

# Terms of Reference

## Request for Services

*Expertise to develop an analysis of the current practice of the Public Policy Secretariat (Serbia) related to the PIA and RIA quality control role and recommendations for further improvement*

### 1. Introduction and background

The Regional School of Public Administration (ReSPA) is an inter-governmental organization for enhancing regional cooperation, promoting shared learning and supporting the development of public administration in the Western Balkans. ReSPA Members are Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia, while Kosovo<sup>\*2</sup> is a beneficiary. ReSPA's purpose is to help governments in the region to develop 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 Ministers, senior public servants and heads of units in Member countries. ReSPA also works in partnership with the European Union, specifically Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR), other regional actors such as OECD/SIGMA and Regional Cooperation Council (RCC), as well as associations and civil society organizations. Since its inception, ReSPA, as an international organization and a key regional endeavour in Public Administration Reform (PAR), has contributed to capacity-building and networking activities through in-country support mechanisms, peering and the production of regional research materials.

The European Commission (EC) provides directly managed funds for the support of the ReSPA activities (research, training and networking programmes) in line with the EU accession process. The current EC grant supports the implementation of the activities required for contribution to the achievement of the three strategic objectives during the period 2019-2022.

ReSPA works primarily through regional networks which operate at three levels: Ministerial, Senior Officials, and networks/working groups of public servants, experts and practitioners. There is one network – Programme Committee composed of the representatives of institutions in charge of PAR, Public Financial Management (PFM) and the European integration (EI) process and five regional working groups: (1) Centre-of-Government Institutions; 2) Better Regulation; 3) Human Resource Management and Development; 4) E-Governance; and 5) Quality Management.

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<sup>2</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

One of the tools that ReSPA uses to deliver its assistance is the **“in-country support mechanism”**, which provides direct tailor-made support to each of the administrations (Members of ReSPA) based on concrete needs that have been identified by the administration itself. In this regard, the Public Policy Secretariat (PPS) of the Republic of Serbia has required to develop an analysis of the current PPS practice that is related to the public Policies Impact Assessment (PIA) and Regulatory Impact Assessment (RIA) quality control role and recommendations for further improvement of the PIA and RIA quality control role of the PPS.

## 2. Purpose

The purpose of this assignment is to develop a thorough analysis of the current PPS practice that is related to the PIA and RIA quality control role and recommendations for further improvement of the PIA and RIA quality control role of the PPS. In addition, the assignment shall provide findings and a comparative analysis with the main aim to improve the current practice, and shall also tackle the issue of effective coordination of the quality control in the Centre of Government. This Terms of Reference (ToR), aim to make a description of the assignment, the problem statement, profile of the required expert(s), tasks and responsibilities and other necessary elements in order to achieve the abovementioned purpose.

## 3. Problem statement and description of the assignment

*The Public Policy Secretariat performs professional tasks related to creating and managing public policies, implementing regulatory reform and impact assessment of public policy documents and regulations prepared by ministries and special organisations. Furthermore, the PPS evaluates the quality of reports on conducted impact assessments for regulations, the quality of proposed public policy documents, as well as the compatibility of proposed regulations and public policy documents with public policy documents already in effect. In addition, the PPS provides methodological support to government bodies in carrying out impact assessments when developing the proposals of regulations and public policy documents, as well as in relation to the content of public policy documents.*

The Law on the Planning System of Serbia and its accompanying bylaws have been in force since 2018 and 2019, respectively. Since then, the planning system has been improved but there is still room for its enhancement. The most salient issue that the PPS faces is the non-binding nature of its opinions (this was also identified in the ReSPA regional Study on Better Regulation, 2018).

The European Commission (EC) Reports have recognised the PPS as one of the key players in PAR, specifically in public policy management process and regulatory reform, and it urges Serbia to *“ensure a strong quality control role for the Public Policy Secretariat to allow for the effective implementation of the Law on the Planning System”*. Both the 2020 and 2021 EC reports have highlighted the fact that *“there is still no mechanism in place to verify that the Public Policy Secretariat’s comments have been incorporated into the final draft versions of laws and policy documents submitted for government’s approval”*. Furthermore, the EC Report stresses that in terms of monitoring and evaluation at the national level, “no reports on the government annual

work programme, National Programme for the Adoption of the Acquis (NPAA), or sector strategies – except on the action plan of the PAR strategy and on the PFM reform programme – were published in 2020. The government’s website still does not provide a direct access to monitoring reports on the implementation of key government planning documents”. It also highlights that “the methodology on impact assessments is not yet consistently applied in practice”. Thus, it is important that public institutions are given more explanation on how to carry out ex-post impact assessment adequately and successfully.

SIGMA Assessment 2021, highlights that evidence-based policy making in Serbia, through the Regulatory Impact Assessment (RIA) system, is established and managed, but *the quality of analysis does not yet lead to the desired results*. Requirements for developing RIAs are comprehensive, with implementation supported by easily accessible and detailed guidelines. However, the quality of the analysis of impacts is generally inadequate. The Public Policy Secretariat (PPS) does not, however, have a mandate to return low-quality RIAs for compulsory revision for alignment with the quality standards. The assessment also recognizes that the number of staff trained on RIA is low while Financial Impact Assessment is required, but not always done in practice.

With regard to policy coordination and the quality role of the PPS, the *ReSPA’s study on Policy Coordination processes in Serbia (October 2021)*, recommends that, in order to ensure that the PPS (as well as other CoG institutions which do not have a mandate to directly prevent items from being placed on the Government agenda), can effectively fulfil their quality control functions, the legislative framework should be amended to differentiate their opinions from the opinions of line ministries and other institutions. This means that their opinions should become not only mandatory in the sense that they need to be collected, but also in the sense that they need to be fully respected/addressed in order for an item to be placed on the Government agenda.

Having in mind the above mentioned, the PPS requires an **analysis of the current PPS practice related to the PIA and RIA quality control, comparative analysis and recommendations** for their improvement. The hired expert(s) would provide to PPS with a **comprehensive and objective overview of the current state of play on the matter**, followed by a detailed comparison with the **best practice(s)** of other ReSPA Members and/or EU Members in their PIA and RIA quality control. Based on these findings and comparisons, the expert(s) would then **produce a set of recommendations for the PPS** on how to improve its PIA and RIA quality control role in accordance with the findings but also the European Commission 2021 Progress report recommendations and the OECD/SIGMA 2021 assessment.

This assignment would contribute to the fulfilment of the first specific goal of the Public Administration Reform Strategy for the Period 2021-2030, which foresees “improved quality of public policy documents and regulations” as well as specific activities within the Programme for the Improvement of Public Policies and Regulatory reform covering the period 2021-2025. At the same time, the conclusions from the 7<sup>th</sup> PAR Special Group meeting held in November 2020, highlight the importance of strengthening the role of the PPS and other institutions at the national level in quality control and stress the high level of importance that the PPS has in “ensuring effective implementation of the Law on the Planning System and other relevant legislature”.

## 4. Tasks and responsibilities

The main result/output of the assignment shall be the *development of a comprehensive analysis*, consisting of the following building-blocks:

- the current PPS practice in the PIA and RIA quality control (since the start of the implementation of the Law on planning system of Serbia and accompanying by – laws) with respective findings;
- comparative analysis elaborating the best European and/or regional practice within the PIA and RIA quality control;
- recommendations for the PPS on how to improve its PIA and RIA quality control role.

The study shall also tackle the issue of effective coordination of the quality control in the Centre of Government, in addition to the above.

The main tasks/responsibilities (and the steps) of this assignment are tentatively presented below:

- Research on the current situation (as of 2018 onwards) in PIA and RIA quality control role of the PPS (including relevant data collection);
- Drafting an analysis of the current situation in PIA and RIA quality control role of the PPS with respective findings;
- Research on European and regional good practices in PIA and RIA quality control role (including relevant data collection);
- Drafting a comparative analysis of European and regional good practices in PIA and RIA quality control;
- Preparing recommendations for improvement of the PPS's PIA and RIA control role in accordance with the findings of the assignment, recommendations of the European Commission 2021 report and SIGMA 2021 assessment.

Nevertheless, the expert is welcome to propose his/her own methodology during the application phase.

The abovementioned tasks and responsibilities represent the milestones of the assignment, but the expert, may propose slight changes/adaptations, upon agreement with the ReSPA Programme Manager in charge and the beneficiary institution (PPS – Serbia).

The expert/s shall closely cooperate with the responsible officials of the Public Policy Secretariat of the Republic of Serbia during the implementation of the assignment. The PPS will provide the expert with the necessary information and logistic support. The engaged expert shall also liaise with the ReSPA Programme Manager in charge of the assignment and will take into consideration the instructions received beforehand. Facilities and/or necessary logistics for organizing the meetings/interviews will be ensured by PPS.

## 5. Necessary qualifications of the expert(s)

Potential experts interested to be engaged under this assignment may apply individually, or as a team of experts (up to two experts), provided that they both fulfil the criteria described below, make a joint application, provide a joint methodology and make a clear division of tasks and working days in the application phase.

The expert(s) needs to have a diverse but compatible experience related to design and implementation of public policies, implementation/development of public policy impact assessment as well as regulatory impact assessment and shall be familiar with PAR and broader reform agenda in the Republic of Serbia. More specifically, the expert(s) shall comply with the following profile:

### Qualifications:

- MA or graduate degree in Public Management/Policy and Administration, Law, Economics, Finance, Political Sciences, European studies and related/similar fields.
- PhD shall be considered an asset.

### General professional experience:

- At least 10 (ten) years of demonstrated experience working with public administration and Public Administration Reform related matters.

### Specific professional experience:

- At least 5 (five) years of demonstrated experience on tasks, assignments and positions related to PIA and RIA, as well as evidence-based policy making in general;
- Previous engagements/experience in preparation of policy papers, analysis, Guidelines, methodologies, etc., especially related to the subject of this assignment or similar;
- Experience in delivering trainings, workshops and conferences;
- Familiarity with the Serbian framework / state of play on evidence-based policy making, PIA and RIA.
- Previous engagements in assignments in the Western Balkans (specifically Serbia) shall be considered an asset.

### Skills:

- Excellent written and oral communication skills in English;
- Ability to write clear and coherent guidance documents;
- Excellent communication and drafting skills, including the ability to convey complex concepts and recommendations in a clear and persuasive style tailored to match different audiences/readers;
- Ability to work in team;
- Training and moderation skills;
- Proficient in Microsoft Office package;
- Ability to prepare and deliver well-structures Power point presentations.

In addition, 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;
- Result orientation: plans and produces quality results to meet established goals, generates innovative and practical solutions to challenging situations;
- Demonstrates integrity and fairness by modelling ReSPA values and ethical standards.

Note: The expert shall not be civil/public servant in any of the Western Balkans' administrations in the moment he/she applies.

## 6. Timing and location

The assignment foresees work from home/office and on the site (Belgrade, Serbia). Meetings in person should be organized in small/medium groups respecting all restriction measures imposed by Covid-19 pandemic. However, meetings between the expert(s) and the PPS staff might be held online if the pandemic worsens.

The assignment will be performed, tentatively, from September to December 2022 (at the latest).

## 7. Remunerations

The assignment foresees up to **28 (twenty-eight) working days** for the expert(s) and shall be (tentatively) organised as follows:

No.	Activity	Maximum No. of working days
1	Research on the current situation (as of 2018 onwards) in PIA and RIA quality control role of the PPS (including relevant data collection);	4
2	Drafting of the analysis of the current situation in PIA and RIA quality control role of the PPS with respective findings;	5
3	Research on European and regional good practices in PIA and RIA quality control role (including relevant data collection);	3
4	Drafting a comparative analysis of European and regional good practices in PIA and RIA quality control;	5
5	Preparing recommendations for improvement of the PPS's PIA and RIA control role in accordance with the European Commission 2021 Progress report recommendations  Finalization of the Analytical document (including reflection of comments and suggestions from PPS and other actors)	10
6	Preparation of the Final Report for ReSPA	1
	<b>TOTAL:</b>	<b>28</b>

Organization of meetings and interviews of various public servants of PPS and other public institutions shall be fulfilled within the day limits listed above. Potential re-organization of distribution of working days may be proposed by the expert(s), during the application phase (in the methodology to be submitted).

The payment will be done in one instalment upon completion of the assignment. The final product(s) will be subject to approval from ReSPA before the execution of the 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 (if needed) a lump sum for covering related costs which include, travel, accommodation, local transport, meals and other incidentals.

ReSPA and the expert/s shall agree before the signature of the Service Contract on the rate of the daily fee.

## **8. Reporting and Final Documentation**

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

### ***Outputs:***

- One final thorough analysis on the current PPS practice related to the PIA and RIA quality control role and recommendations for further improvement of the PIA and RIA quality control role of the PPS (please also refer to the indicative content of the Analysis described on section 4 of this ToR) – as well a short digest of the main findings & recommendations;
- List of participants in the meetings/interviews organised by the expert(s);
- Any other output deriving from the assignment.

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

- Invoice (original and signed);
- Timesheets (original and signed);
- Final report, no later than seven working days after the completion of the Assignment. The report will be subject of approval by ReSPA as contracting authority<sup>3</sup>;

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<sup>3</sup> The Final Report will be required for the execution of the final payment.