**Services of analyzing legislation and judicial practice in cases of administrative corruption offenses (assistance with the implementation of the SACP measures 3.2.1.2.1.- 3.2.1.3.1.) for the National Agency on Corruption Prevention**

**1. Background**

**1.1. General overview**

Supporting anti-corruption efforts in Ukraine is a high political priority for the European Union. By combating corruption, the EU contributes to the consolidation of democracy and economic growth of Ukraine, as well as successful approximation of Ukraine with the EU.

Upon the successful relaunch of the National Agency in 2020, an Anti-Corruption Strategy was developed, approved by the Cabinet of Ministers and finally adopted by the Parliament on June 20th, 2022. As the President signed the respective law on July 7th, 2022, the Strategy entered into force, and the NACP developed the State Program aimed at the Strategy’s implementation (hereinafter, SACP). The Programme, meant to detail and operationalize the Strategy by defining particular activities to achieve the strategic goals, identifying responsible authorities, and setting up deadlines and indicators for their implementation, after several rounds of Consideration by the Cabinet of Ministers, finally was adopted on March 4th, 2023 and its text was published on March 13th, 2023.

The NACP responsible for implementing a significant number of measures, provided for in the SACP. Two of the SACP measures (3.2.1.2.1. and 3.2.1.3.1.) provide for conducting an analysis of the legislation and summarizing the judicial practice of holding individuals liable for committing administrative offenses related to corruption in 2014-2023. Specifically, the analysis shall examine (1) the systematicity, completeness and legal correctness of defining the grounds for such liability in the legislation; and (2) compliance of the applied penalties with the principles of justice, proportionality and individualization, as well as the ability to ensure the achievement of the goal of the administrative penalty. The analytical report shall include proposals for the systematic improvement of the relevant administrative and legal prohibitions, the types of penalties provided for them, as well as for the correct and uniform application of the relevant legislation by the National Agency, the National Police, the Prosecutor's Office and the courts.

To support the Agency in achieving this goal, the EUACI launches this tender to find a group of experts who specialize in the areas of administrative justice and anticorruption activities and possess relevant experience.

**1.2. Contracting authority**

The contracting authority is the European Union Anti-Corruption Initiative in Ukraine, hereinafter referred to as the “Customer”.

**1.3. Beneficiary**

The beneficiary is the National Agency on Corruption Prevention, Department of Anti-Corruption Policy.

**2. Objective**

The objective of the assignment is to assist the NACP with the implementation of SACP’s measure aimed at increasing the efficiency of administrative liability for corruption administrative offences by commissioning an analysis of legislation and judicial practice in cases of administrative corruption offenses (SACP measures 3.2.1.2.1. and 3.2.1.3.1.) according to the methodology agreed upon with the NACP.

**3. Scope of work and expected deliverables**

**3.1. Scope of work**

The scope of work of the assignment covers provision of expert services for analyzing legislation and judicial practice in cases of administrative corruption offenses for the period of 2014-2023, with the focus on 2021-2023 period.

The Contractor will provide the following services:

* Developwith the input of and consultations with the NACP the methodology for analyzing legislation and judicial practice in cases of administrative corruption offenses for the period of 2014-2023;
* Complete analysis of nationwide statistical data on holding individuals liable for administrative offenses related to corruption in 2014-2023 (10 years - to identify persistent problems and trends).
* Complete an analysis of the practice of holding individuals liable for administrative offenses related to corruption in 2021–2023 (3 years) through the study of court rulings in cases of administrative offenses related to corruption based on samples previously agreed with the NACP, which will allow to make the results of such an analysis as representative as possible.
* Conduct analysis of all articles of Chapter 13-A of the Code of Ukraine on Administrative Offences on the subject of:
  + proper enforcement of rules, prohibitions and restrictions provided for by the Law of Ukraine "On Prevention of Corruption";
  + the systematicity, completeness and legal correctness of defining the grounds for such liability in the legislation;
  + compliance of the applied penalties with the principles of justice, proportionality and individualization, as well as the ability to ensure the achievement of the goal of the administrative penalty.
* Prepare a draft analytical report with proposals for the systematic improvement of the relevant administrative and legal prohibitions, the types and amounts of penalties provided for their commission, as well as for the correct and uniform application of the relevant legislation by the National Police, the National Police, the Prosecutor's Office and the courts.
* Finalize the draft Report taking into account the comments and suggestions of specialists of the Department of Anti-corruption Policy of the NACP.
* Publicly present and discuss jointly with the NACP the results of the analysis and the draft Report.

Engagement of up to 4 experts who specialize in the areas of administrative justice and anticorruption activities and possess relevant prior experience (with up to 120 hours, i.e. 15 man-days of work of each of the experts, and a total of 480 hours, i.e. 60 man-days) is expected for the provision of abovementioned services.

**3.2. Expected deliverables:**

The Contractor is expected to contribute their expertise to analyzing legislation and judicial practice in cases of administrative offenses related to corruption for the period of 2014-2023 according to the methodology agreed upon with the NACP. The Contractor is expected to deliver the Report on conducted analysis. While there is no precise page number limit on the Report, it should include the detailed description of the findings from the analysis, including trends in application of the law, problematic areas and potential solutions, where possible.

Besides the report on the conducted analysis, the final report in English of up to 5 pages describing services provided, detailing each expert engagement and time spent on the assignment and outlining further recommendations (if applicable) should be delivered by the Contractor to the EUACI upon the contract completion.

Note: All the materials developed under this assignment shall include the EUACI logo as a part of the EUACI visibility strategy. Logo shall be used in accordance with the EUACI Visibility Guidelines and Brand Book. The Contractors shall consult with Yana Ryzak, the EUACI Communications Experts via e-mail at [yanryz@um.dk](mailto:yanryz@um.dk) .

**4. Timeline**

The assignment will start following a notification issued by the contracting authority, but not earlier than the date of signing the contract between the EUACI and the Contractor. The tentative start of the engagement is November 2024, but may happen earlier. All activities envisaged under this contract shall be completed with a total duration of up to 4 months. The project activities are expected to take place in Kyiv.

**5. Service provider**

**The EUACI will only consider applications submitted by a group of experts or NGOs with relevant experience in providing similar services. Individual applications of experts covering assignment only partially will not be considered.**

**5.1. Requirements for the Contractor**

**General qualifications:**

* **Officially registered organization (commercial or non-profit) or private entrepreneur registered according to the Ukrainian law;**
* **Track record of conducting similar analysis and studies, with a focus** on the areas of administrative justice and anti-corruption**;**

**Adequacy for the assignment:**

* **Necessary organizational capacities to conduct the analysis (premises, equipment, staff of required qualifications, etc.);**
* **Each expert from the team shall meet the following qualifications:**
  + **Possession of at least Master’s degree in Law.**
  + **A minimum of 3 years of professional legal experience.**
  + **Prior involvement in similar tasks is considered advantageous.**
  + **Strong time-management and organizational skills.**

**6. Monitoring and evaluation**

Definition of indicators

The performance of the contractor will be judged upon reaching the purpose of this contract as well as obtaining its results, as indicated in the sections "Objective" and "Expected Deliverables" herein respectively. Moreover, the performance of the contractors will be judged upon successful implementation of all the specific activities indicated above.

Special requirements

By signing the contract, the contractor agrees to hold in trust and confidence any information or documents ("confidential information"), disclosed to the contractors or discovered by the contractors or prepared by the contractors 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.

The contractor reports to the EUACI. The contractor shall be briefed prior to starting with the assignment. The contractor shall de-brief the EUACI prior to finalising the assignment.

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

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

**Clarification questions**

Any clarification questions for the request for bid should be addressed to [oleksandr.komarov@outlook.com](mailto:oleksandr.komarov@outlook.com) no later than 15 October 2024, 18:00 Kyiv time.

**How to apply**

Deadline for submitting the proposals is 18 October 2024, 18:00 Kyiv time.

The bidder must submit the following information to be considered:

* CVs of experts for the engagement in this assignment.
* Financial proposal with price breakdown regarding each proposed expert.
* Letter of interest/motivation letter.

The proposals shall be submitted within the above deadline to [oleksandr.komarov@outlook.com](mailto:oleksandr.komarov@outlook.com), indicating the subject line “**Services of analyzing legislation and judicial practice in cases of administrative corruption offenses**”.

Bidding language: English.