

## Terms of Reference

### Request for Services

#### *Expert to Develop a Comparative Analysis with Recommendations for improving the Transparency of the Work of the Government of the Republic of Serbia*

### 1. Background

The Regional School of Public Administration (ReSPA) is an inter-governmental organization established with the aim 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 region develop and anchor solid and better public administration, public services and overall governance systems for their citizens and businesses, and prepare for the membership of the European Union.

ReSPA establishes close co-operation with public administration organizations in the Western Balkans and works in partnership with the European Union, specifically Directorate-General for Neighborhood and Enlargement Negotiations (DG NEAR), as well as other regional initiatives and civil society organizations. Since its inception, ReSPA has contributed to capacity-building and networking activities through in-country support mechanisms, peering and the production of regional research materials. The European Commission provides directly managed funds for the support of ReSPA's activities in line with the EU accession process.

### 2. Context and description of the assignment

ReSPA assists public administration organization of the Western Balkans using several support mechanisms, one of which is the on-demand support mechanism. The on-demand support mechanism is an instrument through which ReSPA provides expert support to its members for addressing specific needs related to PAR and the reform agenda. It responds to the urgent limited needs and targets the specific demand-driven topics defined by ReSPA members. Serbia applied for support under the "on-demand mechanism" with the aim **to improve the transparency of work of its Government**. More specifically, this assignment aims to secure expertise in order to develop **a comparative analysis with recommendations for improving transparency in the work of the Government of the Republic of Serbia**.

In order to contribute to the realization of the activities under the Public Administration Reform Strategy, it is necessary to conduct an appropriate comparative analysis which **would provide an overview of the solutions applied in this area by neighboring countries** (Slovenia, Croatia, BiH, Montenegro and North Macedonia, whose legal systems were created on the legacy of the legal system of the SFRY) and **three other member states of the European Union**, whose legal systems, viewed mutually, did not originate from one of the so-called large legal systems,

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

but from different ones. Conducting such an analysis would be a necessary initial step for specifying further steps in the direction of improving the existing situation, and possibly expanding the range of acts that are published on the Government's website following their adoption, such as, for example, certain conclusions of the Government that are of particular interest to the public, as well as the explanations to the decrees/regulations, especially those that are of a more complex nature and of particular interest to the public, whereby the text of the decree/ regulation itself, due to its narrow expertise, is not sufficiently receptive to the general public.

In order to carry out the aforementioned analysis, expertise is required, and the selected expert is expected to, in cooperation with the competent authorities- the General Secretariat of the Government and the Secretariat for Legislation of the Republic of Serbia, prepare the **requested analysis** and **offer recommendations for improving the existing level of transparency** of the Government's work, in accordance with comparative standards and with appreciation of the specifics of the system and current possibilities in the Republic of Serbia.

The aforementioned activity is foreseen in the Action Plan for the implementation of the Open Government partnership initiative in the Republic of Serbia for the period 2023-2027. ("Official Gazette of the RS" number 119/23), defined as Commitment no 6. Improving the transparency of the work of the Government of the Republic of Serbia. In addition to the above, the preparation of the aforementioned analysis is directly related to and would contribute to the achievement of Special Goal 6 of the Public Administration Reform Strategy in the Republic of Serbia for the period 2021-2023. -Improved level of accountability and transparency at all levels of government, and is closely related to Special Objective 3 of the Program for the Improvement of Public Policy Management and Regulatory Reform for the period 2021-2025. -Effective coordination of public policies, considering that the following activity is planned as part of it: Adoption of the procedure for publishing the Conclusions of the Government of the Republic of Serbia on the website of the Government of the Republic of Serbia. The annual reports of the European Commission on the progress of Serbia in the last few years point to the need to improve the current situation when it comes to public insight into the work of the Government. For example, the Progress Report for 2022 states that "reports on the implementation of the Public Administration Reform Strategy and the Public Finance Management Reform Program have been published, as well as on the Action Plan for the implementation of the Government's program", but "the Government's website still does not provide direct access to reports on the monitoring of the implementation of the Government's key planning documents, as well as that "agendas, minutes and conclusions from Government meetings are still not published". The last SIGMA Report from 2021 points to the same questions.

The analysis made, as well as the recommendations given, is expected to represent the basis for further consideration of options and possibly taking concrete steps in the direction of improving the transparency of the work of the Government of the Republic of Serbia, thereby achieving its sustainability. On the other hand, given that it is envisioned as a comparative analysis that is to include both the countries of the region and those that are members of the EU, its findings, including those related to the Republic of Serbia, should be of such quality to be transferrable to other administrations of the Western Balkans engaged in undertaking similar reform steps.

By creating and considering the findings of the proposed analysis, comparative practice in the subject area is to be reviewed, which, together with the recommendations offered, will serve as a basis for possible further concrete activities in the direction of improving the transparency of the work of the Government of the Republic of Serbia. By conducting the appropriate analysis, as well as possible further steps in accordance with the accepted findings, direct access to a wider range of information on the work of the Government and acts/documents that are created within

the decision-making process will be enabled. A special contribution would be reflected in the fact that the aforementioned information and data would be centralized, that is, available to citizens in one place, which facilitates access to information itself. Indirectly, the activities that would be undertaken based on the analysis are expected contribute to the further development of the accountability system.

### 3. Tasks and responsibilities

The expert assigned to develop the comparative analysis with recommendations as described in the section above, should have the following indicative tasks and responsibilities:

#### **Preparatory activities - up to one (1) day**

- Introduction meeting with the national competent authorities (0,5 day)
- Preparation of brief conclusions of the meetings with next steps identified (0,5 day)

#### **Collection of Data- up to one (1) day**

- Initial desk review (0,5 day)
- Collection of available data (0.5 day)

#### **Focus Group Preparation- up to two (2) days**

- Preparation of a focus group with CSOs (0,5 day)
- Implementation of a focus group with CSOs (0,5 day)
- Preparation of opinions/ experiences related to the topic (1 day)

#### **Preparation of the analysis- up to twelve (12) days**

- Comparative desk research (3 days)
- Drafting the analysis (6 days)
- Validation of proposed key findings and recommendations and online consultation with competent authorities (1 day)
- Finalization of the analysis (2 days)

#### **Presentation of results- up to one (1) day**

- Presentation of the analysis and recommendation to the national competent authorities

***Total indicative number of days is up to seventeen (17) working days.*** Re-allocation of working days under each phase can be done upon initiation of the assignment, in consultation with the administration and ReSPA. Intermediary steps and tasks can also be added during the performance of the assignment.

The engaged expert will liaise directly with the designated focal point at the Serbian administration as well as with the ReSPA Programme Manager in charge of the assignment and will consider the instructions received beforehand.

### 4. Necessary Qualifications

The Expert shall possess the following profile:

#### **Qualifications and skills:**

- University/Master degree in Humanities, Social Sciences, Public Administration, Law, or other related field.

General professional experience:

- At least 7 years of professional experience in public administration reform matters, good governance, public service and/or academia.

Specific professional experience:

- At least 3 years of accumulated specific demonstrated experience in positions/assignments/projects related to transparency in public administration;
- Prior experience working on research projects and policy analysis;
- Prior experience of engagement as an expert in the Western Balkans.

Skills:

- Teamwork;
- Excellent analytical skills;
- Excellent research skills;
- Very good presentation skills;
- Excellent written and oral communication skills in English;
- Ability to write clear and coherent documents;
- Ability to work with people of different nationalities, religions and cultural backgrounds.

## 5. Timing and Location

The assignment foresees engagement of **up to seventeen (17) expert days** to be consumed from July to December 2024. The assignment foresees working from home/office. Exceptionally, travels to Belgrade, Serbia may be necessary.

## 6. Remunerations

The remuneration envisaged for this assignment is **up to EUR 6800** for a total of **up to 17 working days**.

The ReSPA expert selection procedure will be applied to define the daily fee based on the assessed and evaluated expert's capacity. The payment will be made in one instalment upon the completion of the assignment and the submission of documents required for payment.

**Note:**

*No other costs will be covered apart from the expert cost per day. The expert cost per day comprises of expert's fee per day and a lump sum for covering related costs and other incidentals. **In case of travels necessary for the completion of the assignment to Belgrade, Serbia, ReSPA will cover hotel accommodation in addition to the remuneration for the assignment.***

## 7. Reporting and Final Documentation

The expert will be requested to deliver the following documents before the payment is conducted:

### ***Outputs***

- Prepared comparative analysis with recommendations as described in this request for service
- Presentation of the analysis and recommendation to the national competent authorities

### ***Documents required for payment***

- Invoices (original and signed);
- Timesheets (original and signed);
- Brief Report on the completed assignment, where the expert shall also recommend potential initiatives and activities that ReSPA can undertake regionally in the area of “transparency of the government”.