Senior Legal Expert on Social Policy and Employment[1] to the Recovery and Reform Support Team for Legal Approximation of Ukrainian Legislation to the EU acquis

(category 1)

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 Recovery and Reform Support Team for Legal Approximation of Ukrainian Legislation to the EU acquis (hereafter - RST) under the umbrella of the Ukraine Recovery and Reform 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 Recovery and Reform 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 Recovery and Reform Delivery Office (RDO) placed in the Cabinet of Ministers of Ukraine, coordinating and overseeing the reform processes across the Ukrainian administration
- Recovery and 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, Territories and Infrastructure Development, Environmental Protection and Natural Resources, Education and Science, Energy and the State Customs Service.

[1] combined with Freedom of Movement for Workers. See chapters 2 and 19 of EU acquis: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/conditions-membership/chapters-acquis_en

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

The Ukraine Recovery and Reform Architecture (URA) is financed from the Ukraine Stabilisation and Sustainable Growth Multi- Donor Account (MDA) managed by the EBRD. 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.

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 is an advisory body to the Secretariat of the VRU and where appropriate in coordination with other EU-funded projects linked to legal approximation 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 Senior Legal Expert will also work in close cooperation with other reform teams of the URA programme – the Recovery and Reform Support Teams (RSTs) and the Recovery and Reform Delivery Office (RDO), as well as other EU-funded projects in the relevant fields.

2.1. Required expertise

In close coordination with other EU-funded projects linked to legal approximation, the RST will provide assistance within the framework of 6 thematic clusters covering all negotiating chapters of EU acquis.

A Senior Legal Expert is expected to cover one of the nine priority areas of EU acquis, as defined below (which is a mandatory requirement) in combination with two additional ones (which is a supplementary requirement) **to be indicated by an applicant during the submission process**. The preferable combination is provided in brackets next to each priority area of EU acquis in section 2.2. Versatility in EU acquis expertise will be considered as an advantage.

2.2. Priority areas of EU acquis

1) Judiciary and Fundamental Rights (combined with Justice, Freedom and Security / Foreign, Security and Defence Policy and/or any extra/alternative);

2) Social Policy and Employment[2] (combined with Freedom of Movement for Workers and/or any extra/alternative);

[2] See chapters 2 and 19 of EU acquis: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/conditions-membership/chapters-acquis_en

3) Consumer and Health Protection (combined with Science and Research/Education and culture and/or any extra/alternative);

4) Financial Services (combined with Taxation/Customs Union/Free movement of capital and/or any extra/alternative);

5) Economic and Monetary Policy (combined with Competition/Public Procurement/ Company law/ Financial and budgetary provisions and/or any extra/alternative);

6) Energy (combined with Trans-European networks and/or any extra/alternative);

7) Environment (combined with Energy and/or any extra/alternative);

8) Transport policy (combined with Trans-European networks/Regional policy and coordination of structural instruments and/or any extra/alternative);

9) Intellectual Property Law (combined with Information Society and Media and/or any extra/alternative).

2.3 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.

2.4 Position and reporting line

The Senior Legal Expert on Social Policy and Employment (combined with Freedom of Movement for Workers) will be directly subordinated to the RST Team Lead.

The contract will be concluded on a deliverable basis with fixed daily fee rate.

2.5 Duration and proposed timeframe

This consultancy appointment is expected to start in September 2024 and has an estimated overall duration of 7 months. Subject to the availability of funding, the performance of the selected consultant and the specific needs of the RST, this appointment may be extended.

3. Main duties and responsibilities of the Senior Legal Expert

- Ensure timely delivery of activities within the agreed timeframe and available resources as requested by the Team Lead, the leadership of VRU and VRU Secretariat.
- Ensure appropriate quality of deliverables, including reports, analyses and others.
- Flag obstacles and propose solutions to issues arising in the planning, implementation and monitoring of legal approximation policy to the Team Lead, the leadership of VRU and VRU Secretariat.
- Ensure effective communication and coordination at the expert level, when applicable, with the Secretariat of the Cabinet of Ministers (Government Office for European Integration), line ministries, technical assistance projects supporting the legal approximation process and URA support teams (RDO of the CMU and RSTs in line ministries and agencies).
- Ensure high-quality information and visibility of RST activities.
- Report on the implementation of legal approximation policy to the Team Lead, VRU leadership, the leadership of VRU Secretariat and the URA contributors.

4. Expected Deliverables:

The consultant will conduct legal review and analysis, engage in legislative drafting and participate in relevant policy discussions in close collaboration with relevant VRU committees, departments, MPs, line ministries and other stakeholders.

The Senior Legal Expert will be expected to:

- In line with the RST Work Plan and division of work with the relevant EU-funded projects linked to legal approximation, 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 Ukraine's legislation with EU acquis in Social Policy and Employment (including Freedom of Movement for Workers) areas, namely, chapters 2 and 19 of the EU acquis. Where applicable, such reports may by prepared in coordination with or based on the input of other EU-funded projects in the above area.
- Prepare reports and/or protocols regarding consultations held with stakeholders and other coordination meetings.
- In close coordination with EU-funded projects in the area of Social Policy and Employment (Freedom of Movement for Workers) and the relevant VRU Committee, contribute to the development of draft legislation in Social Policy and Employment (Freedom of Movement for Workers) area, where appropriate.
- Produce analysis of current Ukraine's legislation in Social Policy and Employment (combined with Freedom of Movement for Workers) 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 acquis Social Policy and Employment (Freedom of Movement for Workers), area namely, chapters 2 and 19 of the EU acquis[3].
- Prepare proposals for the harmonisation of national legislation with European legislation in case of identifying the gaps in current or drafted Ukrainian legislation in close coordination with the VRU Committee on Social policy and Veteran's rights and other parliamentary and government stakeholders in this area.
- 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,

[3] As above.

MPs, line ministries and other stakeholders regarding the EU integration draft laws.
- Participate, upon invitation, in the sub-committees, VRU committees hearings when EU integration draft laws are considered.
- Participate in regular coordination meetings with RDO and respective RSTs and other EU-funded projects in the field.
- Support the Team Lead with regular reporting to the host institution and the donors in line with specific requirements.
- Expected deliverables may be adjusted depending on the current needs and situation.

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. Qualifications, skills and experience required

5.1 ***Qualifications and skills***:

- Master's degree in law or equivalent diploma in law. A master degree in other areas listed in section 2.2, together with: a) minimum 5 years of experience in legal advice or legal research and b) in addition to years required under professional experience, can be considered.
- Ukrainian – proficient, English – intermediate or higher.

5.2 ***Professional experience:***

- **Minimum 5 years** of general professional 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.). **Professional experience is calculated as of the date of receipt of the diploma** required in section 5.1 above**.**
- **At least 3 years** of relevant professional experience related to EU law and legal approximation of Ukrainian legislation to EU acquis and/or related to Social policy and Employment/Freedom of Movement for Workers area.
- Understating of VRU's internal processes, legislative procedure and operational mechanisms will be considered as an advantage.
- Knowledge of the EU acquis chapter in in Social Policy and Employment (Freedom of Movement for Workers) area[4] will be considered as an advantage.
- Experience in drafting legal or procedural documents will be considered as an advantage.

5.3 ***Other competencies:***

- Proven work experience in coordinating and supporting the formulation and development of policies, procedures and guidance, requiring effective facilitation and consensus-building skills will be considered as an advantage.
- Good understanding of the reform agenda in Ukraine and policy formulation processes.

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, Latvia, the Netherlands, Norway, Poland, Sweden, Switzerland, the United Kingdom, the United States and the European Union, the largest donor.

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

7. Submissions

[4] https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/conditions-membership/chapters-acquis_en

Submissions must be prepared in English only and be delivered electronically by **August 28, 2024** to **recruitment.ura@gmail.com**

All submissions must include a completed Application Form, the candidate's Curriculum Vitae, NDA Form, Motivation letter (should include detailed information about candidate`s relevant professional experience related to EU law and legal approximation of Ukrainian legislation to EU acquis and/or related to Social policy and Employment/Freedom of Movement for Workers area), and the contact details for three 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.

8. Selection Procedure

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