



PROCUREMENT NOTICE FOR AN EXPERT / CONSULTANT

Assignment: **COMPARATIVE STUDY ON BETTER REGULATION AND COMPETITIVENESS IN THE WESTERN BALKANS**

Section 1 Introductory Information

1.1 Assignment:

The main objective of the Assignment is to conduct a Comparative Study on Better Regulation and Competitiveness in the Western Balkans. The Comparative Study should contain an update of the ReSPA Baseline Analysis on Better Regulation developed in 2015, and an indebt analysis of links between Better Regulation efforts and Competitiveness in the Western Balkans.

ReSPA is seeking to engage **one Expert / Consultant** who shall conduct a comparative research and prepare a comprehensive study on Better Regulation and Competitiveness in the Western Balkan region.

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 conduct a Comparative Study on Better Regulation and Competitiveness in the Western Balkans.

The main expected deliverable is the Comparative Study, which will encompass the progress achieved in Better Regulation in the Western Balkans by mid-2016, and will highlight the importance of Better Regulation for improvement of competitiveness. The study shall also provide comparisons in the achieved progress among the countries of the Western Balkans.

1.3 Expected deliverables / results:

- Draft of the structure of the Comparative Study – 7 days after contracting;
- 1st draft of the Comparative Study - 40 days after contracting;
- Presentation of the Comparative Study at the Regional Conference in the fall of 2016;
- Final draft of the Comparative Study which will incorporate comments, suggestions and recommendations from the Regional Conference, and that shall be of a publishable quality.

1.4 Tentative timeframe: The Assignment shall be completed by the end of November 2016.

1.5 Estimated number of days: The Expert / Consultant is estimated to allocate up to 50 days (detailed description in the ToR) to complete the tasks outlined in the attached Terms of Reference.

1.6 Budget and payment conditions: The budget for the contract will be based on a daily rate to be agreed upon with ReSPA, with a total ceiling amount of the contract.

ReSPA will organize and cover costs of the international (economy class) / in country travel, and will provide per diem in line with travel arrangements.

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 is his/her employer. **Please note that public servants from ReSPA Members and Kosovo¹ 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 **20 July 2016** 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) by **21 July 2016**.

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 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 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: z.qajic@respaweb.eu

¹ * 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

3.4 Deadline: The CVs and supporting documentation must be **submitted before 17.00h (CET) on 25 July 2015**. 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.

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 to negotiations.

4.3 The financial proposal shall specify a 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 two instalments, following the submission of 1st draft and the final draft of the Comparative Study, and ReSPA's approval of the deliverables.

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, by 20 July 2016 the latest:

Mrs. Zorana Gajic

E-mail: z.gajic@respaweb.eu



Terms of Reference

Expert on Better Regulation and Competitiveness

Introduction

The Regional School of Public Administration (ReSPA) is the 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, Macedonia, Montenegro and Serbia, while Kosovo*¹ is a beneficiary and observer. ReSPA's purpose is to help governments in the 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.

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 new EC grant supports the main objective of ReSPA work in 2016-2017: Improving regional cooperation in the field of PAR and EU integration and strengthening administrative capacities in the beneficiaries. This objective will be achieved through the following three pillars of ReSPA Programme of Work for 2016-2017:

- (1) European Integration Pillar: Increased capacity of public administration in the ReSPA Members necessary for successful conducting of the European Integration process;
- (2) Public Administration Reform Pillar: Facilitated and enhanced cooperation and exchange of experience in Public Administration Reform and European 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.

Under the Governance for Growth Pillar, ReSPA is supporting efforts in the area of Better Regulation and Competitiveness.

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

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 and Competitiveness in the Western Balkan region. Therefore, ReSPA is in search of an Expert/Consultant in Better Regulation and Competitiveness to support envisaged activities in this domain.

Purpose

The purpose of the consultancy is to conduct a Comparative Study of the progress achieved in Better Regulation and in particular its relation to Competitiveness in the Western Balkan region.

The main expected output is the Comparative Study, which will encompass the progress achieved in Better Regulation in the Western Balkan countries, including the importance of Better Regulation for the improvement of the competitiveness of Western Balkan countries, and 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 WB 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 WB 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 and Competitiveness in the region as a whole.

Objectives and Scope of the Assignment

The main objective of the Assignment is to conduct a Comparative Study on Better Regulation and Competitiveness in the Western Balkan countries, with special focus on potential regional cooperation in this process.

More specifically, the Comparative Study should contain the following segments:

Phase I: Update of the ReSPA Baseline Analysis on Better Regulation in the Western Balkan countries

1. The comparisons of the progress achieved in Better Regulation and RIA implementation in the Western Balkan countries, including the progress in (i) simplification 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 RIA implementation in the Western Balkan countries, and 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. Updated SWOT analysis: strengths and weaknesses / opportunities and threats of the progress in Better Regulation implementation in each of the Western Balkan countries, and in the region as a whole;
5. Update of conclusions and recommendations for the improvement of Better Regulation and RIA implementation in the Western Balkan countries.

Phase II: Better Regulation and Competitiveness in Western Balkan countries

1. ***Theoretical approach: The importance of Better Regulation for the improvement of competitiveness and economic growth, with special focus on the post-crisis period*** (global economic crisis 2009);
2. ***Better Regulation in Western Balkan countries - the progress achieved and the challenges*** (summary from the updated project: The Baseline Analysis on Better Regulation in the Western Balkan countries);
3. ***Investment climate and regulatory environment in the Western Balkan countries*** based on international surveys and datasets, including: World Bank's Doing Business, The Global Competitiveness Report of World Economic Forum, World Bank Worldwide Governance indicators, Transparency International's Corruption Perception Index;
4. ***International competitiveness of Western Balkan economies*** based on international surveys and datasets, including The Global Competitiveness Report of World Economic Forum;
5. ***Comparative analysis of competitiveness indicators related to Better Regulation in the Western Balkan countries***, including: (i) the quality of institutions, (ii) quality of infrastructure;
6. ***Better Regulation and Competitiveness in the Western Balkans countries in the context of the implementation of the SEE 2020 strategy, with special focus on the Chapter 3.5: Governance for growth.***
7. ***Importance of the regional cooperation among the Western Balkan countries*** (supported by the EU and other international organizations), ***with the aim to improve the regional investment climate and regulatory environment, as key preconditions for the improvement of the regional competitiveness;***

8. ***Why is the EU accession process important for the improvement of the investment climate and regulatory environment in the Western Balkan countries, and consequently for the improvement of the competitiveness of the region;***
9. ***Policy recommendations for Western Balkan countries (per country and for the region)***
10. ***Concluding remarks and steps forward***

Tasks and Responsibilities

The Expert is expected to perform the following tasks:

- To prepare a questionnaire in order to assess the progress achieved in Better Regulation and Competitiveness in the Western Balkan countries;
- To conduct a desk research on the regulatory policy, Better Regulation and Competitiveness on the regional level;
- To conduct research on the situation regarding Better Regulation and Competitiveness implementation in individual Western Balkan countries (Albania, Bosnia and Herzegovina, Kosovo*, Macedonia, Montenegro and Serbia);
- To perform in-depth interviews in each of the above mentioned countries and Kosovo* with heads of RIA units and experts in charge of Better Regulation and Competitiveness;
- To prepare a comparative study – state of play, best practices, experiences with Better Regulation and Competitiveness;
- To prepare a SWOT 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 conclusions and recommendations for the improvement of Better Regulation and Competitiveness in each of the Western Balkan countries and in the region as a whole;
- To present the draft Comparative Study and recommendations at the regional conference to be organized by ReSPA during the fall of 2016;
- To incorporate suggestions and recommendations from the regional conference in the final text of the Comparative Study.

Within the above framework, the Expert is expected to liaise directly with the ReSPA Programme Managers in charge for Better Regulation and Competitiveness 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 and/or Competitiveness, 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 main assignment, including travel within the Western Balkan region, is to be completed by the end of November 2016. In addition, the Expert is expected to participate at the regional conference to be organized by ReSPA in the fall of 2016, and to upgrade the draft of the Comparative Study based on conclusions of this regional conference.

The Level of Effort (LoE) is estimated at 50 (fifty) working days, as follows:

Phase I: Update of the ReSPA Baseline Analysis on Better Regulation in the Western Balkan countries

The Level of Effort (LoE) is estimated at 15 (fifteen) working days, as follows:

- 2 (two) days desk research,
- 7 (seven) days on-site interviews and meetings in the WB region,
- 6 (six) days for preparing summary of findings, comparative analysis and recommendations.

Phase II: Better regulation and Competitiveness in Western Balkan countries

The Level of Effort (LoE) is estimated at 35 (thirty five) working days, as follows:

- 11 (eleven) days desk research,
- 12 (twelve) days on-site interviews and meetings in the WB region,
- 12 (twelve) days for preparing of a study based on the research and findings, comparative analysis and recommendations,

The assignment foresees work from home and travel from home to Albania, Bosnia and Herzegovina, Kosovo*, Macedonia, Montenegro and Serbia.

Deliverables and Final Documentation

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

- Draft of the structure of the Comparative Study and the questionnaire – 7 days after contracting;
- 1st draft of the Comparative Study 40 days after contracting;
- Presentation of the Comparative Study at the regional conference in the fall of 2016
- Final draft of the Comparative Study which will incorporate the suggestions and recommendations from the regional conference, and that shall be of a publishable quality.

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 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 being 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>
- Studies, reports and publications by ReSPA: <http://www.respaweb.eu>
- OECD documentation on RIA: <http://www.oecd.org/gov/regulatory-policy/ria.htm>

ReSPA, July 2016