

International Open Call for Consultancy Services

Expert on justice and judicial training

Reference Number 031/017

TERMS OF REFERENCE: Support to the Implementation of the SEE 2020 Strategy and the RCC Strategy and Work Programme 2017-2019 in the area ‘Governance, Rule of Law and Security Cooperation’ (B.2 Justice) – Technical Assistance to the Preparation of the Study of the WB6 Judicial Training Institutions’ needs assessment and mapping of the regional projects in the area of judicial training in the WB

Title: Expert on justice and judicial training

RCC Department: Programme Department

Number of Consultants: 1 (one)

Starting Date: 1 October 2017

Reporting to: Rule of Law Expert

Duration: October – December 2017

Deadline for application: 21 September 2017

I BACKGROUND

Purpose

The purpose of the consultancy is to assist in the implementation of the South East Europe (SEE) 2020 – Jobs and Prosperity in a European Perspective in the Area of Justice (Pillar Governance for Growth) and the implementation of the RCC Strategy and Work Programme (SWP) 2017-2019.

Respectively, an expert will be engaged to assist Regional Cooperation Council (RCC) in preparing draft Study containing the analysis of the existing systems of judicial training institutions in the WB, financial and human resources available and exiting procedures and practices employed by the JTIs in the WB, identify recent reforms in this field and identify necessary changes of the regulatory framework and its implementation allowing for the improved strategy documents and other segments of the training process. Study will also assess human resources and technical capacities needed for improved implementation of regional judicial trainings in common topics, thus saving financial resources and achieving similar level of knowledge in the EU law for the judges and prosecutors in the region.

The Study should map all of the ongoing projects supporting judicial training in the region in order to enable better planning and use of the results and to avoid overlapping, duplication and implementation of non-sustainable activities.

Draft Study will be shared with the representatives of WB JTIs and will be discussed and approved at the meeting of WB JTI planned to be held in November/December 2017.

The overall aim of the Study and discussions from the meeting are expected to enable development of the proposals for institution building process and draft common criteria and standards for different stages of the training process acceptable to all Beneficiaries, as a basis for the improved functioning and independence of the institutions, enhanced mutual trust, comparability and knowledge about other legal systems.

Background information

The Regional Cooperation Council (RCC) Secretariat, working upon the request of the economies of Southeast European Cooperation Process (SEECPC), coordinated the development of a regional growth strategy titled SEE 2020 – Jobs and Prosperity in a European Perspective. The main goal of the Strategy is to help boost competitiveness and job creation, and to underscore the European perspective of the region’s future. According to the Strategy, by 2020 the region plans on achieving 11 ambitious headline targets in 5 main growth pillars of the Strategy – integrated, smart, sustainable and inclusive growth, underpinned by good governance. “Justice” Dimension within Governance for Growth Pillar focuses on achieving the improvement in the functioning of judicial system in a regional context. Additionally, Justice constitutes significant segment of the RCC Strategy and Work Programme 2017-2019 which specifies enhanced mutual legal assistance, functioning platforms of judicial training institutions and associations of mediators and reduced court backlogs as a results of the RCC activities in the rule of law area.

In order to additionally boost regional cooperation in the area of justice, the SEE 2020 Strategy and SWP 2017-2019 lay down key actions which should contribute to the achievement of this aim:

- Introduce a comprehensive and enduring system of education and increased competence of the judiciary
- Introduce forms of judicial cooperation covering free access to information, cross-border enforcement and cross-border proceedings in bankruptcy and takeover and mergers

- Introduce regulation that supports alternative dispute resolution and their complementarities with the judicial system
- Enhance mutual legal assistance between judiciaries in the region
- Create the platform/network of judicial training institutions in WB/SEE to support capacity building measures of judges and prosecutors
- Reduce the court backlog by establishing the regional network of mediators/arbitrators.

In order to guide regional cooperation in the area of justice in an effective and efficient manner the Working Group on Justice (consisting of representatives of WB ministries of justice) was formed in 2014 and supported by the RCC. As per content, the work is guided by the Regional Action Plan in the Area of Justice (RAP) which was developed by the RCC in close cooperation with the Beneficiaries and endorsed by the respective ministries of justice in May 2014. RAP addresses three main areas: 1) efficiency of courts, quality of justice and competence of judges and prosecutors, 2) cross-border judicial cooperation in business related legal and judicial areas, and 3) alternative dispute resolution (ADR).

The RCC established the SEE Judicial Training Institutions Network in April 2016 and is organising yearly meetings which serve as a platform to exchange lessons learned and good practices. SEE JTIs asked RCC to start functioning as a hub for the judicial training activities and to support/organise regional trainings in the EU law for judicial officials (the first such seminar for judges was held in March 2017 and was positively evaluated by all participants).

RCC Strategy and Work Programme 2017-2019 in the Area of Justice envisage further development and improvement of the network/platform of judicial training institutions including support to regional trainings in European Law and other common topics in order to generate better understanding of the different legal systems and thus improve mutual trust.

Based on the findings of the RCC Study of best practices in training needs assessment and evaluation commissioned in 2016 and discussion at the WB JTIs meeting held in Brussels in July 2017, the stakeholders agreed upon the need to commission WB judicial training centres institutional needs assessment study and to map cross-border/regional projects in the area of judicial training in WB. The Study should include brief comparative overview and analysis of good practices with identification of points to be strengthened and common challenges in the institutional functioning of the training centres and propose systematic approach to the process of institution building and standardised processes of all segments of training (training needs assessment, short- and long-term planning, selection of participants, selection of trainers, evaluation, etc.).

Additionally, the Study should provide basis for development of common standards and rules in different areas of judicial training in order to improve the system and to make results comparable and more concrete. This process should be a starting point for the fulfilment of the objective criteria in all phases of the training process and in long-run positively influence the process of appointment and career development of judicial officials.

It is planned that the Study will include two parts: (i) segment on judicial training institutions needs including recommendations for possible improvements, and (ii) overview of the ongoing regional and national projects.

The findings and recommendations of the Study should be used to enhance independence and competitiveness of judicial training centres and the staff, to provide basis for designing common activities of JTIs in WB and to establish coherent systems of training needs assessment, strategic approach and objective evaluation of work. In this way results of the Study should facilitate enhanced cooperation and mutual trust and identification of common topics of interest for the judges and prosecutors in the region. Moreover, overview of the projects supporting judicial trainings in WB region will enable avoidance of overlapping and in long-run better use of project results providing for a greater impact to be achieved.

II DESCRIPTION OF RESPONSIBILITIES

Objectives and scope of the assignment

The main objective of the assignment is to provide assistance in preparing the Study of WB JTIs needs assessment including a map of regional projects in the area of judicial training in Beneficiaries. The Study should identify the existing systems, their practices and functioning clearly stating both strengths and points which should be improved and common challenges, recent reforms and proposing improvements of regulations and implementation offering concrete solutions and recommendations. The Study shall include mapping of ongoing national and cross-border projects in judicial training field in each Beneficiary.

The Study should lead to the conclusions on the judicial training related issues and propose the basic common indicators to evaluate results of the training activities and the follow-up process of the implementation of training programmes in Beneficiaries.

The Study should provide recommendations for improved cross-border/regional cooperation among JTIs and judiciaries.

The Study in question should contain: (i) brief narrative part explaining the goals and benefits of judicial training as a condition of the independent, competent, accountable and efficient judiciary with reference to the strategic documents and studies (2 pages); (ii) summary of the analysis on the existing systems of the judicial training in the Beneficiaries, identifying recent reforms in this field and recommending possible changes of the regulatory framework, assessing human resources and technical capacities needed for improvement of judicial training and independency of training institutions, and identifying areas where regional cooperation is an added value (20 pages); (iii) brief narrative part explaining the goals and benefits of different possible interventions at the regional level and summary of the existing systems focused on possible improvements in the Beneficiaries (10 pages); (iv) define the framework of the future regional institutional cooperation among WB JTIs supported by the RCC (5 pages); (v) conclusions and recommendations for the improvement of judicial training systems; (annex) map of ongoing projects (national and regional) in the area of judicial training with recommendation on how to avoid overlapping and enable better efficiency of the projects in the region (10 pages).

It is expected that the expert will share draft study with the RCC and afterwards with JTIs and will include the appropriate comments in the final draft. Expert is expected to discuss draft study with the

representatives of JTIs and to present the final draft at the regional meeting on judicial training planned to be organised by RCC in November/December 2017.

Tasks

- Conducting desk research and in-depth review of Beneficiaries` existing systems of judicial training and the results of recent reforms in this field if applicable, including human capacities dealing with all training processes and evaluation system;
- Conducting research on the strategies, processes and points to be strengthened at the JTIs in the Beneficiaries;
- Mapping the ongoing national and cross-border/regional projects in WB regarding judicial training based on the desk research and communication with EU delegations and JTIs management/decision making bodies;
- Prepare, present, and amend draft Study together with the RCC and WB JTIs;
- Prepare the final draft Study (incorporating comments and suggestions from the RCC and JTIs as appropriate) as a document for the discussion at the regional meeting on the judicial training and RCC` s role in this process (November/December 2017)

Relevant Documents:

- https://e-justice.europa.eu/content_the_european_judicial_training_policy-121--maximize-en.do
- http://ec.europa.eu/justice/criminal/files/2011-551-judicial-training_en.pdf
- http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET%282011%29453198_EN.pdf
- <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52006DC0356>
- <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0551:FIN:EN:PDF>
- [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:42008X1122\(01\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:42008X1122(01))
- http://www.coe.int/t/dghl/cooperation/cepej/quality/default_en.asp
- Studies, reports and publications by Council of Europe, EJTN, ERA and European Commission

The envisioned level of effort is set at maximum of 20 working days for the Expert and includes the meetings with respective partners in the Beneficiaries to discuss the status of judicial training and possibilities or needs to improve it at regional level.

The procedure should be finished until end-October 2017; meeting is planned for November/December 2017.

The Consultant will report to the Rule of Law Expert.

Deliverables

The following deliverables will be produced and transferred to the RCC during the course of the assignment:

- First draft of the Study (produced by the mid-October 2017) sent to the RCC and relevant stakeholders for comments;
- Finalisation of the Study is expected within 15 days after receiving the comments from the stakeholders and the RCC;
- Final draft of the Study (incorporated proposals of the JTIs and RCC) produced by mid-November 2017;
- Document prepared for presentation at the WB meeting on judicial training (JTIs and WGJ) in November/December 2017

Timeframe

The total duration of the engagement will span over 3 months and will not exceed 20 working days during this period, starting September 2017 and finishing by December 2017.

DELIVERABLE	DEADLINE
Draft of the structure of the Study	One week after assignment
First draft of the Study	15 October 2017
Final draft of the Study (with comments included)	15 November 2017
Document prepared for presentation and discussion at the regional meeting	30 November 2017

III COMPETENCIES

Qualifications

Education:	- University or advanced degree in Law
Experience:	- Proven record of theoretical knowledge and practical experience and expertise in the area described; - Participation as an expert in projects in the area of justice, judicial training and judicial cooperation; - Minimum of 10 years of relevant experience in justice reforms and judicial

	<p>training area;</p> <ul style="list-style-type: none"> - Knowledge of EU documents and strategies, strategies and action plans in the Beneficiaries in the area of justice and judicial training; - Demonstrable drafting skills; - Proven analytical skills and ability to conceptualize and write concisely and clearly; - Proven communication and presentation skills and ability to work in an environment requiring communication and collaboration with multiple actors including government representatives, international organisations, members of judiciary and other stakeholders.
Language requirements:	<ul style="list-style-type: none"> - Fluency in English, as the official language of the RCC; - Knowledge of other languages from the region is a bonus.
Other:	<ul style="list-style-type: none"> - Familiar with MS Office applications.

Core competencies

- Demonstrates professional competence to meet responsibilities and post 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, generates innovative and practical solutions to challenging situations;
- Communication: Excellent communication skills, including the ability to convey complex concepts and recommendations in a clear and persuasive style tailored to match different audiences;
- Team work: Ability to interact, establish and maintain effective working relations with a culturally diverse team; and

- Client orientation: Ability to establish and maintain productive partnerships with regional and national partners and stakeholders and pro-activeness in identifying the needs of beneficiaries and partners, as well as matching them to appropriate solutions.

Core values

- Demonstrates integrity and fairness by modelling RCC values and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

IV QUALITY CONTROL

The expert should ensure an internal quality control during the implementing and reporting phase of the assignment. The quality control should ensure that the draft reports and deliverables comply with the above requirements and meet adequate quality standards before sending them to stakeholders for comments. The quality control should ensure consistency and coherence between findings, conclusions and recommendations. It should also ensure that findings reported are duly substantiated and that conclusions are supported by relevant judgment criteria.

The views expressed in the report will be those of the contractor and will not necessarily reflect those of the Regional Cooperation Council. Therefore, a standard disclaimer reflecting this will be included in the reports. In this regard, the expert may or may not accept comments and/or proposals for changes received during the above consultation process. However, when comments/proposals for changes are not agreed by the expert, he/she should clearly explain the reasons for his/her final decision in a comments table.

Quality control by the Regional Cooperation Council

The Consultant outputs shall undergo external reviews by relevant stakeholders, including the representatives of the WGJ and the Regional Cooperation Council.

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V APPLICATION RULES

- Qualified candidates are invited to send an application via e-mail to ProcurementforRCC@rcc.int no later than 21 September 2017 by 17:00 Central European Time.
- **Only** short listed candidates will be contacted.
- Selection process will be based on the competency-based interview.

The application needs to contain the following:

- Letter of interest;
- CV outlining relevant knowledge and experience;
- A short methodology-concept note (maximum 2 pages) indicating how the assignment will be carried out, description of activities and the main issues, tools to be employed by the Consultant, and the scope of the assignment proposed by the applicant;
- List of references for relevant activities implemented over the past five years;
- Financial offer;
- Application Submission Form, Annex I;

When preparing the financial offer, the applicant should take into account the following:

- The proposed budget should include daily fee rate for consulting services; the fee rates should be broadly consistent with the EU framework rates for these types of professional services.
- It is expected that the Consultant would spend most of the assignment (up to 80%) working from own premises.
- Possibility of up to 10 missions to capitals in the Western Balkans.
- Costs of the trips shall be treated separately based on actual costs of each trip, i.e. accommodation, meals and transport. These costs are not subject to the price ceiling.

The contract will be awarded to the highest qualified applicant based on the skills and expertise as demonstrated in the resume and interview, the quality of the concept note and the cost effectiveness of the financial offer.

Technical Evaluation

EVALUATION GRID	Maximum score
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Education	25
Qualifications and Skills Required	25
Quality of concept note	25
Language skills	25
TOTAL SCORE	100

In addition to the results of the application, a competencies based interview will be held with the selected candidates.

Financial Evaluation

Financial Proposal/ cheapest price has maximum score	100
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ANNEX I: APPLICATION SUBMISSION FORM

REF: 031-017 Open Call for Consultancy Services

One signed copy of this Application Submission Form must be supplied.

1 SUBMITTED by:

Name	
Surname	
Address	
Telephone	
Fax	
e-mail	

3 **DECLARATION**

[Name] _____ hereby declares that we have examined and accepted without reserve or restriction the entire contents of the Open Call for Consultancy 026-017.

And we are not in one of the following situations:

- (a) Bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) Have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- (c) Have been guilty of grave professional misconduct proven by any means which the Contracting Authority can justify;
- (d) Have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the Contracting Authority or those of the country where the contract is to be performed;

- (e) Have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity.
- (f) Are civil servants or other agents of the public administration of the RCC Participants, regardless of the administrative situation, excluding us from being recruited as experts in contracts financed by the RCC Secretariat.

We offer to provide the services requested in the open call for consultancy on the basis of supplied documentation subject of this call, which comprise our technical offer and our financial offer.

Name and Surname	
Signature	
Date	

ANNEX II: BUDGET BREAKDOWN

REF: 031-017

No	Cost categories	Number of units	Unit Cost	Total Cost
1.	Daily fee			
2.	TOTAL COSTS			
3.	Taxes (if applicable)			
	GRAND TOTAL (2+3):			

NOTE:

When preparing the financial offer, the applicant should take into account the following:

- Include the number of proposed working days and daily fee rate for consulting services, the fee rates should be broadly consistent with the EU framework rates for these types of professional services.
- Travel costs are not subject of the financial offer and shall be treated separately.