

TERMS OF REFERENCE

Team Lead to the Reform Support Team for Legal Approximation of Ukrainian Legislation to the EU acquis.

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1. Background

Post-war recovery and reconstruction will continue to be a key focus of the Ukrainian administration and the country's international partners in the years to come. This presents a historic chance for Ukraine to transform its socio-economic fundamentals and lay the groundwork for a stable, green and digital transition to a modern and thriving economy. After receiving the EU candidate status earlier this year, Ukraine's recovery efforts are expected to be anchored to the process of EU accession. This will require a significant increase in internal capacity as the EU integration agenda will need to be embedded into the core business of government.

Timely adoption of critical reforms will to a large extent, depend on the Parliament's (hereafter -Verkhovna Rada of Ukraine/VRU/Rada) capacity to deliver in the area of EU acquis and specific sectoral expertise in areas covered by the EU negotiating chapters.

To address the existing capacity gaps in the area of EU acquis transposition and provide support to accelerate critical reforms by the Parliament of Ukraine, a Reform Support Team for Legal Approximation of Ukrainian Legislation to the EU acquis (hereafter - RST) under the umbrella of the Ukraine Reforms Architecture programme is established. The RST will be integrated into existing coordination mechanisms between the Parliament and the Government while maintaining close collaboration and coordination with other reform teams of the Ukraine Reforms Architecture (located in line ministries/agencies and the Secretariat of the Cabinet of Ministers), therefore contributing to increasing the effectiveness of national institutional framework for managing the EU integration process.

The Ukraine Reforms Architecture (URA) is a comprehensive technical assistance programme deployed by the EBRD, in partnership with the European Union, to support critical reform processes in Ukraine. It is financed from the Ukraine Stabilisation and Sustainable Growth Multi-Donor Account (MDA) managed by the EBRD.

URA was designed as a holistic mechanism for stimulating systemic change in Ukraine's public institutions and improving the business climate in the country. URA fills the critical capacity gaps by supplying reform talent at all levels of the government. Since 2016, more than 200 Ukrainian reformers have worked in the project's various components and contributed to dozens of reform outcomes, strategies and policies.

Currently URA is composed of two mutually reinforcing components:

- The Reforms Delivery Office (RDO) placed in the Cabinet of Ministers of Ukraine, coordinating and overseeing the reform processes across the Ukrainian administration
- Reform Support Teams (RSTs) currently embedded in eight Ministries and Agencies to manage the implementation of sectoral reforms. RSTs are a group of Ukrainian experts, hired from outside the public administration, with the overall objective of facilitating implementation of key reforms and establishing a new generation of reform-oriented Ukrainian citizen. They provide targeted, temporary expert support to assist Ministries and agencies in the design and implementation of priority sectoral reforms and restructuring of the Ministries themselves. RSTs are active at the Ministries of Finance, Economy, Communities and Territories Development, Infrastructure, Environmental Protection and Natural Resources, Education and Science, Energy and the State Customs Service.

The RST in the Parliament will become a third component of the URA programme, reinforcing its EU-integration pillar.

The Ukraine Reforms Architecture (URA) is financed from the Ukraine Stabilisation and Sustainable Growth Multi- Donor Account (MDA) managed by the EBRD. Contributors to the MDA are Denmark, Finland, France, Germany, Italy, Japan, the Netherlands, Norway, Poland, Sweden, Switzerland, the United Kingdom, the United States and the European Union.

2. Objectives and Scope of the Services

The EU candidate status is a historic breakthrough for Ukraine and presents a unique opportunity for deepening political and economic ties between Ukraine and the EU and implement necessary legal, policy and institutional reforms on the way to the EU accession.

The RST will be an advisory body to the Secretariat of the VRU and will provide:

- analytical and legal support to the adaptation of the Ukrainian legislation to EU norms;
- support to Parliamentary committees and their subcommittees, secretariats of Parliamentary committees, the Chairman of the Parliament, together with his First Deputy, Deputy and their Offices (where necessary), and Members of the Parliament (where necessary);
- assistance with filling the existing capacity gaps in the area of EU acquis transposition and much needed expert support to accelerate critical reforms by the Parliament;
- support to the VRU in the process of facilitating and accelerating the transposition of EU legislation into Ukraine's legal framework;
- any other assistance and support related to the implementation of EU legal approximation policy (where necessary).

The Team Lead and his team will also work in close cooperation with other reform teams of the URA programme – the Reform Support Teams (RSTs) and the Reforms Delivery Office (RDO), as well as other EU-funded sectorial projects working on specific EU acquis areas.

Priority areas for the initial provision of technical assistance:

The RST will provide assistance within the framework of 6 thematic clusters covering all negotiating chapters of EU acquis, with first priority given to:

- 1) Judiciary and Fundamental Rights/Justice, Freedom and Security/ Foreign, Security and Defence Policy / EU values, democratic institutions;
- 2) Food Safety, Veterinary and Phytosanitary Policy/Agriculture and Rural Development/ Fisheries
- 3) Financial Services / Financial Control / Financial and Budgetary Provisions / Rights of Establishment and Freedom to Provide Services
- 4) Transport policy / Competition Policy / Public procurement
- 5) Energy / Environment
- 6) Intellectual Property Law / Information Society and Media
- 7) Economic and Monetary Policy / Taxation / Customs Union / Statistics
- 8) Customer and Health Protection / Social Policy and Employment / Education and Culture

Priority tasks for the technical assistance will be:

- compliance check (comparative legal expertise) of draft laws against relevant EU acquis via preparing analytical conclusions on such compliance and drawing up tables of concordance (where applicable);

- providing analytical reports/legal opinions on EU Member States' best practices of implementation of EU horizontal/sectoral legislation and provisions thereof suggesting best possible legal models to follow during the approximation process with EU acquis;
- assessing compliance of Ukraine's legislation with relevant EU acquis in priority areas and preparing corresponding compliance reports, including tables of compliance (where appropriate);
- improving draft laws to ensure their conformance with EU acquis by preparing proposals to draft legislation during the compliance check (comparative legal expertise);
- ensuring coordination on legal approximation planning and processes at expert level with technical assistance projects supporting legal approximation process and URA support teams at the Secretariat of the Cabinet of Ministers and line ministries, where appropriate.

Priority tasks may be adjusted by the VRU depending on the current needs and situation according to requests of leadership of VRU and VRU Secretariat in consultation with the EU Delegation to Ukraine and the EBRD.

3. Main duties and responsibilities of the Team Lead:

- Ensure timely delivery of activities within the agreed timeframe and available resources as requested by leadership of VRU and VRU Secretariat;
- Maintain regular communication with the VRU leadership, leadership of VRU Secretariat and parliamentary committees on specific priorities of EU legal approximation policy related to the RST's scope of work;
- Ensure appropriate quality of RST deliverables, including reports, analyses and other;
- Flag obstacles and propose solutions to issues arising in the planning, implementation and monitoring of legal approximation policy to the leadership of VRU and VRU Secretariat;
- Build and manage the RST;
- Ensure effective communication and coordination at expert level, when applicable, with the Secretariat of the Cabinet of Ministers (Government Office for European Integration), line ministries, technical assistance projects supporting legal approximation process and URA support teams (Reform Delivery Office of the CMU and RSTs in line ministries and agencies);
- Ensure high quality information and visibility of RST activities;
- Report on implementation of legal approximation policy to the VRU leadership, leadership of VRU Secretariat and the URA contributors.

4. Expected Deliverables

The Team Lead, supported by RST experts, will be expected to:

- Ensure timely delivery of analytical reports on compliance (tables of concordance with article-by-article analysis, where required) of draft legislation with EU acquis in line with the corresponding plan of legislative activities, relevant provisions of the Rules of Procedures of the VRU and taking into account current practices within the VRU as agreed upon with the VRU / VRU Secretariat leadership.
- Ensure timely delivery of analytical reports on compliance of current Ukraine's legislation in priority areas as defined in point 2 above in coordination, where applicable, with similar activities carried out by the Government and analytical support provided by other EU-funded projects in the area of legal approximation;
- Prepare reports and/or protocols regarding consultations held with stakeholders and other coordination meetings.
- Develop draft legislation and draft legislative proposals, where appropriate.

- Facilitate the coordination of legal approximation process at the expert level with the Government, line ministries, other URA support teams and EU-funded sectorial projects.
- Establish RST working standards and work plan, templates of other documents as relevant in line with its regulation, if applicable.
- Manage RST staff, including recruitment and performance assessment.
- Together with the leadership of the VRU and VRU Secretariat, agree on the internal procedures for the RST's involvement in legal analysis, drafting and other forms of assistance, including in relation to other structures of the VRU, to ensure complementarity and avoid duplication.
- On behalf of the RST, participate in the development of the RST's work plan in line with the formal VRU plan of legislative work in the area of EU integration and Rada-CMU joint list of priority laws in the area of EU integration and, if needed, initiate revisit of such priorities to keep them up to date.
- Produce analyses of current Ukraine's legislation priority areas on its compliance with EU acquis, including policy briefs and analytical notes.
- Produce analysis of draft laws submitted by the Government, MPs and the President on their compliance with European legislation and requirements of the EU-Ukraine Association Agreement.
- Prepare proposals for the harmonisation of national legislation with European legislation in case of identifying the gaps in current or drafted Ukrainian legislation.
- Arrange / participate in coordination and communication meetings with the Secretariat of the Chairman of the VRU, Committees of the VRU and their secretariats, VRU departments, MPs, line ministries and other stakeholders regarding the EU integration draft laws.
- Participate in regular coordination meetings with RDO and respective RSTs and other EU-funded projects in the field.
- Be responsible for hiring/terminating contracts with the RST Team experts in line with the URA recruitment procedure.
- Participate, upon invitation, in the sub-committees, VRU committees hearings when EU integration draft laws are considered.
- Expected deliverables may be adjusted depending on the current needs and situation.

Other responsibilities:

- Ensure delivery of activities within the agreed timeframe and budget.
- Maintain regular communication with the Secretariat of the Verkhovna Rada on allocated specific tasks.
- Establish clear coordination mechanisms and reporting lines between the RST and relevant stakeholders.
- Flag obstacles and propose solutions to issues arising in the legal approximation, reforms development and implementation processes to the Secretariat of the VRU.
- Define, develop and implement best project management practices, governance standards, business processes and performance metrics.
- Lead on recruitment for RST experts to complete full team's composition.
- Provide regular reporting to the host institution and the donors in line with specified requirements.

- Maintain close coordination with the EBRD and the EUD on the progress of project delivery.
- Ensure high quality information and visibility of the RST activities.
- Ensure regular communications with the public on the EU accession and reforms progress.

The specified lists of scope and specification of the services and expected deliverables are not exhaustive and can be modified and supplemented on request and agreement with EUD/EBRD or on request from the VRU.

The position is based on-site in Kyiv. This is not a remote work opportunity.

5. Reporting Line

The Team Lead will be directly subordinated to the Head of Secretariat of the Verkhovna Rada of Ukraine and/or one of his deputies according to the division of responsibilities between them. The Team Lead will also be reporting to the Office of the VRU Chairman.

6. Duration of the Assignment

The initial duration of the assignment is a 6-month contract, with the expected starting date in February 2023. Subject to funding availability and RST performance, this appointment may be extended.

7. Key Skills, Qualifications and Experience Required

Professional experience:

- More than 10 years of general professional experience.
- At least 7 years of general experience in legislative and policy-making/or legal advice and/or legal research in Ukraine (legal drafting, legal enforcement, regulatory analysis, compliance checks, policy implementation, policy evaluation, academic research etc.). The candidate has to provide at least three examples of contribution to drafting legal acts or procedural documents for the Government or the Parliament.
- At least 5 years of professional experience relevant to EU law and legal approximation of Ukrainian legislation to EU acquis.
- At least 5 years of leadership experience, proven track record of effective management of teams.
- At least 2 years of proven experience working in/with the Government or the Parliament on the tasks related to the RST scope of work.
- Deep knowledge and understating of VRU's internal processes, legislative procedure and operational mechanisms.
- Knowledge of the EU acquis in respective areas.
- Proven by relevant experience or training in:
 - understanding of policymaking processes in the EU;
 - strong negotiations, planning, stakeholder coordination, and team management skills;
- Experience in drafting legal or procedural documents would be an advantage.

Other experience:

- Proven knowledge and professional experience in project management.
- Proven work experience in coordinating and supporting the formulation and development of policies, procedures and guidance, requiring effective facilitation and consensus-building skills.
- Good understanding of the reform agenda in Ukraine and policy formulation processes.
- Experience of leading multidisciplinary teams.
- Experience of working with the governmental bodies, good knowledge of their mandate and processes.

Qualifications and skills:

- Impeccable ethical standards, outstanding leadership skills.
- Master's degree in law, economics, finance, business or public administration.

- Proven ability to lead a team of experts.
- Experience in high-level negotiations, strong communication and presentation skills.
- Strong organisational and analytical skills, with the ability to interpret complex legal, commercial and financial information.
- Fluency in oral and written Ukrainian and English.
- Ukrainian – proficient, English – intermediate or higher.

8. Funding Source

The funding source of this assignment is the EBRD Ukraine Stabilisation and Sustainable Growth Multi-Donor Account (MDA). Contributors to the MDA are Denmark, Finland, France, Germany, Italy, Japan, the Netherlands, Norway, Poland, Sweden, Switzerland, the United Kingdom, the United States and the European Union, the largest donor.

9. Submissions

Submissions must be prepared in English and delivered electronically by 13 February to the following email address: [alina.hoshovska@odgersberndtson.com]

All submissions must include:

- Completed, signed and scanned/photographed Application Form;
- Completed, signed and scanned/photographed Non-Disclosure Agreement Form;
- Applicant's CV;
- At least one reference letter from a recent supervisor/manager (in English or Ukrainian with English translation), signed by the referee and scanned/photographed;
- Contact details for two further referees who, if contacted, can attest to the professional and/or educational background of the candidate.

Only applications which have been submitted using the correct template and are fully completed will be considered.

10. Selection Procedure

Following the evaluation of all applications received, selected candidates will be invited for further testing. Only shortlisted candidates will be invited to the interview.