



## **PROCUREMENT NOTICE FOR AN EXPERT / CONSULTANT**

Assignment: **PROOFREADING OF THE LEGAL TEXT IN SERBIAN LANGUAGE**

### **Section 1 Introductory Information**

#### 1.1 Assignment:

The main objective of the Assignment is to proofread the text of the Study on the Case-Law of the European Court of Human Rights (ECtHR) Applicable in Administrative Disputes (Study) in Serbian language.

ReSPA is seeking to engage **one Expert** who shall perform this task.

A detailed description of the Assignment is provided in the Terms of Reference attached to this Procurement Notice. Interested qualified individuals are invited to apply for this Assignment in order to be considered by ReSPA through a competitive procedure.

#### 1.2 Purpose of the Assignment:

The purpose of the Assignment is to prepare the Serbian version of the Study for publishing. The Study was translated into Serbian language, and the translation was partly reviewed by the authors. The text of the Study in Serbian language shall be proofread by a legal expert familiar with the Human Rights terminology, in order to be finalised and prepared for publishing.

#### 1.3 Expected deliverable:

- Final proofread text of the Study in Serbian language agreed with the Lead Author;
- Final report to ReSPA by 15 October 2018.

1.4 Tentative timeframe: The Assignment shall be completed by 10 October 2018.

#### 1.5 Estimated number of days:

For this Assignment, the Expert shall allocate up to 10 working days.

#### 1.6 Budget:

The budget for the contract will be based on a gross daily fee to be agreed upon with ReSPA.

1.7 Note: Any individual employed by a company, organization or institution who would like to submit an offer in response to this Procurement Notice must do so in his/her individual capacity, even if he/she expects his/her employer to sign a contract with ReSPA. In such a case the Expert shall notify ReSPA in the Application on the company, organization or institution which is

his/her employer. **Please note that public servants from ReSPA Members and Kosovo\*<sup>1</sup> are not eligible to apply / will not be considered under this Procurement Notice.**

1.8 Request for clarification: Any request for clarification of this Procurement Notice must be sent in writing by e-mail, to the e-mail address indicated at the end of this Notice, by **11 September 2018** the latest. ReSPA will post the response, including an explanation of the query without identifying the source of inquiry, at its website ([www.respaweb.eu](http://www.respaweb.eu)) by **13 September 2018**.

## **Section 2 Preparation of CV and supporting documentation**

2.1 Language: The CV and supporting documentation shall be written in English language.

2.2 The CV should provide information on qualifications and competencies of the expert, her/his general track record, list of relevant publications, and previous specific experience in similar assignments as stated in the Terms of Reference.

## **Section 3 Submission of CV and supporting documentation**

3.1 Interested individuals are invited to submit the following documentation:

- Personal CV including past experience in similar assignments
- Proposal for a gross daily fee for this Assignment

3.2 The CVs and supporting documentation should be submitted in electronic format by e-mail.

3.3 The e-mail address for submission is: [procurement@respaweb.eu](mailto:procurement@respaweb.eu)

3.4 Deadline: The CVs and supporting documentation must be **submitted before 10 a.m. on 17 September 2018**. Late submissions will not be considered for evaluation.

## **Section 4 Evaluation of CVs**

4.1 The CVs will be evaluated against required qualifications and competences, as indicated in the Terms of Reference.

4.2 The applicant with the highest final ranking will be invited to negotiate the contract. If negotiations are successful the selected candidate will be awarded the contract. Should the negotiations fail, the second ranked candidate will be invited for negotiations.

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<sup>1</sup> \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Advisory Opinion on the Kosovo declaration of independence

4.3 The financial proposal shall specify a gross daily fee amount in EURO for consultancy fees. Please note that the cost of preparing a proposal and negotiating a contract, including any related travel, is not reimbursable as a direct cost of the Assignment.

## **Section 5 Final Considerations**

5.1 The payment will be done in one instalment, following the submission of the deliverables, and ReSPA's approval of the deliverable and timesheets.

5.2 The following document is attached to this Procurement Notice:

- Terms of Reference

5.3 Should you need any further clarifications with respect to this invitation, please contact:

E-mail: [procurement@respaweb.eu](mailto:procurement@respaweb.eu)



## **Terms of Reference**

### **Expert in Proofreading of Legal Texts (Serbian Language)**

#### **Introduction**

The Regional School of Public Administration (ReSPA) is an inter-governmental organisation established to enhance regional cooperation, promote shared learning and support the development of public administration in the Western Balkans. ReSPA Members are Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia, while Kosovo\*<sup>1</sup> is a beneficiary. ReSPA's purpose is to help governments in the Western Balkan region develop better public administration, public services and overall governance systems for their citizens and businesses, and prepare them for membership in the European Union (EU). Since its inception, ReSPA has contributed to the development of human resources and administrative capacities through training programmes and innovative cooperation mechanisms such as the exchange of good practices, peer reviews and development of know-how.

The European Commission (EC) provides directly managed funds for support of ReSPA activities (research, training and networking programmes) in line with the EU accession process. The current EC grant supports the main objective of ReSPA work in 2016-2018: Improve regional cooperation in the field of PAR and EU integration, and strengthen the beneficiaries' administrative capacities. This objective is being achieved through the following three pillars of ReSPA Programme of Work for 2016-2018:

- (1) European Integration Pillar: Increased capacity of the ReSPA Members' public administrations necessary for the successful conducting of the EU integration process;
- (2) Public Administration Reform Pillar: Facilitated and enhanced cooperation and exchange of experience in Public Administration Reform and EU integration activities in ReSPA Members;
- (3) Governance for Growth Pillar: Ensured effective coordination of the implementation of the Governance for Growth pillar of the SEE 2020 Strategy.

Following consultations and expressed interest by the ReSPA Members, it has been decided that ReSPA should organise activities to contribute towards the improvement of Administrative Justice in the Western Balkan region. Therefore, ReSPA published the Study on the Case-Law of the European Court of Human Rights (ECtHR) Applicable in Administrative Disputes.

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<sup>1</sup> \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Advisory opinion on the Kosovo Declaration of independence

## Background

ReSPA commissioned the preparation of the Study on the Case-Law of the European Court of Human Rights (ECtHR/the Court) Applicable in Administrative Disputes (hereinafter: Study). The Study focuses on substantive guarantees and fundamental procedural principles of administrative law developed by the ECtHR in the fields of the right to a fair trial, personal data protection, freedom of information, protection of property, the right to free elections, and expulsion of aliens.

Chapter 1 provides an Introduction to the Study. Chapter 2 focuses on fair trial guarantees under Article 6 of the European Convention on Human Rights (Convention) applicable in administrative proceedings. This Chapter explains that the Court has interpreted Article 6 guarantees in terms of “fair administrative proceedings” in the context of judicial administrative proceedings, as well as in other administrative procedures that are not judicial under national law.

Chapter 3 deals with the right to data protection. Under Article 8 of the Convention, the right to protection against the collection and use of personal data forms part of the right to respect for private and family life, home and correspondence. As the Court has highlighted, domestic law has to afford appropriate and sufficient safeguards in the system for the use, disclosure and retention of data, to ensure that the retention of personal data relating to the applicant’s private life would not be inconsistent with or disclosed in violation of Article 8 of the Convention.

Chapter 4 regards access to information held by public authorities. Access to state-held information is essential in a democratic society since it allows citizens to form a critical opinion of the society they are living in, and facilitates their informed participation in democracy. This Chapter deals with the right of access to information protected under Article 10 of the Convention. It speaks about the idea of the freedom to seek and receive information, which generates the positive duty on the part of the state authorities to make available the information in their possession.

Chapter 5 traces references to the protection of the right to property, safeguarded under Article 1 of Protocol No. 1 to the Convention. It starts with general observations regarding the structure of Article 1 of Protocol No. 1, the three limbs it contains and their interconnectedness. The scope of the right to property, both its including and excluding trends, is presented, with due attention paid to the fact that property is considered an autonomous concept in Convention case law.

Chapter 6 focuses on the principles and standards of the Convention safeguarding the right to free elections. The right to free elections belongs to the group of political rights guaranteed by the Convention, together with the freedom of expression, and freedom of assembly and association. Affirming the need to interpret the Convention and its Protocols as a whole, this Chapter shows that the Court has recognised that there is undoubtedly a link between all of these provisions, namely the need to guarantee respect for pluralism of opinion in a democratic society through the exercise of civic and political freedoms.

Chapter 7 explores the principles of the Convention applicable in proceedings related to the expulsion of aliens. The key provisions of the Convention prohibiting arbitrary expulsion of aliens are: Article 4 of Protocol No. 4 (protecting aliens against collective expulsion); Article 3 of the Convention (prohibiting inhuman and degrading treatment); Article 5(1)(f) (protecting aliens from arbitrary detention); Article 8 (protecting aliens from removal to safeguard their family life); and Article 13 of the Convention (concerning the availability of effective remedies that may prevent expulsion decisions in violation of the Convention). This Chapter sheds light on standards developed by the Court under each of the above-mentioned provisions.

Having in mind that the human rights protection standards in Europe have been developed in the dialogue between national and international judges to a considerable extent, Chapter 8 illuminates the reasoning of judgments in the light of the Court's jurisprudence. It aims to highlight specific elements of judicial technique, which can be distilled from the practices of the ECtHR, as useful topics for comparing national practices and discussions within the framework of the dialogue of jurisdictions.

Each Chapter is structured in the following manner: (I) Introduction; (II) Selected Cases: Comments and Case Briefs; and (III) List of ECtHR Cases referred to in the Chapter. Introductory remarks in each Chapter explain the key Convention principles and standards applicable in administrative disputes regarding a particular subject of the Study. In order to illustrate the reasoning of the Court and to show the principles and standards developed by the Court, each Chapter proceeds to provide the readers with short comments and briefs of the leading cases in that area.

The Study has been prepared by four experts from Western Balkan countries that were engaged by ReSPA, and published in English language in late 2017. The publication is available online at the following link: <https://respaweb.eu/11/library#respa-publications-2017-7>

## Purpose

The Study was translated into Serbian language, and the translation was partly reviewed by the authors. The text of the Study in Serbian language shall be proofread by a legal expert familiar with the Human Rights terminology, in order to be finalised and prepared for publishing. Therefore, ReSPA is seeking to engage an experienced proof-reader with excellent knowledge of English and Serbian languages, familiar with the legal terminology, in particular in the field of Human Rights, to proofread the text of the Study.

## Objectives and Scope of the Assignment

The objective of the Assignment is to proofread the text of the Study on the Case-Law of the European Court of Human Rights (ECtHR) Applicable in Administrative Disputes (Study) in Serbian language.

The text of the Study is up to 350 pages. The Study consists of 8 chapters, and is written by four different authors (as elaborated in the Background above).

## Tasks and Responsibilities

The proof-reader is expected to perform the following tasks:

- To proofread the Serbian text of the Study and communicate revisions to the relevant authors (chapter by chapter), if applicable;
- To agree on the final text with the Lead Author;
- To submit the final proofread text to the ReSPA Programme Manager;
- To prepare a report on completed activities – to be submitted to ReSPA in English (up to 3 pages).

Within the above framework, the proof-reader is expected to liaise with the Lead Author and with the ReSPA Programme Manager charged with managing this Activity, and to take into consideration the instructions received beforehand.

## Necessary Qualifications

The proof-reader shall possess the following qualifications:

- At least an LL.M. or other advanced degree in law, with specialisation in Human Rights;
- Experience in proof-reading English and Serbian language texts in the field of human rights and/or administrative law;
- Advanced computer literacy;
- Ability to work with people of different nationalities, religions and cultural backgrounds;
- Excellent organisational skills, proven communication skills and ability to work in an environment requiring liaison and collaboration with multiple actors including government representatives, international organisations, and other stakeholders.

The expert shall possess the following competencies and core values:

- Demonstrates professional competence to meet responsibilities and task requirements, and is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
- Results orientation: plans and produces quality results to meet established goals, generates innovative and practical solutions to challenging situations;
- Communication: possesses excellent communication skills, including the ability to convey complex concepts and recommendations in a clear and persuasive style tailored to match different audiences;
- Team work: is able to interact, establish and maintain effective working relations with a culturally diverse team;
- Client orientation: is able to establish and maintain productive partnerships with regional and national partners and stakeholders, and pro-actively identify and address the needs of beneficiaries and partners.
- Demonstrates integrity and fairness by modelling ReSPA values and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

### **Timeframe, Level of Effort, and Location**

Time-frame: The Assignment is to be completed between 20 September and 10 October 2018.

Level of Effort: The text of the Study is up to 350 pages, and the Assignment should be completed within 10 working days.

Location: This Assignment is home-based.

### **Deliverables and Final Documentation**

The following deliverables shall be produced and transferred to ReSPA during the course of the Assignment:

- Final proofread text of the Study in Serbian language agreed with the Lead Author;
- Final report to ReSPA by 15 October 2018.

### **Quality Control**

The Expert shall ensure an internal quality control during the implementation of the Assignment to ensure consistency and coherence of the entire text of the Study.