Draft

COUNCIL DECISION

laying down the Rules of the Advisory Committee on Vocational Training

(presented by the Commission)
EXPLANATORY MEMORANDUM

1. BACKGROUND AND AIMS

1.1. The Community vocational training policy

A vocational training policy at Community level has been called for by the Treaty\(^1\). As far back as 1963, the Council adopted a decision establishing general principles for implementing a common vocational training policy\(^2\), which has been the main reference for all initiatives taken over the four decades since then. These initiatives include Comett, Petra, Eurotechnet, Force, Leonardo da Vinci programmes and the Europass-Training. The establishment, in 1975\(^3\) of a European Centre for the Development of Vocational Training (Cedefop), also took place within this framework.

The aims, scope, structure and available resources for Community initiatives in the field of vocational training varied over the years, reflecting the changing social and economic context and the different phases of the European project. A number of Council Resolutions and policy documents witness this evolution, such as the 1983 Council Resolution on vocational training policies\(^4\), the Commission papers on the learning society and the Europe of knowledge in the Nineties\(^5\), the Commission Communication on a European lifelong learning area in 2001\(^6\), and most recently the Council Resolution\(^7\) and the Copenhagen Declaration\(^8\) on an enhanced European cooperation in vocational education and training.

The need for strengthened cooperation reflects the fact that education and training are expressly recognised as vital factors towards more and better employment and to achieving the objective, set by the 2000 Lisbon European Council for the European Union, of becoming the most competitive and dynamic knowledge-based economy. Work has consequently started on the objectives of the education and training systems\(^9\).

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\(^1\) In the 1957 Treaty the main reference was Article 128; in the consolidated version it is Article 150.
\(^9\) Declaration of the European Ministers of Vocational Education and Training, and the European Commission, convened in Copenhagen on 29 and 30 November 2002, on an enhanced European cooperation in vocational education and training.

Strengthened cooperation is also necessary in relation to the preparation for enlargement. The candidate countries and those in the European Economic Area are already taking part in most Community programmes: they co-signed the Copenhagen Declaration and are actively involved in its follow-up, as well as in the work on the objectives of the education and training systems.

1.2. The Advisory Committee on Vocational Training

The fourth principle of the 1963 decision on a common vocational training policy stated that the Commission, when carrying out the tasks assigned to it in the field of vocational training, would be assisted by a tripartite advisory committee, whose composition and rules had to be laid down by the Council after receiving the opinion of the Commission. In the same year the Council adopted the Rules of the Advisory Committee on Vocational Training (ACVT)\(^{10}\).

The ACVT included, “from each of the Member States, two representatives of the Government, two representatives of trade unions and two representatives of employers’ organisations” (Art. 1). Assisting the Commission took the form of providing “opinions based on questions of general importance or of principle concerning vocational training” (Art. 10).

The ACVT has been active throughout the whole history of the Community vocational training policy, issuing opinions on policy documents, on specific undertakings like the establishment of Cedefop, and on the preparation, evaluation and valorisation of Community action programmes in the field of vocational training.

In addition, the ACVT – the only tripartite consultative body specifically dealing with vocational training – has in fact become a forum for discussion and exchange of ideas between the Commission and the three groups, as well as between groups themselves. The ACVT is part and parcel of the wider framework of consultation of social partners that includes the European social dialogue, a key feature of the European model of economic and social development.

As the need for enhanced cooperation in vocational education and training is recognised as being stronger than ever, the necessity of having a tripartite body for general consultation at European Union level remains unquestioned. However, a substantial reform is necessary, as concerns in particular its composition and its operational framework.

The Rules adopted in 1963 were slightly amended in 1968, to allow members to remain in office after the expiry of their mandate, until new members had been appointed\(^{11}\). As the first paragraph of Article 1 of 63/688/EEC specifies the number of members, an amendment was also necessary every time one or more new Member States joined the European Community (European Union)\(^{12}\).

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\(^{12}\) Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Denmark, Ireland and the United Kingdom, OJ L 73, 27.3.1972, p. 14;
Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the
Under its current Rules, in a European Union of 25 Member States the ACVT should include 150 members. In such a situation it would become an exceedingly cumbersome body, unlikely to perform effectively its consultative function. In addition, irrespective of its size, the working methods and the organisational framework of the ACVT need to be modernised to reflect the radical changes that have occurred since its creation, and it is advisable that this be formally recognised in its basic act.

Therefore, the Rules of the Advisory Committee on Vocational Training, adopted in 1963\(^\text{13}\), should be replaced by new Rules, to cope with the consequences of enlargement and to allow for the working methods of the Committee to be modernised.

In the terms of the attached project of decision, the Advisory Committee will be charged with the same task and inspired by the same principle of tripartite, equal representation, but composed, organised and operated in such a way that it can be effective in an enlarged Union and in an age of fast-paced social change.

The social partners and government representatives on the Advisory Committee were consulted on the content of the draft new Rules.

1.3. Legal form of the instrument

The Commission’s opinion is that, while the core task of the Advisory Committee remains unchanged, it is better to adopt new Rules rather than introducing a number of amendments to the current rules.

The fourth principle, last paragraph, of the above mentioned Decision 63/266/EEC states that “When carrying out the tasks assigned to it in the field of vocational training, the Commission shall be assisted by a tripartite advisory committee, whose composition and rules shall be laid down by the Council after receiving the opinion of the Commission”.

The adequate legal instrument is therefore a decision of the Council laying down composition and rules of the Committee, after receiving from the Commission the opinion contained in this explanatory memorandum.

2. Content of the new Rules

2.1. Scope and responsibilities of the new Committee

Article 2(1) stipulates that the Committee has the task to assist the Commission in implementing a Community vocational training policy.

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Article 2(2) specifies that the Committee shall achieve its task by providing opinions on both general issues and specific actions, as well as through an exchange of views and experiences.

The core responsibility of the new Committee remains essentially the same as that assigned to the Committee established in 1963. The general task of the 1963 Committee (assisting the Commission) was expressed in the fourth principle of Decision 63/266/EEC and its specific task (providing opinions) was indicated in Article 10 of the Rules (63/688/EEC). It seems appropriate to clearly define the responsibility of the Committee in one explicit article.

Besides, Article 2(2)(a) indicates that the scope for consultation includes general issues as well as specific actions, and Article 2(2)(b) recognises that the role of the Committee as a discussion and exchange forum is also instrumental to achieving its task.

Article 2(3) confirms that responsibility for providing the Committee with the necessary information rests with the Commission.

2.2. Composition of the Committee

In compliance with its 1963 legal basis, the current Committee has 90 full members (two per interest group per Member State) and 45 alternate members (one per interest group per Member State). As mentioned above, applying this composition pattern to the enlargement of the Union in 2004, the Committee will have 150 members and 75 alternate members, which would make it too large and reduce its efficiency.

The new Committee must therefore be made up according to a composition pattern that, while safeguarding equal representation of all the three parties and all Member States, ensures that the Committee has the flexibility it needs to work effectively.

Article 3(1) of this project therefore stipulates that the Committee will include a single representative per interest group and per Member State, instead of the two representatives provided for at present.

In a European Union of 25 Member States, this would result in a Committee of 75 full members (and as many alternate members): three per Member State, making up three interest groups of equal size (25 members).

2.3. Structure and operation of the Committee

The current Advisory Committee’s operation is governed by two legally binding instruments, namely the Rules adopted by the Council on 18 December 1963 (63/688/EEC) and the rules of procedure approved by the Council on 14 June 1965.

Over the years, an operational framework has been established that, without conflict with either the Rules or the rules of procedure, relies upon no formal basis.

In particular, both the Rules and the rules of procedure do not envisage that the work of the Committee is organised per interest group, nor that the meetings of the Committee are prepared by a small steering body. However, these have become key features of the way the Advisory Committee is now actually run.
In practice, there are three separate interest groups: representatives of national governments, trade union organisations and employers’ organisations respectively. Before plenary meetings, the three interest groups hold internal discussions, whose results are reported in the plenary session by spokespersons – without prejudice to each member’s individual entitlement to be given the floor. Meetings are prepared by a steering group, including representatives of the Commission and of each interest group.

In this context it should be mentioned that for many years representatives of the European social partners’ organisations have taken an active role in the work of the Committee, in particular by coordinating consultation within the respective groups. They also attend the meetings of the Committee, as observers.

As this organisational structure based on interest groups representing workers, employers and national governments has proven its validity and is not questioned by stakeholders, it seems appropriate to formalise it in principle, leaving any operational details to a new set of rules of procedures. This is done by Article 5 of this project.

*Article 5* also provides for a spokesperson and a coordinator to be appointed for each interest group to represent them, namely within the Bureau which is defined by the same article. The Bureau will form a permanent coordinating body for the Committee’s activities, taking over the role now played by an informal steering group.

Interest groups have full autonomy in the choice of their coordinators – who do not need to be members of the Committee. This gives interest groups the opportunity to have their activity coordinated by representatives of organisations at European level.

### 2.4. Committee meetings

*Article 6* defines the framework for the organisation of meetings, without introducing changes in the current rules and practice and leaving any operational details to a new set of rules of procedures. The option of setting up working parties is also provided for.

In particular, *Article 6(1)* of this proposal stipulates that the meetings are chaired by the Director-General in charge of vocational training at the Commission, or by a Director delegated by him/her. In any case the Commission representative chairing the meetings should hold the rank of at least director, in order to maintain a suitable political profile for the Committee’s meetings.

### 2.5. Decision-making procedures

The voting rules laid down by Article 11 of the Rules (63/688/EEC) are substantially retained in this proposal. In addition, *Article 7(3)* introduces the option of fast-track decision-making procedures (to be determined subsequently in the rules of procedure) in order to make the Committee more efficient and more able to respond rapidly to requests from the Commission.

### 2.6. Procedure for appointing members and the duration of their mandate

The Commission takes the view that the current procedure for appointing members of the Committee (Article 4 of the Rules, 63/688/EEC) is satisfactory and there is no
need to amend it. On the other hand, Article 3(3) stipulates that the mandate of members shall last three years, instead of the two years currently provided by Article 5 of the Rules. This is consistent with the rules and practice of other tripartite bodies and is commonly considered to be an appropriate term of office.

Article 3(3) also incorporates a gender dimension, emphasising the need for a balanced representation of men and women and also indicates the need for the entire range of skills required to accomplish the Committee’s various tasks to be covered.

3. **Opinion of the Commission**

The Commission expresses its favourable opinion on the attached proposal laying down the Rules of the Advisory Committee on Vocational Training.
COUNCIL DECISION
laying down the Rules of the Advisory Committee on Vocational Training

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Decision of 2 April 1963 laying down general principles for implementing a common vocational training policy\(^\text{14}\), and in particular the last subparagraph of the fourth principle thereof,

Having regard to the opinion of the Commission\(^\text{15}\),

Whereas:

(1) On the basis of Council Decision 63/266/EEC, the Council on 18 December 1963 adopted the Rules of the Advisory Committee on Vocational Training (63/688/EEC)\(^\text{16}\).

(2) Over the forty years since its creation, the Advisory Committee on Vocational Training provided the Commission with opinions on vocational training issues, including opinions on communications and other strategic documents, on specific undertakings such as the establishment of the European Centre for the Development of Vocational Training, and on the preparation, evaluation and valorisation of Community action programmes in the field of vocational training.

(3) The social, political and institutional changes which have taken place since the creation of the Advisory Committee on Vocational Training and the new prospects opened up by the forthcoming accessions require a constructive re-examination of the composition of the Advisory Committee on Vocational Training and its organisational framework.

(4) The tripartite structure of the Advisory Committee on Vocational Training and its tasks should substantially be retained, but accompanied by the introduction of a number of changes to streamline its operation.

\(^{15}\) OJ C . . p. .
HAS DECIDED AS FOLLOWS:

Article 1

1. The Advisory Committee on Vocational Training (hereinafter called the “Committee”) shall consist of three full members for each Member State, there being one representative each of the national governments, trade unions and employers’ organisations.

2. An alternate member shall be appointed for each full member.

Without prejudice to Article 7(3), the alternate member shall attend Committee meetings only when the member for whom he or she deputises is unable to be present.

3. Full members and alternate members of the Committee shall be appointed by the Council.

The Council shall endeavour to ensure a balanced representation of men and women in the composition of the Committee and shall ensure that the necessary range of skills is available to enable the Committee to accomplish its tasks.

4. The list of the members and alternate members shall be published by the Council in the Official Journal of the European Union for information purposes.

Article 2

1. The Committee shall have the task of assisting the Commission in implementing a Community vocational training policy.

2. Specifically, the Committee shall provide the Commission with opinions on the following matters:

a) questions of general importance or of principle concerning vocational training;

b) questions related to the preparation, implementation, evaluation and valorisation of activities carried out or planned by the Commission in the field of vocational training;

It shall also conduct exchanges of views and experience in relation to vocational training.

3. The Commission shall provide the Committee with the necessary information.

Article 3

1. The term of office of full members and alternate members shall be three years. Their appointments shall be renewable.

2. On expiry of their term of office, the full members and alternate members shall remain in office until they are replaced or their appointments are renewed.
3. A member’s term of office may end before the expiry of the three-year period through his or her resignation or following a communication from the Member State concerned indicating that the term of office is terminated.

For the remainder of the term of office, the member shall be replaced in accordance with the procedure laid down in Article 1.

Article 4

1. Within the Committee, there shall be three interest groups, made up of representatives of national governments, trade unions and employers respectively.

2. Each interest group shall select one of its members to be its spokesperson.

3. Each interest group shall designate a coordinator who will take part in meetings of the Committee, the Bureau set up in Article 5 and the interest group.

Article 5

1. A Bureau shall be formed to organise the Committee’s activities.

2. The Bureau shall be made up of two representatives of the Commission and the spokespersons and coordinators nominated by the interest groups, or their delegates as laid down in the rules of procedures referred to in Article 8.

Article 6

1. The Committee shall be chaired by the Director-General in charge of Vocational Training at the Commission or, where he/she is prevented from so doing, by one of the Directorate-General’s directors to be nominated by the Director General. The Chair shall not vote.

2. The Committee shall meet at least twice a year.

It shall be convened by the Chair, either at the his/her initiative or at the request of at least one-third of its members.

3. The Chair may, on his/her own initiative, invite experts to participate in Committee meetings.

4. The Committee may establish working parties, in conformity with the provisions set out in the rules of procedure referred to in Article 8.

5. Representatives of any Commission department concerned shall participate in meetings of the Committee, the Bureau and the working parties.

6. The Commission shall provide secretarial services for the Committee, the Bureau and the working parties.

7. The following persons may attend meetings of the Committee as observers:
(a) the Director of the European Centre for the Development of Vocational Training (Cedefop), or a representative delegated by him/her;

(b) the Director of the European Training Foundation, or a representative delegated by him/her;

(c) a representative for each interest group of the Member States of the European Economic Area.

The Chair may authorise other persons to attend meetings of the Committee as observers.

Article 7

1. An opinion delivered by the Committee shall not be valid unless two-thirds of its members are present or represented. Only full members, or alternates representing full members, may vote.

2. Opinions of the Committee shall state the reasons on which they are based; they shall be delivered by an absolute majority of the votes validly cast. They shall be accompanied by a written statement of the views expressed by the minority, when the latter so requests.

3. The rules of procedure referred to in Article 8 shall define fast-track decision-making procedures.

Article 8

The Committee shall, having received an opinion from the Commission, adopt its rules of procedure which shall lay down the practical arrangements for its activities.

Article 9

Pursuant to Article 287 of the Treaty, Committee members shall be required not to disclose information to which they have gained access through Committee, Bureau or working party proceedings, if the Commission informs them that the opinion requested or the question raised is of a confidential nature.

In such cases, only Committee members and representatives of the Commission shall attend the meetings concerned.

Done at Brussels,

For the Council
The President
LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): Education and culture
Activit(y/ies): Vocational training

TITLE OF ACTION: RULES OF THE ADVISORY COMMITTEE ON VOCATIONAL TRAINING

1. BUDGET LINE(S) + HEADING(S)
   A-7030
   A-7031

2. OVERALL FIGURES

2.1. Total allocation for action (Part B): € million for commitment
   (Not applicable.)

2.2. Period of application:
   2004-[..] (The period covered is indeterminate.)

2.3. Overall multiannual estimate of expenditure:
   (a) Schedule of commitment appropriations/payment appropriations (financial intervention) (see point 6.1.1)
       (Not applicable.)
   (b) Technical and administrative assistance and support expenditure (see point 6.1.2)
       (Not applicable.)
   (c) Overall financial impact of human resources and other administrative expenditure (see points 7.2 and 7.3)
<table>
<thead>
<tr>
<th>Commitments/ payments</th>
<th>0.372</th>
<th>0.372</th>
<th>0.372</th>
<th>0.372</th>
<th>0.372</th>
<th>0.372</th>
<th>0.372 per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL a+b+c</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372 per year</td>
</tr>
<tr>
<td>Commitments</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372 per year</td>
</tr>
<tr>
<td>Payments</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372</td>
<td>0.372 per year</td>
</tr>
</tbody>
</table>

2.4. **Compatibility with financial programming and financial perspective**

[X] Proposal is compatible with existing financial programming.

Proposal will entail reprogramming of the relevant heading in the financial perspective.

Proposal may require application of the provisions of the Interinstitutional Agreement.

2.5. **Financial impact on revenue:**

[X] Proposal has no financial implications (involves technical aspects regarding implementation of a measure)

OR

Proposal has financial impact – the effect on revenue is as follows:

*(NB All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.)*

3. **BUDGET CHARACTERISTICS**

<table>
<thead>
<tr>
<th>Type of expenditure</th>
<th>New</th>
<th>EFTA contribution</th>
<th>Contributions form applicant countries</th>
<th>Heading in financial perspective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-comp</td>
<td>Non-diff</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

4. **LEGAL BASIS**


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17 For further information, see separate explanatory note.
5. DESCRIPTION AND GROUNDS

5.1. Need for Community intervention

5.1.1. Objectives pursued

As the need for enhanced cooperation in vocational education and training is recognised as being stronger than ever, the necessity of having a tripartite body for general consultation at European Union level remains unquestioned. However, a radical reform is today necessary concerning in particular its composition and its operational framework.

In fact, under its current Rules, in a European Union of 25 Member States the ACVT should include 150 members. As such it would become an exceedingly cumbersome body, unlikely to effectively perform its consultative function. Besides, irrespectively of its size, the working methods of the ACVT need to be modernised to reflect the radical changes that have occurred since its creation, and it is advisable that this is formally recognised in its basic act.

5.1.2. Measures taken in connection with ex ante evaluation

(Not applicable.)

5.1.3. Measures taken following ex post evaluation

(Not applicable.)

5.2. Action envisaged and budget intervention arrangements

(Not applicable.)

5.3. Methods of implementation

(Not applicable.)

6. FINANCIAL IMPACT

6.1. Total financial impact on Part B - (over the entire programming period)

(Not applicable. No impact on Part B of the budget.)

6.1.1. Financial intervention

6.2. Calculation of costs by measure envisaged in Part B (over the entire programming period)

(Not applicable. No impact on Part B of the budget.)

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18 For further information, see separate explanatory note.
19 For further information, see separate explanatory note.
7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

7.1. Impact on human resources

<table>
<thead>
<tr>
<th>Types of post</th>
<th>Staff to be assigned to management of the action using existing and/or additional resources</th>
<th>Total</th>
<th>Description of tasks deriving from the action</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of permanent posts</td>
<td>Number of temporary posts</td>
<td></td>
</tr>
<tr>
<td>Officials or temporary staff</td>
<td>A 0.5</td>
<td>B 0.5</td>
<td>C 0.5</td>
</tr>
<tr>
<td>Other human resources</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1.5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7.2. Overall financial impact of human resources

<table>
<thead>
<tr>
<th>Type of human resources</th>
<th>Amount (€)</th>
<th>Method of calculation *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officials</td>
<td>162 000</td>
<td>1.5 * 108 000 = 162 000</td>
</tr>
<tr>
<td>Temporary staff</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Other human resources</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>(specify budget line)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>162 000</td>
<td></td>
</tr>
</tbody>
</table>

The amounts are total expenditure for twelve months.
### 7.3. Other administrative expenditure deriving from the action

<table>
<thead>
<tr>
<th>Budget line (number and heading)</th>
<th>Amount €</th>
<th>Method of calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overall allocation (Title A7)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A0701 – Missions</td>
<td>72 000</td>
<td></td>
</tr>
<tr>
<td>A07030 – Meetings</td>
<td>138 000</td>
<td></td>
</tr>
<tr>
<td>A07031 – Compulsory committees</td>
<td></td>
<td>Compulsory committees (Advisory Committee), line A07031:</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>- 2 plenary meetings per year (45 members + 3 coordinators + 9 EEA)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 x € 1 000 x 57 = € 114 000</td>
</tr>
<tr>
<td>A07032 – Non-compulsory committees 1</td>
<td></td>
<td>- 4 meetings of the Bureau per year (3 spokespersons + 3 coordinators)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 x € 1 000 x 6 members = € 24 000</td>
</tr>
<tr>
<td>A07040 – Conferences</td>
<td></td>
<td>Total A07031 = € 138 000</td>
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<tr>
<td>A0705 – Studies and consultations</td>
<td></td>
<td>Working parties, line A07030:</td>
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<tr>
<td>Other expenditure (specify)</td>
<td></td>
<td>- 4 meetings of working parties per year:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 x € 1 000 x 18 members = € 72 000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total A07030 = € 72 000</td>
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<tr>
<td>Information systems (A-5001/A-4300)</td>
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<td></td>
</tr>
<tr>
<td>Other expenditure - Part A (specify)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>210 000</td>
<td></td>
</tr>
</tbody>
</table>

The amounts are total expenditure for twelve months.

1 Specify the type of committee and the group to which it belongs.

<table>
<thead>
<tr>
<th>I. Annual total (7.2 + 7.3)</th>
<th>€ 372 000</th>
</tr>
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<tbody>
<tr>
<td>II. Duration of action</td>
<td>Indeterminate.</td>
</tr>
<tr>
<td>III. Total cost of action (I x II)</td>
<td>(Not applicable.)</td>
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</tbody>
</table>

*It should be noted that costs are calculated on a basis of 15 Member States.*

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.

### 8. FOLLOW-UP AND EVALUATION

#### 8.1. Follow-up arrangements

(Not applicable.)

#### 8.2. Arrangements and schedule for the planned evaluation

(Not applicable.)
9. ANTI-FRAUD MEASURES

(Not applicable.)