

Terms of Reference

Expert in delivering the training for Regulatory Impact Assessment control authorities on all levels of government in BiH

Introduction

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^{*1} is a beneficiary. ReSPA's purpose is to help regional governments in developing better public administration, public services, and overall governance systems for their citizens and businesses and prepare for membership in the European Union.

ReSPA establishes close cooperation with ministers, senior public servants, and heads of function in Member countries. ReSPA also works in partnership with the European Union, Directorate General for Neighborhood and Enlargement Negotiations (DG NEAR), other regional players such as OECD/SIGMA and Regional Cooperation Council (RCC), as well as agencies and civil society organizations. Since its inception, ReSPA, as an international organization and a key regional endeavor in Public Administration Reform, has contributed to capacity-building and networking through on-demand support mechanisms, peering, and the production of regional research material.

The European Commission (EC) provides directly managed funds to support the ReSPA activities (research, training, and networking programs) in line with the EU accession process.

ReSPA works primarily through regional networks operating at three levels: Ministerial, Senior Officials, and networks/working groups of experts and senior practitioners. There is one network – Programme Committee composed of the representatives of institutions in charge of PAR, government policy planning, and the European Integration coordination process and four regional thematic groups: Policy planning, better regulation and coordination of Centre of Government; European integration and accession negotiations (with specific reference to PAR and governance aspects); Human Resources Management and Development; and Service Delivery (digitalization and quality management).

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

The "On-demand support mechanism" is ReSPA's instrument that enables ReSPA Members to apply for and receive external expertise support. In the framework of the latter-mentioned type of instrument, ReSPA is looking for the Expert to deliver a three-day capacity building initiative for RIA control authorities for implementing Regulatory Impact Assessment (RIA) on all levels of government in Bosnia and Herzegovina (BiH).

Problem Statement

Regulatory Impact Assessment and inclusiveness in the adoption and implementation of regulation has been introduced into the decision-making procedure at all administrative levels in BiH, and the story and scope of performance vary. But, it is necessary to continue the improvement of legal and methodological solutions and ensure a more consistent implementation at all administrative levels, including strengthening human capacities for implementation.

Regulatory Impact Assessment requires systematic professional training to bring changes and new quality in the development of public policies. The existing capacities of RIA implementation in Bosnia and Herzegovina are often insufficient to keep up with the constant improvements in this field in the EU countries. In addition, there is also a constant turnover of personnel in other regulation-processing institutions and the need for continuous training.

There is a need to transfer knowledge and experience with the best practice examples by consultants who hold practical expertise in this field and participated in developing and implementing a regulatory impact assessment system. Expert assistance should specify the areas for improvement of necessary skills for RIA of the performing and controlling bodies, considering existing education programs in the country and region.

Some aspects of training have been developed, and certain civil servants have been trained in the process. Although the process has been significantly improved, there is a need for capacity building, especially in the part of RIA implementation in transposition of *acquis communautaire*, RIA implementation in subordinate regulation and local self-government, SME test, cost-benefit analysis, implementation of the SCM model, monitoring and evaluation and ex-post analysis. Accordingly, it would be helpful to learn of the experiences of other countries in terms of the regulations that regulate the RIA process and the functions of the control bodies (content and form of the act by which the control is carried out, the obligatory quality and scope of the RIA application, subsequent control, etc.).

The institutions in BiH at different levels of government coordinate activities on the assessment of the impact of regulations, i.e., form the central bodies for impact assessment (including the control of implemented processes) should refresh their knowledge in this area to be able to pass it on to other colleagues at their levels of government. This can be done by training employees in the RIA units who control the implementation of the RIA process and who will transfer their knowledge to other participants at their level of authority (through Civil Service Agencies). This training shall cover the levels of Bosnia and Herzegovina institutions, the Republic of Srpska, and the Federation of Bosnia and Herzegovina.

Objectives and Scope of the Assignment

The primary purpose/objective of this assignment is to expand and refresh the knowledge of the participants of the training in specific areas:

1. How the system works in the EU at the moment (all countries are continuously working to improve the area, and it is necessary to monitor trends in the region and the EU)? This part requires knowledge related to the regulatory framework that EU countries apply when it comes to RIA (by which it is regulated), which institutions deal with the topic as coordinating, how they cooperate with other institutions, what is the control mechanism, etc.
2. How RIA is applied in the case of the EU acquis?
3. In the countries of the region, additional knowledge and attention is needed in the part of the SME test and the principle that can be included in the assessment of the impact of regulations.
4. Additional knowledge is needed in the area of cost-benefit analysis and standard cost models, not theoretically, but on concrete examples from the practice of other countries.
5. Experiences of other countries in the implementation of monitoring and evaluation and methods of ex-post analysis.

The main participants of this three-day programme will be from the following institutions:

- Ministry of Economy and Entrepreneurship - the Republic of Srpska level
- Ministry of Justice, General Secretariat, Office for Legislation – Bosnia and Herzegovina institutions level
- General Secretariat – Federation of Bosnia and Herzegovina institutions level

These institutions shall nominate training participants at their respective levels who will then be responsible for the transfer of acquired knowledge and skills through their respective civil service agencies.

Tasks and Responsibilities

The engaged Expert should deliver the training, which includes the following topics:

- RIA regulation and implementation;
- The best model of regulation and problems in implementation;
- RIA implementation on EU regulation with examples,
- Detailed SME test with examples;
- Cost-benefit analysis - method and an example;

- Standard cost model, implementation with examples;
- Monitoring and evaluation with the provision of the best model;
- Ex-post analysis with an example.

Necessary Qualifications

The Expert shall possess the following profile:

Qualifications:

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

General professional experience:

- At least 7 (seven) years of experience working in/with public administration and/or related matters.

Specific professional experience:

- At least 5 years of experience in positions and/or assignments related to regulatory reform and implementation of RIA;
- Experience in delivering training, workshops, and conferences;
- Familiarity with the state of play and legal framework related to the implementation of RIA in various administrations of the Western Balkans.

Skills:

- Excellent written and oral communication skills in English;
- Knowledge of Bosnian, Croatian, Montenegrin or Serbian language will be an asset;
- Ability to write clear and coherent guidance documents;
- Excellent communication skills, including the ability to convey complex concepts and recommendations in a clear and persuasive style tailored to match different audiences;
- Ability to work in a team;
- Training and moderation skills;
- Proficient in Microsoft Office package;
- Ability to prepare and deliver well-structures Powerpoint presentations;
- Ability to work with people of different nationalities, religions and cultural backgrounds.

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;
- Results orientation: plans and produces quality results to meet established goals, generate innovative and practical solutions to challenging situations;

- Demonstrates integrity and fairness by modeling ReSPA values and ethical standards;

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

Time frame, Level of Effort

The assignment will take place in September 2023.

The Level of Effort is estimated at eight (8) expert days.

Remunerations

The maximum amount of funds allocated for this assignment is 4.000,00 EUR for a total of up to 8 expert days. However, the daily fee per expert day will be defined following ReSPA expert selection procedure based on assessed and evaluated expert capacities.

The payment will be made in one installment upon completion of the assignment. The final product will be subject to approval from the beneficiary institutions and 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 a lump sum for covering related expenses, including travel, accommodation, local transport, meals, and other incidentals.

Reporting and Final Documentation

For the purpose of reporting, the Expert will be requested to deliver the following documents:

- The outputs of the assignment
- A final report in English no later than ten days after completing the assignment. This final report on the implementation of the assignment should indicate key challenges, lessons learnt and relevant recommendations for future work of ReSPA and beneficiary institution in this area. The report will be subject to approval of the ReSPA as a contracting authority;
- Timesheet (original and signed);
- Invoice (original and signed).