

Terms of reference (ToR) for the procurement of services below the EU threshold

CONFIDENTIAL

Study on Substantiated Concerns within the European Regulation on Deforestation-Free Products (EUDR)

**Project number/
cost centre:
G-012560-002**

**Tender number
10032735**

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0. List of abbreviations

ADP	Amsterdam Declarations Partnership
AG	Commissioning party
AN	Contractor
AVB	General Terms and Conditions of Contract for supplying services and work
EUDR	EU Regulation on Deforestation-Free Products
FK	Expert
FKT	Expert days
KZFK	Short-term expert
ToRs	Terms of reference

1. Context

Background to the Sector Project Sustainable Agricultural Supply Chains

The sectoral project “Sustainable Agricultural Supply Chains” (SV NA) advises the German Federal Ministry for Economic Cooperation and Development (BMZ) on sustainability along global agricultural supply chains such as coffee, cocoa, palm oil, rubber, bananas and soy.

The successful implementation of sustainable supply chains requires a coordinated strategic approach by the relevant stakeholders from business, civil society and the state. Some cross-sectoral challenges, such as deforestation, child labor, or the livelihoods of smallholder farmers, must be addressed through holistic approaches, as these challenges could otherwise shift from one sector to another. In addition, many actors (e.g. retailers, other supply chain companies, service providers and NGOs) are involved in multiple initiatives, which is costly and time-consuming.

As part of the Sustainable Agricultural Supply Chains Initiative (SASI), the SV NA works for the economically, socially and ecologically sustainable transformation of global agricultural supply chains. Together with politics, business and civil society, we put sustainability issues on the agenda and shape the political discourse. The SASI supports the implementation of EU regulations and promotes responsible corporate action that goes beyond legal requirements. To this end, it works with a broad, diverse international network of private sector and civil society partner organizations - from small, innovation-driven players to large, globally active companies and German retailers.

As part of the advisory services to BMZ, SV NA supports BMZ with bringing in the development perspective into political and legislative processes around the EU Regulation on Deforestation-free Value Chains (EUDR) and other multistakeholder or political processes on deforestation-free supply chains.

Background Deforestation & EU Deforestation Regulation

The expansion of agriculture causes up to **90% of deforestation**, contributing to climate change, biodiversity loss, and a loss of ecosystem services essential for agriculture. The **EU** is the **second largest market** for agricultural commodities with deforestation risk after China. With the EU regulation on deforestation-free products (EUDR), part of the EU Green Deal, the EU aims to **minimise the EU’s contribution to deforestation and forest degradation** worldwide and thereby to minimise its impact on its contribution to mitigate **climate change**, reduce **greenhouse gas emissions** and **biodiversity** loss.

The EUDR **obliges companies to fulfil due diligence obligations**. Companies may only place relevant commodities and products on the EU market, make them available on the EU market or export them from the EU market if they are produced without **deforestation and forest degradation and in accordance with relevant legislation in the area of production**. With the EUDR, the EU contributes to implementing the Paris Agreement, the SDGs (especially SDG 15), the Glasgow Leaders’ Declaration on Forests and Land Use and the Kunming-Montreal Global Biodiversity Framework (GBF). The EUDR applies to cattle, cocoa, coffee, natural rubber, palm oil, soy, and wood (and certain derived products). The regulation entered into force on 29th June 2023 and will **enter into application on 30th December 2026**.

Substantiated concerns (Art. 31) in the EUDR

Under the EUDR companies must fulfill a **three-step due diligence process**: 1) data and information collection (Art. 9), 2) risk assessment based on data collected in step 1 amongst others (Art. 10), 3) in case the risk assessment reveals that there is a non-negligible risk of non-compliance (i. deforestation-free and produced in accordance with national regulation) companies shall undertake risk-mitigation measures (Art. 11), before filing a due diligence statement in the digital Information System of the European Commission. According to Art. 4 para. 5 EUDR, for the **risk assessment**, the operator must take into consideration also so-called **substantiated concerns** as defined by EUDR Art. 2 No. 31 and Art. 31. Downstream operators and traders that obtain information about substantiated concerns must inform the relevant competent authorities (Art. 5 para 5). In addition, **non-SME downstream operators and traders** shall verify that due diligence was exercised and that no or only a negligible risk was found in case they are aware of substantiated concerns (Art. 5 para 6).

EUDR Article 31 allows natural or legal persons to submit substantiated concerns to competent authorities when they consider that operators or traders are not complying with the EUDR. Competent authorities then have to assess these concerns and take necessary steps. Article 31 para. 3 EUDR grants competent authorities 30 days within which they have to inform the person who submitted a substantiated concern of the follow-up. The identity of the person who submitted a substantiated concern has to be protected in accordance with Article 31 para. 4 EUDR. Art. 32 para 1 EUDR grants persons who have submitted a substantiated concern access to justice.

Objectives of the Study on Substantiated Concerns (title to be defined)

General objective

Develop a report analyzing substantiated concerns under the EUDR from a development perspective and providing recommendations for improving access and impact of substantiated concerns for the benefit of forests, smallholders and IPLCs with a focus on women and youth.

Specific objectives, inspiring structure of the report

- a) Explain substantiated concerns in the EUDR based on the legal text as well as latest FAQ and guidance
- b) Analyze the de jure and de facto situation of substantiated concerns: What does the EUDR legal text say about substantiated concerns? How shall substantiated concerns work in practice? How does the information system support or not support companies and competent authorities when dealing with substantiated concerns? How can affected people or representatives submit substantiated concerns and what are potential barriers, also based on experiences with other relevant legislation like the UTP directive or the German Due Diligence Act (LkSG)?
- c) Identify and discuss options to improve access of smallholders and IPLCs to the mechanism of substantiated concerns and increase its impact for the benefit of forests, smallholders and IPLCs with a special focus on women and youth, also

based on lessons learned with other relevant legislation like the UTP directive; including suggestions on the institutional setting;

- d) Develop legal and non-legal recommendations for improving access and impact with and without amendments to the EUDR legal text through the general review in 2030, including suggestions to improve the institutional setting

The study should be relevant for this target group:

- EU Commission on technical level
- Relevant EU Member State representatives on technical level
- Competent authorities
- Civil society representatives working on substantiated concerns
- In general: (Non-lawyer) experts working against commodity-driven deforestation and on EUDR implementation
- Specific for policy brief: higher political level of EU Commission and EU Member States

Methodology:

- Desk research taking into consideration legal and non-legal academic and grey literature
- 5-10 (virtual) interviews with relevant experts, to be identified in close coordination with GIZ
- 4-6 (virtual) interviews with smallholder/IPLC representatives or civil society representatives from the Global South, to be identified in close coordination with GIZ (ideally representing all three relevant geographic areas Latin America, Western Central and Eastern Africa and Southeast Asia); interviews with these representatives must be prepared by sharing in advance a very short, easy to understand description of substantiated concerns in the EUDR
- Workshop facilitation at Amsterdam Declarations Partnership (ADP) meeting on 8th October 2026 in Berlin

2. Tasks to be performed by the contractor

The contractor is responsible for providing the following services:

- Inception report incl. long list of interview partners (to be consulted with GIZ) and workshop concept
- Draft report (incl. transcripts and results from interviews)
- Final report in professional layout
- Two-page briefing note for policy makers in style of an executive summary including key recommendations
- Participation on ADP-Multistakeholder-Meeting (8 Oct) is required, including preparation and facilitation of a physical workshop with experts as a sounding board providing interim feedback as a breakout session (max 2h) at the ADP Multistakeholdermeeting in partnership with SASI in Berlin on 8 October 2026; the content of the workshop depends on the progress of the report, the analysis of the

feedback gathered during the workshop feeds into the report;(only facilitation of the workshop; venue, catering, participants are organised by GIZ)

- Slide deck summarising the study
- One virtual presentation of the study internally + one virtual presentation of the study externally

All deliverables are expected to be submitted in English. For the final report and the two separate two-page briefing notes, a language review by a native speaker is expected.

<i>Milestones/partial works</i>	<i>Deadline/place/person responsible</i>	<i>Criteria for acceptance</i>
Inception report incl. workshop concept	<i>5 weeks after start of assignment</i>	Outline of methods and research incl. long list of interviewees
Physical workshop at ADP multistakeholdermeeting in partnership with SASI in Berlin	<i>8 October 2026, Berlin</i>	Concept and facilitation in English adequate to an international conference
Draft report + two-page briefing note for policy makers	14 weeks after start of assignment	Covering all specific objectives mentioned above, results of interviews and including lessons learned from the ADP workshop
Final report + two-page briefing note for policy makers	<i>8 weeks after submission of draft report</i>	Covering all specific objectives mentioned above, results of interviews and including lessons learned from the ADP workshop + language review by native speaker + professionally layouted
Internal presentation and slide deck	4 weeks after submission of final report	Summarising the key messages of the report + professional layout English presentation
External presentation	8 weeks after submission of final report	English presentation

Period of assignment: August until 30. April 2027.

3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 2 (Tasks to be performed) are to be achieved, if applicable under consideration of further method-related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

Note: The numbers in parentheses correspond to the lines of the technical assessment grid.

Technical-methodological concept

Strategy (1.1): The tenderer is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1 Context) (1.1.1). Following this, the tenderer presents and justifies the explicit strategy with which it intends to provide the services for which it is responsible (see Chapter 2 Tasks to be performed) (1.1.2).

The tenderer is required to present the actors relevant for the services for which it is responsible and describe the **cooperation (1.2)** with them.

The tenderer is required to present and explain its approach to **steering** the measures with the project partners (1.3.1).

The tenderer is required to describe the key **processes** for the services for which it is responsible and create an **operational plan** or schedule (1.4.1) that describes how the services according to Chapter 2 (Tasks to be performed by the contractor) are to be provided. In particular, the tenderer is required to describe the necessary work steps and, if applicable, take account of the milestones and **contributions** of other actors (partner contributions) in accordance with Chapter 2 (Tasks to be performed) (1.4.2).

Project management of the contractor (1.6)

The tenderer is required to explain its **approach for coordination with the GIZ project** (1.6.1). In particular, the project management requirements specified in Chapter 2 (Tasks to be performed by the contractor) must be explained in detail.

The tenderer is required to draw up a **personnel assignment plan** (1.6.2) with explanatory notes that lists all the experts proposed in the tender; the plan includes information on assignment dates (duration and expert days) and locations of the individual members of the team complete with the allocation of work steps as set out in the schedule.

Further Requirements 1.7.

The team leader or key expert 2 is required to have C1-level language proficiency in French and C1-level language proficiency in Spanish, and C1-level language proficiency in Portuguese – not necessarily the same person has to cover French and Spanish.

4. Personnel concept

The tenderer is required to provide personnel who are suited to filling the positions described, on the basis of their CVs (see Chapter 7), the range of tasks involved and the required qualifications.

The below specified qualifications represent the requirements to reach the maximum number of points in the technical assessment.

Team leader

Tasks of the team leader

- Overall responsibility for the advisory packages of the contractor (quality and deadlines)
- Coordinating and ensuring communication with GIZ, partners and others involved in the project
- Personnel management, in particular identifying the need for short-term assignments within the available budget, as well as planning and steering assignments and supporting local and international short-term experts
- Regular reporting in accordance with deadlines
- Preparation and facilitation of breakout session at Amsterdam Declarations Partnership Meeting on 8th October 2026 in Berlin

Qualifications of the team leader

- Education/training (2.1.1): university degree (German Diplom'/Master) in forestry, agriculture, environmental studies, economy, political science, anthropology, ethnography, law or another relevant field
- Language (2.1.2): C2-level language proficiency in English
- General professional experience (2.1.3): 10 years of professional experience in the field of deforestation-free agricultural supply chains or in general sustainable supply chains, responsible business conduct and due diligence
- Specific professional experience (2.1.4): 5 years in meaningful stakeholder engagement, strengthening IPLCs and smallholders and rightsholders + in general solid knowledge on EUDR acquired through 2 years of professional or academic experience with the EUDR (experience indicated in CV)
- Leadership/management experience (2.1.5): 3 years of management/leadership experience as project team leader or manager in a company
- Regional experience (2.1.6): 5 years of experience in projects in Latin America or Africa or Southeast Asia
- Development cooperation (DC) experience (2.1.7): 2 years of experience in DC projects

Key expert 1

Tasks of key expert 1

- Draft legal parts of the study; responsible for checking the study to make sure it matches the legal text of the EUDR (incl. FAQ, Guidance, etc. on EUDR) and other relevant law
- Explain substantiated concerns in the EUDR based on the legal text as well as latest FAQ and guidance
- Analyze the de jure situation of substantiated concerns so that other authors of the study can compare it to the de facto situation, e.g.: What does the EUDR legal text say about substantiated concerns?
- Develop legal recommendations for improving access and impact with and without amendments to the EUDR legal text through the general review in 2030
- Support team lead with preparation and implementation of the content of the breakout session at ADP MSM 2026 in Berlin

Qualifications of key expert 1

- Education/training (2.2.1): Masters Degree in Law (or law degree of a similar level); esp. Law of the European Union
- Language (2.2.2): C2 -level language in English
- General professional experience (2.2.3): 5 years in the field of EU legal framework on responsible business conduct, corporate due diligence and on strengthening rightsholders in EU law, solid knowledge on EUDR (experience indicated in CV) acquired through 1 year of professional or academic experience with the EUDR
- Specific professional experience (2.2.4): 3 years in meaningful stakeholder engagement

Key expert 2

Tasks of key expert 2

- Draft legal parts of the study; responsible for checking the study to make sure it matches the legal text of the EUDR (incl. FAQ, Guidance, etc. on EUDR) and other relevant law
- Explain substantiated concerns in the EUDR based on the legal text as well as latest FAQ and guidance
- Analyze the de jure situation of substantiated concerns so that other authors of the study can compare it to the de facto situation, e.g.: What does the EUDR legal text say about substantiated concerns?
- Develop legal recommendations for improving access and impact with and without amendments to the EUDR legal text through the general review in 2030
- Support team lead with preparation and implementation of breakout session at ADP MSM 2026 in Berlin

Qualifications of key expert 2

- Education/training (2.3.1): university degree (German Diplom'/Master) in forestry, agriculture, environmental studies, economy, political science, anthropology, ethnography, law or another relevant field
- Language (2.3.2): C2 -level language in English

- General professional experience (2.3.3): 5 years in the field of field of deforestation-free agricultural supply chains or in general sustainable supply chains, responsible business conduct and due diligence
- Specific professional experience (2.3.4): 2 years in meaningful stakeholder engagement, strengthening IPLCs and smallholders and rightsholders in general, solid knowledge on EUDR (experience indicated in CV) acquired through 1 year of professional or academic experience with the EUDR
- Regional experience (2.3.6): 3 years of experience in projects in Latin America or Africa and/or Southeast Asia

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Team skills
- Initiative
- Communication skills
- Socio-cultural skills
- Efficient, partner- and client-focused working methods
- Interdisciplinary thinking

The tenderer must provide a clear overview of all proposed short-term experts and their individual qualifications.

5. Costing requirements

The following basic calculations for the contract for works are a reference value based on the acceptance criteria for each partial work/milestone specified in Chapter 2 (Tasks to be performed by the contractor).

Since the contract to be concluded is a contract for works, we would ask you to offer your services at a lump sum price.

In addition, the assessment of the financial bid is also based on the underlying daily rate. Please also provide the underlying daily rate. A breakdown of days is not required.

Milestones/partial works	<u>Estimated</u> expert days for orientation	Deadline/place/person responsible
Inception report incl. workshop concept	3	5 weeks after start of assignment /virtual/Teamlead
Physical workshop at ADP multistakeholdermeeting in partnership with SASI in Berlin on 08.10.2026 and participation in the full-day event	6	08.10.2026/Berlin/Teamlead

Draft report + draft briefing notes	13	14 weeks after start of assignment/virtual/Teamlead
Final report + briefing notes	4	8 weeks after submission of draft report/virtual/Teamlead
Internal presentation and slide deck	1,5	4 weeks after submission of final report /virtual/Teamlead
External presentation	0,5	8 weeks after submission of final report/virtual/Teamlead

Travel expenses	Quantity	Number per expert	Total	Comments
Per-diem allowance in country of assignment	2	1 (full day) + 2 (travel days)	6	Per diem for Germany (two travel days and one full day)
Overnight allowance in country of assignment	2	2	4	against evidence
Transport	Quantity	Number per expert	Total	Comments
Transportation – Train or Airplane	2	2	4	Travel to the place of delivery of the work in Berlin, Germany (1 return trip per person) – against evidence

6. Workshops, events and trainings

The contractor implements the following workshops/study trips/training courses:

- preparation and facilitation of physical breakout session (60-120min) at ADP Multistakeholdermeeting on 8th October in Berlin; participants, venue, catering, technique will be organised and provided by GIZ

7. Inputs of GIZ or other actors

GIZ and/or other actors are expected to make the following available:

- Logistics for workshop at ADP Meeting 2026: participants, venue, catering, technique will be organised and provided by GIZ

8. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToR. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in English (language).

The complete tender must not exceed 10 pages (excluding CVs). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The CVs of the personnel proposed in accordance with Chapter 4 of the ToRs must be submitted using the format specified in the terms and conditions for application. **The CVs shall not exceed 4 pages each.** They must clearly show the position and job the proposed person held in the reference project and for how long.

As the contract to be concluded is a contract for works, please offer a fixed lump sum price that covers all relevant costs (fees, travel expenses etc.). The price bid will be evaluated on the basis of the specified lump sum price. In addition, **please also provide the underlying daily rate.** A breakdown of days is not required.

9. Outsourced processing of personal data

The performance of the contract may be associated with the processing of personal data by the contractor, such as (but not limited to) names and contact information. In such cases, the contractor shall act as an independent DATA CONTROLLER and must alone comply with ALL applicable data protection obligations, including those stemming from regional and local laws. The contractor shall process personal data only when a given goal cannot be reasonably attained without such data. The data protection principles such as lawfulness, data minimization, accuracy, purpose limitation, storage limitation, transparency, integrity and confidentiality, and accountability, as well as the numerous rights of the data subject must be paid due attention. GIZ is NOT in any way responsible for such processing.

Whenever the contractor executes the instructions of a partner to the GIZ with regard to such processing, the partner shall be the data controller, and the data processing shall be carried out in accordance with the partner's instructions as well as laws and standards to which it is subject.

If the contractor is not subject to the GDPR and the applicable laws do not contain any explanation on the data protection principles and rights mentioned here, the definitions and meanings provided by the GDPR (Regulation (EU) 2016/679) should be considered.