**Terms of Reference**

**International consultants (individuals or a team) for the analysis of Ukraine’s compliance with selected EU directives related to anti-corruption**

1. **Background**

EU Anti-corruption Initiative (EUACI) Phase II is the largest European Union support programme in the area of anti-corruption in Ukraine, co-funded and implemented by the Ministry of Foreign Affairs in Denmark on behalf of the EU.

Ukraine is aiming to align the national anti-corruption legal framework with the EU acquis. Different authorities play an important role in this process.

In particular, the Government Office for European and Euro-Atlantic Integration (GOCEEI) is a key unit in the structure of the Secretariat of the Cabinet of Ministers of Ukraine (SCMU) responsible for coordination of the European integration of Ukraine. In particular, GOCEEI coordinates the process of implementation of EU acquis in the national legislation, as well as coordinates the work of executive agencies on the development of draft legal and other acts for implementation of agreements between Ukraine and the EU.

National Agency for Corruption Prevention (NACP) is a key executive agency for formation and implementation of the state anti-corruption policy. It also develops draft legal and other acts in order to ensure Ukraine’s compliance with the international standards and best practices in respective area. NACP also participates in the process of self-screening on the compliance of the national legislation of Ukraine with EU acquis.

So far, there is no analysis commissioned on the status of compliance of the Ukrainian legislation with the EU acquis in topics related to anti-corruption. This burdens on the informed and evidence-based decision-making regarding identification of the priorities in alignment of national laws with EU acquis.

1. **Objectives**

The main objectives of this activity are to ensure evidence-based and informed policy choice on prioritization of legislative work on the implementation of the EU acquis in anti-corruption field; to define a set of legislative amendments necessary for alignment of Ukrainian legislation with the EU acquis in anti-corruption field; to raise awareness of the national stakeholders on the EU standards in the selected areas.

1. **Scope of work**

The international consultant would have to provide an input to the drafting of policy briefs with the analysis of Ukraine’s compliance with the selected EU directives (provisions of proposals for directives).

Up to three international consultants would be selected (either on an individual basis or as a team) with the following scope of analysis:

1. International consultant 1:

* Proposal for a Directive of the European Parliament and of the Council on asset recovery and confiscation.

1. International consultant 2:

* Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

1. International consultant 3:

* Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law;
* Proposal for a Directive of the European Parliament and of the Council on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council.

**Depending on the experience and expertise of the international consultant, he/she can be selected to provide consultancy on one or more directives.**

This assignment would be implemented by international consultants jointly with the national consultants, that will be identified through separate procurement procedure. While the national consultant would draft the initial analysis, the international consultant would contribute to it. In particular, it's expected that each international consultant would:

* provide an ad hoc advice to the national consultant on interpretation of the provisions of the EU directive (proposal for a directive);
* review the initial analysis provided by the national consultant on the compliance of national legislation with the EU directive (proposal for a directive);
* contribute to the initial analysis in order to ensure a correct interpretation of the provisions of the directives/proposals for directives, relevancy of recommendations provided for alignment of national legislation with the EU acquis;
* contribute to the policy briefs with the analysis of best practices for implementation of requirements of EU directives/proposals for directives.

The policy brief with the analysis on each of the directives/proposals for directive shall address the following aspects:

* what are the core requirement of the Directive;
* to which extent the legislation of Ukraine is compliant with the provisions of the EU Directive;
* which mandatory requirements of the EU Directive are not implemented in the Ukrainian legislation (clause-by-clause analysis);
* what are good practices regarding the implementation of the provisions of the EU Directive;
* which legislative amendments are recommended to ensure compliance of the legislation of Ukraine with the respective EU Directive.

1. **Expected deliverables (outputs)**

The expected deliverables of an international consultants under this ToR shall include, but not necessarily be limited, to the following:

* an updated policy brief with the analysis of compliance of Ukrainian legislation with the provisions of the EU directive/proposal for a directive, as explained above;
* final report on the assignment (max. 1 page).

1. **Professional Requirements**

General qualifications

* An advanced university degree (Master's degree or equivalent) in the fields of law, criminology, public administration, political science, international relations or related fields of criminal justice, crime prevention and/or law enforcement;
* At least 5 years of professional experience in the thematic areas relevant for the respective directive/proposal for directive (as described above).
* Experience from writing policy briefs and providing legal analysis of EU directives.
* Experience from working with EU integration processes is an asset.

Experience with the region and languages

* Previous experience working with/knowledge of legal system of Ukraine/region is an asset;
* Fluency in written and oral English.

1. **Timeline**

The intended commencement date is the date of signature of the contract by both parties and the period of implementation of the contract will be up to 3 months, with an approximate duration of 15 working days.

1. **Monitoring and evaluation**

Definition of indicators

The performance of the Contractors will be judged upon reaching the purpose of this contract as well as obtaining its results, as indicated in the section “Expected Deliverables (Outputs)”. Additionally, the performance of the Contractors will be judged upon the successful implementation of all the specific activities indicated for the consultant in the section “Scope of work” of the present document.

Special requirements

By signing the contract, the contractor (and its representatives) agrees to hold in trust and confidence any information or documents (“confidential information”), disclosed to the contractor or discovered by the contractor or prepared by the contractor in the course of or as a result of the implementation of the contract, and agrees that it shall be used only for the purposes of the contract implementation and shall not be disclosed to any third party without EUACI authorization.

1. **Cross-cutting issues (integration of the youth, equal opportunities)**

The project will be implemented ensuring equal opportunities for men and women and the integration of the youth.

**HOW TO APPLY**

Deadline for submitting the proposals is **9 October 2023, 18:00 Kyiv time**.

The proposal shall include:

an expert’s CV;

cover letter indicating specific experience relevant for this assignment;

financial information/budget for the assignment with an indication of days and fees.

The proposal shall be submitted within the above deadline to Anton Marchuk, EUACI Project Manager in the field of Anti-corruption ([antmar@um.dk](mailto:antmar@um.dk)) with the subject “International consultants for the analysis of EU Directives”.

**In the letter please indicate for which scope of directive’s analysis you are applying (e.g. “International consultant 1 and International consultant 2”). One consultant can apply for one or more consultants’ positions.** A team of consultants can apply.

Bidding language: English.

**Clarification questions**

Any clarification questions regarding the bid request should be addressed to Anton Marchuk ([antmar@um.dk](mailto:antmar@um.dk)) no later than 6 October 2023, 10:00 Kyiv time.