



Terms of Reference

Expert on Better Regulation

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 public servants from Kosovo*¹ participate in ReSPA activities funded by the European Commission. 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 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:

- (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 of the ReSPA Members, it has been decided that ReSPA should organize activities to analyse and contribute towards improvement of Better Regulation in the Western Balkan region. Therefore, ReSPA is in search of an Expert in Better Regulation to support envisaged activities in this domain.

¹ * This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory Opinion on the Kosovo Declaration of independence.

Purpose

The purpose of the Assignment is **to upgrade the draft of the comparative study of the progress achieved in the field of Better Regulation in the Western Balkan region**, and to prepare policy recommendations for Western Balkan countries and for the region as a whole.

The main expected output is the Comparative Study, which will encompass the progress achieved in Better Regulation in the Western Balkans, and will provide comparisons in the achieved progress among the countries of the region.

Background

The EU “Better Regulation” agenda, as a synonym for regulatory reform, stressed the importance of regulation in achieving the aims of public policy, as well as the need for high-level and cross-governmental political support and appropriate resources, in order to succeed with implementation. Better Regulation was incorporated in the Lisbon Strategy with the aim of improving European and national regulation in order to increase European competitiveness. In 2006, the European Commission adopted its *Better Regulation Strategy*, which covers three regulatory areas: (i) the simplification program, (ii) the Action Program for reducing administrative burdens, and (iii) the impact assessment system. The strategy was launched in order to ensure that the regulatory framework in the EU contributes to achieving growth and creating jobs, taking into account not only the social and environmental objectives, but also the benefits for citizens and national administrations. A program for simplification of the existing EU legislation, aimed at reducing administrative burdens, and an impact assessment system have been put in place at the EU level. Better Regulation agenda extensively contributed to the improvement of the legal and regulatory environment in the EU. As a reaction to the global financial and economic crisis, the European Commission decided that *Better Regulation* must become *Smart Regulation*, and the European Commission adopted a Smart Regulation Strategy in October 2010, which aims to further improve the quality and relevance of EU legislation. The aim of Smart Regulation is to design and deliver regulation that respects the principles of subsidiarity and proportionality and is of the highest possible quality. Smart Regulation evaluates the impact of legislation throughout the whole policy cycle, from the design of a piece of legislation to implementation, enforcement, evaluation and revision. Smart Regulation is about delivering results in the most effective and least burdensome way. It is about having a high quality regulatory framework that helps the EU to achieve the aims of its Europe 2020 Strategy: smart, sustainable and inclusive growth. The Smart Regulation Strategy emphasises that the views of those most affected by regulation should play a key role in Smart Regulation. The European Commission has made great strides in opening its policy making to stakeholders.

The process of legislative reforms in the Western Balkans’ (WB) countries started with a focus on deregulation and simplification, and aimed to eliminate the legislation inherited from the former socialist period in order to reduce regulatory risks and barriers to private investment. The main characteristic of this initial phase of legislative reforms in the region is that it was mostly *ad*

hoc and focused on key economic laws, but it also created the necessary preconditions for more systemic reforms, which started with the initiation of the process of EU accession of the Western Balkan countries.

The EU accession process not only significantly accelerated activities in the area of legislative reforms, but also contributed to a more systemic and comprehensive approach in creating a new legal system. The growing awareness in the countries of the region that the efficiency and quality of regulations affects economic performance led to their more strategic approach to regulatory reform. All the countries in the Western Balkan region have adopted regulatory strategies, with the aim to simplify and make their business environment more competitive. The EU Better and Smart Regulation agenda has a significant impact on the Western Balkan countries' legislative reforms.

The regional approach to the improvement of legal and regulatory environment in the WB region, points to the necessity of regional cooperation with the aim to improve the quality and the implementation of laws. The harmonization of national legislation with the *Acquis* will lead to harmonization of the legislation within the region as well, thus establishing a harmonized regional legal and regulatory framework, important for attracting large regional investments. Due to uneven progress in the implementation of Better Regulation agenda in the region, regional cooperation would result in exchange of experiences, use of best regional practices, and progress in Better Regulation in the region as a whole.

Objectives and Scope of the Assignment

The main objective of the Assignment is to upgrade the draft of the Comparative Study on Better Regulation in the Western Balkan countries, and to prepare policy recommendations for Western Balkan countries and for the region as a whole.

More specifically, the Comparative Study should provide the update of the ReSPA Baseline Analysis on Better Regulation in the Western Balkans, and shall contain the following segments:

1. The comparisons of the progress achieved in Better Regulation and Regulatory Impact Assessment (RIA) implementation in the Western Balkan countries, including the progress in (i) simplification of administrative procedures and administrative burdens reduction, (ii) transparency in the legislative process, and (iii) the impact assessment system;
2. Update of the best practices in Better Regulation and Regulatory Impact Assessment (RIA) implementation in the Western Balkan countries, and identification of potential benefits of sharing the experiences among the countries of the region;
3. Update of the potential for regional cooperation as a catalyst of the progress in Better Regulation and RIA implementation in the region, and role of ReSPA in accelerating this cooperation;
4. Update the analysis of the progress in Better Regulation implementation in each of the Western Balkan countries, and in the region as a whole, using data from April 2018;

5. Update of recommendations for the improvement of Better Regulation and RIA implementation in the Western Balkan countries;
6. Prepare country-specific policy recommendations for improvement of Better Regulation efforts.

Tasks and Responsibilities

The Expert is expected to perform the following tasks:

- To conduct research on the situation regarding Better Regulation implementation in Western Balkan countries (Albania, Bosnia and Herzegovina, Kosovo*, Macedonia, Montenegro and Serbia) based on data from April 2018;
- To upgrade the draft comparative study – state of play, best practices, experiences with Better Regulation with data from April 2018;
- To update analysis that will comprise strengths and weaknesses of the progress in Better Regulation in each of the Western Balkan countries;
- Based on the above conducted research, to prepare recommendations for the improvement of Better Regulation in each of the Western Balkan countries and in the region as a whole;
- To prepare the final text of the Comparative Study that should be of a publishable quality.

Within the above framework, the Expert is expected to liaise directly with the ReSPA Programme Manager in charge for Better Regulation on issues related to the Assignment, and to take into consideration the instructions received before hand.

Necessary Qualifications

The Expert shall possess the following qualifications:

- PhD in Economics or S.J.D in Law;
- Minimum 10 years of experience in dealing with Better Regulation and Competitiveness in the Western Balkan region;
- Experience in drafting analytical papers, legislation, academic papers or policy documents related to Better Regulation, including published research in the field;
- Excellent written and oral communication skills in English and at least in one language of the Western Balkan region;
- Advanced computer literacy;
- Ability to work with people of different nationalities, religions and cultural backgrounds;
- Excellent organisational skills, proven communication and presentation skills and ability to work in an environment requiring liaison and collaboration with multiple actors including government representatives, international organizations, 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: 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: Ability to interact, establish and maintain effective working relations with a culturally diverse team;
- Client orientation: Ability to establish and maintain productive partnerships with regional and national partners and stakeholders, and pro-activeness in identifying the needs of beneficiaries and partners, as well as matching them to appropriate solutions.
- Demonstrates integrity and fairness by modelling ReSPA values and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

Time-frame, Level of Effort, and Location

The Assignment shall be completed by 15 June 2018.

The Level of Effort (LoE) is estimated at 10 (ten) working days, as follows:

- 4 (four) days for desk research and communication with key stakeholders;
- 1 (one) day to incorporate comments from stakeholders;
- 4 (four) days for preparing summary of findings, comparative analysis and recommendations,
- 1 (one) day to finalise the study.

The assignment foresees work from home and travel is not envisaged.

Deliverables and Final Documentation

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

- Final draft of the Comparative Study which that shall be of a publishable quality;
- Time Sheet for the Assignment.

Quality Control

The Expert should ensure an internal quality control during implementing and reporting phase of the assignment. The quality control should ensure that the draft Comparative Study complies with adequate quality standards before sending them to stakeholders for comments. The quality control should ensure consistency and coherence between findings, conclusions and recommendations. It should also ensure that findings reported are duly substantiated and that conclusions are supported by relevant judgment criteria.

Application Information

Eligible experts are required to submit an application to ReSPA that includes:

- CV including relevant knowledge and experience, as well as list of relevant publications and contact details (e-mail addresses) of referees;
- Financial proposal indicating expected daily fee/ honoraria for the assignment.

Other

Relevant Initiatives and Studies

- The EU's Europe 2020 Strategy for smart, sustainable and inclusive growth http://ec.europa.eu/europe2020/documents/related-document-type/index_en.htm
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>
- EU Better and Smart Regulation Agenda - http://ec.europa.eu/smart-regulation/index_en.htm
- EU Impact Assessment - http://ec.europa.eu/smart-regulation/impact/index_en.htm
- SEE 2020 Strategy - <http://www.rcc.int/files/user/docs/reports/SEE2020-Strategy.pdf>
- Expert is strongly advised to take into consideration the analysis and recommendations provided through SIGMA - a joint initiative of the European Union and the OECD, working with countries on strengthening public governance systems and public administration capacities <http://www.sigmaweb.org> – in particular, SIGMA Monitoring Reports 2017 available at: <http://www.sigmaweb.org/publications/monitoring-reports.htm>
- Studies, reports and publications by ReSPA: <http://www.respaweb.eu>
- OECD documentation on RIA: <http://www.oecd.org/gov/regulatory-policy/ria.htm>

ReSPA, 14 May 2018