

Individual ToR for the Recovery and Reform Delivery Office

POSITION: Senior Legal Expert (Lawyer) – Agrarian and Land Policy

ToR Date of Issuance: February 22, 2024

Due Date for Applications: March 7, 2024

1. Objective(s) and linkages to Reforms

The Recovery and Reform Delivery Office (RDO) is one of the main cornerstones of the Ukraine Recovery and Reform Architecture Programme (URA). It is placed in the Cabinet of Ministers of Ukraine and serves as an advisory body to the CMU, coordinating and analysing the processes of reforms implemented by the Ukrainian administration.

The consulting services under this Agreement will be mainly focused on performing the following duties: consultation, assistance in identifying and closing gaps in the implementation of the Ukraine Facility Plan, EU-Ukraine Association Agreement, notably, by transposition of the EU acquis related to Agrarian and Land policy as well as proposing necessary measures to continue strengthening pro-European reforms and mainstream EU acquis and international obligations of Ukraine in government reforms, policy formulation, and legal proposals.

2. Position and reporting line

The consultant will be reporting to the RDO Executive Director and coordinated through the RDO Senior Project Manager for Agrarian and Land Policy.

3. Duration and proposed timeframe

The initial consultancy assignment is expected to start on April 1, 2024, and has an estimated duration till August 2025. This assignment has an opportunity for extension, subject to the donors funding availability and the consultant's performance.

4. Main Duties and Responsibilities, Deliverables

4.1. Main Duties and Responsibilities

Advising and supporting the Minister of Agrarian Policy and Food of Ukraine, the Government Office for European and Euro-Atlantic Integration (GOCEEI), and involved state bodies with the European integration of Ukraine in the area of Agrarian and Land policy, in particular:

- analysis of compliance of current Ukraine's legislation to EU acquis in a given area and preparation of relevant assessment reports;
- analysis of draft legislative proposals regarding compliance with European legislation, requirements of the Ukraine Facility Plan and Association Agreement (based on the list of priority bills in the area of European Integration), and other international obligations, as well as preparation of relevant compliance reports and tables of concordance in line with the requirements of the GOCEEI;
- preparation of policy briefs;
- development of legislation including, but not limited to, land consolidation, liberalization of the agricultural land market and land relations, determination of features of registration of rights to land plots in the water areas of sea ports for the construction of port infrastructure, river ports and multimodal terminals, introduction of a competitive procedure for acquiring the right of land easement for land plots of state and communal ownership for accommodation temporary structures for business activities, cancellation of free privatization, etc.;
- support to Ministry of Agrarian Policy and Food of Ukraine, GOCEEI and relevant sector ministries in the development of draft legislative proposals for the harmonization of national

legislation with European legislation, the requirements of the Ukraine Facility Plan and Association Agreement, and other international obligations;

- analysis of pre-conditions and potential impact of implementation of EU acquis and preparation of relevant assessment reports;
- provision of necessary support and consultancy services to the Parliament of Ukraine with regards to the European integration legislative and policy agenda, including preparation of relevant compliance reports and tables of concordance in coordination with the Ministry of Agrarian Policy and Food of Ukraine;
- holding regular coordination meetings with other EU-funded projects in the field, namely, Association4You project and ongoing sectoral projects on agricultural policy;
- preparation of proposals and development of frameworks of programs, roadmaps, and action plans to support the Government's activities towards the European integration agenda;
- studying the experience of candidate countries and providing summaries of key takeaways, organizing and holding consultations with stakeholders, both from Ukraine and the EU;
- legal drafting to support the current activities of the RDO.

4.2. Main anticipated deliverables

Consulting services and assistance provided, including recommendations and developed documents in line with the above-mentioned scope of services and for the defined areas/sectors, including, but not limited to:

- analytical reports on compliance of current Ukraine's legislation in Agrarian and Land policy to EU acquis;
- policy briefs, including on pre-conditions and potential impact of implementation of EU acquis;
- analytical reports on compliance (tables of concordance, where required) of draft legislation with European legislation and other obligations based on the list of priority bills in the area of European Integration;
- Participation in the preparation for consideration of draft laws on agrarian and land policy including, but not limited to, the following draft legislation:
 - "On Amendments to Some Legislative Acts of Ukraine Regarding Urgent Measures to Prevent Unintended Use of the Land of the Kakhovka Reservoir" (reg. # 10135);
 - "On the peculiarities of the regulation of the entrepreneurial activity of certain types of legal entities and their associations in the transitional period" (regarding the definition of real property rights to real property belonging to state, communal institutions, state, communal enterprises) (reg. # 6013);
 - "On Amendments to Some Legislative Acts of Ukraine to Attract Investments for the Purpose of Rapid Reconstruction of Ukraine" (reg. # 9627);
 - "On Amendments to Some Legislative Acts of Ukraine Regarding Simplification of the Procedure for Allocation of Land Plots for the Development of Digital Infrastructure" (reg. # 9549).
- a description of proposals to and draft frameworks of roadmaps, programs, action plans, or their parts;
- analytical reports on other countries' EU integration experience and best practices;
- reports and/or protocols regarding consultations held with stakeholders and other coordination meetings;
- draft legislation;
- draft legislative proposals.

5. Qualifications, Skills and Experience

5.1 Qualifications and skills:

- Master's or higher degree in law;
- Knowledge of the EU acquis in respective areas;
- Understanding of Ukraine's European integration agenda;
- Fluency in Ukrainian and English.

5.2. Professional experience:

- At least 7 years of general experience in legislative and policy-making and/or legal advice and/or legal research in Ukraine (legal drafting, legal enforcement, regulatory analysis, compliance checks, policy implementation, policy evaluation, academic research etc.);
- At least 5 years of professional experience relevant to agrarian and land law and/or legal approximation of Ukrainian legislation to EU acquis.

5.3 Other experience:

- Proven by relevant experience or training:
 - understanding of policymaking processes in the EU;
 - strong planning, stakeholder coordination, and team management skills;
- experience in cooperation with government bodies, knowledge of their mandate and processes;
- experience in drafting legal or procedural documents would be an advantage.

6. 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 Austria, 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.

Please note, that selection and contracting will be subject to the availability of funding.

7. Submissions

Submissions must be prepared in English only and delivered electronically by March 7, 2024, to the following address: rdo@kmu.gov.ua with a copy to rdo.teem@gmail.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 Ukrainian nationals are eligible to apply.

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

8. Selection Procedure

Following the evaluation of all applications received, selected candidates may be invited to a written test. Only shortlisted candidates will be invited to an interview.