



This project is funded by the European Union

## Prevention and Fight against Corruption



TERMS OF REFERENCE	
CONTRACT NO:	2017/386-597, PREVENTION AND FIGHT AGAINST CORRUPTION
OBJECTIVE (S)	<p>1) STRENGTHENED TRANSPARENCY, EFFICIENCY AND COORDINATION OF ANTI-CORRUPTION INSTITUTIONS AND POLICIES IN THE AREA OF PREVENTION AND FIGHT AGAINST CORRUPTION AS ENVISAGED BY THE NATIONAL ANTI-CORRUPTION STRATEGY AND ACTION PLAN AND THE ACTION PLAN FOR CHAPTER 23 (CHAPTER 2. FIGHT AGAINST CORRUPTION)</p> <p>2) STRENGTHENED CAPACITIES FOR PREVENTION OF CORRUPTION IN LINE WITH THE STRATEGY AND ACTION PLAN AND THE RECOMMENDATIONS OF THE ACTION PLAN FOR CHAPTER 23 (CHAPTER 2. FIGHT AGAINST CORRUPTION)</p>
EXPERT CATEGORY:	<p>SENIOR NON-KEY EXPERT (1 POSITION)</p> <p>JUNIOR NON-KEY EXPERT (1 POSITION)</p>
POSITION:	PREVENTION OF CORRUPTION – ETHICS AND INTEGRITY IN PUBLIC ADMINISTRATION – POLICY ANALYST
RESULT (S):	RESULT 1 - IMPLEMENTATION OF THE MECHANISMS ON WHICH THE IMPLEMENTATION OF THE STRATEGY, ACTION PLAN AND THE ACTION PLAN OF CHAPTER 23 ARE BASED
ACTIVITY NO:	<p>1.3.1: SUPPORT THE STAKEHOLDERS AND MOJ - DEPEND ON GAP ANALYSIS (INCLUDING DRAFTING OF LEGISLATION, IMPLEMENTATION OF RECOMMENDATIONS, ETC.)</p> <ul style="list-style-type: none"> <li>1.3.1.12: DEVELOP A COMPARATIVE ANALYSIS FOR THE INTRODUCTION OF ETHICS AND INTEGRITY OFFICERS INCLUDING ANALYSIS OF THE LEGAL FRAMEWORK, AND GUIDELINES WITH RECOMMENDATIONS FOR IMPLEMENTATION.</li> </ul>
DAYS ALLOCATED:	50 W/D (25 W/D FOR SNKE; 25 W/D FOR JNKE)
LOCATION:	SERBIA
START/END OF THE TASKS	JUNE-SEPTEMBER 2019

### I. Background

#### 1. Beneficiary country

Republic of Serbia

#### 1.1 Contracting authority

European Union Delegation in the Republic of Serbia.

#### 1.2 Relevant Project Background

##### 1.2.1 Overall Objective

Improve overall efficiency in fight against corruption and reduce all form of corruption

##### 1.2.2 Project Purpose

To strengthen national mechanisms for prevention and fight against corruption in accordance with the National Anti-Corruption Strategy and Action Plan for the Action Plan for Chapter 23.

## II. Scope and content of the assignment

Both business and public sector are facing with the growing ethics and compliance issues that come from higher expectations for transparency and accountability, responsibility to larger society, use of ICT, etc. The Law on Anti-Corruption Agency prescribes that all state, provincial and local authorities, as well as public enterprises and public service providers, adopt their Integrity Plans as an anti-corruption mechanism, an Integrity Plan is a result of the institutional self-assessment of areas and procedures particularly susceptible to risks of corruption and other irregularities. It defines measures of legal and practical nature to be undertaken with the aim of preventing and eliminating the risks, as well as deadlines for implementation. The Action Plan for Public Administration Reform Strategy in the Republic of Serbia (2018-20) foresees development of a comparative analysis for the introduction of ethics and integrity officers in public administration, analysis of the legal framework, and development of guidelines with recommendations for implementation. The Anti-Corruption Agency (ACA) is tasked to complete this activity by Q4 2019.

The contribution of the engaged Senior and Junior Non-Key Expert would be to prepare two analyses – (I) comparative analysis of the two European and two other international legal systems with existing ethics and integrity officers in place; and (II) analysis of the legislative framework of the Republic of Serbia where their provisions are relevant for potential introduction of the mechanism of ethics and integrity officers in the legal system of the Republic of Serbia. In addition to that, the experts would provide guidelines with recommendations for introduction of ethics officers, as a mechanism, within the legal system of the Republic of Serbia. The experts will take part in up to two (2) public debates on the findings and recommendations, prior to finalizing their report. The engaged NKE would work under the overall supervision of the Team Leader and responsible person from the ACA and will address the following activities within the implementation phase:

Tasks	Deliverables
1. Hold meeting with TL and responsible ACA staff to discuss main goals, methodology for the requested analyses and guidelines, and timeline.	1. Brief summary of the meeting, including relevant proposals.
2. Produce a Comparative Analysis, which includes: <ul style="list-style-type: none"> <li>2.1 Overview and Analysis of <u>four legal systems</u> that recognize ethics and integrity officers as a mechanism, specifically:               <ul style="list-style-type: none"> <li>2.1.1 one legal system within the broader geographical region and/or similar legal framework that the Republic of Serbia belongs to;</li> <li>2.1.2 one European legal system that is internationally recognized as “good practice” in terms of adopting and implementing ethics and integrity officers as mechanism;</li> <li>2.1.3 two global legal systems that are internationally recognized as “good practice” in terms of adopting and implementing ethics and integrity officers as mechanisms.</li> </ul> </li> <li>2.2 Expert Review of the solutions presented in the Overview and Analysis, regarding the following components:               <ul style="list-style-type: none"> <li>2.2.1 organization, competence and authorizations of ethics and integrity officers;</li> </ul> </li> </ul>	2. Comparative Analysis

<p>2.2.2 political-legal position of the ethics and integrity officers within the state structure of power in the relevant countries;</p> <p>2.2.3 substance of "ethics and integrity" in the regulations of the relevant legal system;</p> <p>2.2.4 most adequate mechanism for implementation in the legal system of the Republic of Serbia, selected upon evaluation of the four analyzed mechanisms, based on the specified indicators/parameters.</p>	
<p>3. Produce an Analysis of the Legal Framework of the Republic of Serbia, which includes:</p> <p>3.1 Presentation and analysis of existing legislation on the national, provincial and local level (i.e. laws, directives, rules of procedures, rulebooks, etc.), where their provisions are relevant for potential introduction of the mechanism of ethics and integrity officers in the legal system of the Republic of Serbia;</p> <p>3.2 Analysis of the type and extent of eventual modifications of the legal system (i.e. adoption of the new regulations and/or amendment of the existing regulations), necessary for introduction of the mechanism of ethics and integrity officers in the legal system of the Republic of Serbia;</p> <p>3.3 Generic overview of the concrete modifications, from the point of view of the material and process law, which would be necessary for introduction of the mechanism of ethics and integrity officers in the legal system of the Republic of Serbia;</p> <p>Overview of the state public authorities with competence to initiate and conduct legislative procedure for the adoption of the new and/or amendments of the existing regulations, in order to have proposed modifications introduced to the legal system of the Republic of Serbia.</p>	<p>3. Analysis of the Legal Framework of the Republic of Serbia</p>
<p>4. Produce Guidelines, with recommendations for implementation, which include:</p> <p>4.1 List of recommendations, with proposed formulations, of necessary amendments (with reference to the concrete regulations they refer to), from the point of view of the material and process law, in order to introduce mechanism of ethics and integrity officers into the legal system of the Republic of Serbia;</p> <p>4.2 List of recommendations, with proposed formulations, on how to efficiently and effectively introduce 4.1 amendments into to the legal system of the Republic of Serbia;</p> <p>4.3 Proposed document formulation with the 4.1 recommendation, in the form of guidelines, which could be used by the public state</p>	<p>4. Guidelines, with recommendations for implementation</p>

authorities in the process of introduction of the ethics and integrity officers in the legal system of the Republic of Serbia.	
5. Produce a Report/presentation to be later discussed in public debate(s), which includes chapters on the abovementioned Comparative Analysis, Analysis of Legal Framework of the Republic of Serbia, and Guidelines.	5. Report for Public Debate
6. Participate in up to two (2) round tables to discuss on draft Analyses and Guidelines..	6. Up to two (2) round tables organized; 7. Participants lists; 8. Follow-up Report with an overview and review of the received comments on initial findings and recommendations;
7. In close cooperation with the ACA staff and Project Team, amend the draft report, based on the collected and adopted comments during round tables.	9. Final Report
8. When tasks concluded, the NKEs will deliver Mission Report.	10. Mission Report
9. The Project TAT will coordinate the activities and arrangements needed to fulfil the assignment under the present ToR.,	

#### IV. Qualification and skills:

##### Senior Non-Key Expert

###### General professional experience

- University degree on Political or Sociological Science or related fields;
- At least 7 years in general professional experience relevant for the assignment;
- Experience in conducting assessments/research analyses (qualitative and quantitative).

###### Specific professional experience

- Have hands-on experience in analysing laws and bylaws, and other pieces of legislation;
- Have hands-on experience in delivering trainings and presentations;
- Have thorough understanding of the legal system of the Republic of Serbia and its legislative process;
- Have thorough understanding of existing anti-corruption legislation, mechanisms and tools, and their use and effects across the central government and local self-governments;
- Have experience in report writing and presenting findings;
- Teamwork and good communication skills;
- Fluency in English and in Serbian is required.

##### Junior Non-Key Expert

###### General professional experience

- University degree on Political or Sociological Science or related fields;
- At least 4 years in general professional experience relevant for the assignment;

- Experience in conducting assessments/research analyses (qualitative and quantitative).

#### **Specific professional experience**

- Have hands-on experience in analysing laws and bylaws, and other pieces of legislation;
- Have hands-on experience in delivering trainings and presentations;
- Have thorough understanding of the legal system of the Republic of Serbia and its legislative process;
- Have thorough understanding of existing anti-corruption legislation, mechanisms and tools, and their use and effects across the central government and local self-governments;
- Have experience in report writing and presenting findings;
- Teamwork and good communication skills;
- Fluency in English and in Serbian is required.

#### **V. Annexes**

- Project ToR
- NKE Mission Report template

#### **Application**

\* apply via e-mail to [stevan.stepanovic@pwc.com](mailto:stevan.stepanovic@pwc.com)

\*\*apply only with CVs in EU or Europass form (include supporting documents for relevant experience stated in your CV) and specify for which concrete position you are applying for

\*\*\*Please note that only short-listed candidates will be contacted