce the regulatory burden of EU social legislations on businesses?
- Is there any additional feedback or specific examples you would like to share regarding the impact of EU social legislations on your company?

The surveys content will be closely discussed with BusinessEurope and the Steering Committee members to ensure it serves the purpose of this project, including the different questions to be asked to companies and employers organisations. The subcontractor is encouraged to incorporate a variety of question formats, including multiple-choice, Likert scale, and open-ended questions. This approach will allow for both detailed insights and the ability to create charts that effectively capture and present the results.

The survey results will be anonymised, ensuring that no personal identifiers are linked to the responses. The subcontractor will rigorously safeguard the confidentiality of any sensitive information collected throughout the survey process, respecting the EU's General Data Protection Regulation (GDPR).

T3 – Interactive stakeholders' consultation

In addition to the online survey, the subcontractor is expected to carry out interactive consultations with stakeholders. These consultations may take the form of interviews, and/or focus groups. Approximately 60 stakeholders will be involved in these interactive consultation sessions, covering national member federations, relevant sectoral organisations, and company representatives. These interviews/focus groups will complement the survey carried out under Task 2, providing an opportunity to explore key patterns that emerged from the survey in greater depth. Additionally, they will help highlight best practices identified during the survey process. The content of these consultations be developed in close collaboration with BusinessEurope and the Steering Committee members to ensure alignment with project objectives.

T4 - Consolidated analysis and reporting

Based on the desk research, survey, and interactive stakeholders' consultation, the subcontractor will draft a final report outlining the findings of the different tasks. These findings should address the following:

- Quantifying based on the desk research, survey and interviews the burden social legislation can create for employers
- Map and analyse different national approaches to the transposition of social directives, including the role of national social partners in some countries
- Identifying good practices, considering the use of impact assessment and evaluations, the extent of leeway for implementation, the use of derogations or lighter regimes, active and passive gold-plating, risk-based approaches, the end-user focus, digital solutions and re-use of data

Following the completion of the final report, BusinessEurope will organise a **dissemination workshop** to communicate key findings. The attendees will include EU

institutions, social partners, and companies' representative. The subcontractor is expected to contribute to the workshop by presenting the results of the study or moderating the discussion.

BusinessEurope has sole responsibility for the project management and supervision of the subcontracted expert.

Target and beneficiaries

The primary target group consists of BusinessEurope as a cross-sectoral social partner and its member federations. The European institutions and social partners at both the EU and national levels are also direct beneficiaries. Indirect beneficiaries include researchers, experts, and all other stakeholders interested in EU social and employment policy and social dialogue.

All these groups will benefit from the knowledge gathered during the project and analysis of the project findings as well as recommendations.

3. SPECIFIC DELIVERABLES TO BE PROVIDED BY THE SUBCONTRACTOR

The subcontractor will deliver a comprehensive final study report, detailing all activities undertaken, and the study's findings. The report must be written in English. The subcontractor is responsible for ensuring thorough language checks and proper formatting to meet professional standards. The final document should be clear, well-structured, and ready for dissemination to relevant stakeholders. The length of the report, excluding annexes, will be between 80 to 100 pages - exact length can be agreed on at a later stage. The structure of the report shall include the following sections: table of contents, executive summary, methodology, analysis, and conclusion.

The subcontractor is also expected to take part in regular progress meeting with the team of BusinessEurope to ensure there is a clear channel of communication regarding the work being done.

4. EXPERTISE AND EXPERIENCE REQUIRED FOR THE SUBCONTRACTOR

Sound experience is required in the following areas:

- In-depth knowledge of European social legislation and its application at national level from an employer's perspective;
- Experience in working with employers and social partners at European, sectoral and national levels and solid understanding of social dialogue dynamics at EU, national and sectoral and levels;
- Proven track record of successfully delivering research-driven projects at the European level, with a minimum project budget of €100,000;
- The external expert will furthermore be closely involved in all the project activities. In addition to a proven track record in social dialogue research, the external contractor may be asked to facilitate the workshops/break-out session discussions based on the research they have provided, to take minutes of the discussions etc. The exact tasks relating to the project's events will be agreed in conjunction with the Steering Committee;

The following skills are also required:

- Result-orientation: Eagerness and capacity to show responsibility for delivering the agreed tasks, including the ability to work within specified deadlines and to respect budgetary limits;
- Analytical skills: Proven ability to carry out research and comparative analyses on social dialogue and collective bargaining and understanding links between European and national levels;
- Problem solving skills: Ability to understand and advise on how to address political sensitivities on the topics concerned;
- Linguistic skills: High proficiency in English: ability to draft documents and make presentations in English. Knowledge of other languages is a plus.

5. TIME SCHEDULE AND REPORTING

Indicatively, the subcontractor will be asked to work from the second half of December 2024 when a first Steering Committee will be held (date to be determined with subcontractor). The exact deadlines for the finalisation of the final report will be set in agreement with the subcontractor, keeping in mind that the study must be finalised by October 2026.

The subcontractor will be responsible for remitting the deliverables foreseen within the agreed deadlines.

Travel and subsistence costs as part of this project will be reimbursed to the subcontractor, in accordance with BusinessEurope internal rules on project management and in accordance with the [Commission Decision C\(2021\)35](#) authorising the use of unit costs for travel, accommodation and subsistence costs under an action or work programme under the 2021-2027 multiannual financial framework. A separate budget provision has been allocated within this project to cover the travel expenses of 5 subcontracted experts for one steering committee meeting and for the final dissemination workshop. Travel and subsistence costs will have to be included in the financial proposal if experts travelling are based outside eligible countries³.

6. PAYMENT

The total maximum budget available for expertise is € 195,000.

The subcontractor will enter into a contract with BusinessEurope for a maximum total of € 195,000 (all taxes included).

The modalities of payment will be decided upon with the selected subcontractor, taking into account BusinessEurope's usual practice of payment in 3 instalments (advance,

³European Commission's Call for proposals: "Support for Social Dialogue, SOCPL-2023-SOC-DIALOG, Version 1.0, 22 March 2023" stating that the eligible countries are:

- EU Member State
- non-EU countries: Candidate countries: Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, Türkiye, and Ukraine.

interim and final) and fully in line with the Commission's financial guidelines and the grant agreement.

7. FORM, STRUCTURE AND CONTENT OF THE TENDER

Tenders must be written in **English**. They must be electronically signed by the tenderer or his duly authorised representative and be perfectly legible so that there can be no doubt as to words and figures. Tenders must be clear and concise and assembled in a coherent fashion.

Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

All tenders must include **two documents**:

i) **Technical proposal**

The technical proposal must provide comprehensive information necessary for the awarding of the contract, including at a minimum the following sections:

- **Justification of technical and professional capacity:** This section should clearly demonstrate why the subcontractor has the requisite technical and professional capabilities to carry out this study. It should include, at a minimum:
 - A description of relevant professional experience, with a particular emphasis on the specific fields addressed in the invitation to tender. This should align with the selection criteria, demonstrating that the subcontractor has successfully conducted a similar study with a minimum budget of €100,000.
 - Detailed curriculum vitae for all team members involved.
- **Methodological framework:** The subcontractor should outline a thorough methodological framework for executing the proposed tasks and deliverables as specified in Sections 2 and 3. This framework must detail the methodology for each task, including the techniques and processes that will be utilised.
- **Timeline:** A clear timeline should be provided, indicating the steps involved in each task. This timeline must adhere to the study's deadline, which is set to conclude by end of October 2026.
- **Quality control procedures:** The subcontractor must present a quality control plan to ensure that all tasks are executed to the highest standards such as the preparation of multiple final drafts and having a quality control person(nel) overseeing different stages of the study. Additionally, this section should outline strategies for mitigating any risks that may arise during the implementation period, which could impact the timely delivery of the study.

ii) Financial proposal

The financial proposal will display the allocation of the budget over the different tasks. Prices of the financial proposal must be quoted in euros. The maximum amount available for this contract is EUR 195,000 (all taxes included).

Prices shall be fixed and not subject to revision during the performance of the contract.

Both technical and financial proposals shall be sent in **two separate documents, each clearly titled. The format of the documents should be in PDF format.**

8. SELECTION CRITERIA

The offers will be examined against the following criteria:

- Quality of the technical proposal including the methodology and the geographical coverage of the bid proposal;
- Verifiable expertise, experience and skills, as required and described above;
- Proven track record of ensuring the quality of communication and written materials in the subjects specified in this call for tenders;
- Proven understanding of the tasks to be performed – to be highlighted in the technical proposal;
- Price not exceeding the amount stated above;

9. AWARD CRITERIA

The contract will be awarded to the tender offering the best value for money, taking into account the specific objectives, requirements and selection criteria of the tender. The principles of transparency and equal treatment will be respected with a view to avoiding any conflicts of interest.

10. TRANSMISSION AND SELECTION OF THE BIDS

The technical and financial proposal must be submitted in **two separate documents (in PDF format), each clearly titled** to BusinessEurope functional mailbox at: submissions.socialaffairs@businessseurope.eu by **Monday 2 December 2024 at 12:00 CET** at the latest. The e-mail should be addressed to Maxime Cerutti, Director for social affairs.

An acknowledgment of bid receipt will be sent to all bidders within 24 hours of submission.

A committee will be formed, comprising representatives from the Social Affairs Department at BusinessEurope as well as members of the Steering Committee. An evaluation grid will be utilised to assess the received bids.