



USAID Business Enabling Project in Serbia JOB DESCRIPTION AND STATEMENT OF WORK

Position: Legal Advisor for Inspection Oversight

Employer: Cardno Emerging Markets USA Ltd., Washington DC, Belgrade Representative Office

Component 1: Business Regulation and Economic Governance

Location: Serbia, Belgrade

I. SCOPE OF WORK

About the Project

USAID Business Enabling Project (“USAID BEP” / “the Project”), implemented by Cardno Emerging Markets USA Ltd. and partners, is a seven year initiative launched in January 2011. The purpose of the Project is to help the Government of Serbia improve the competitiveness of the Serbian economy, its macroeconomic position and its private sector businesses. The Project provides technical assistance, training, and other support to improve the business enabling environment, macroeconomic stability, and further develop financial markets. The Project is demand driven: all activities are based on the priorities of the private sector and Government.

USAID BEP Component 1, Business Regulation and Economic Governance, streamlines laws, regulations, and institutions to improve regulators’ capacity to implement laws and improve analysis and public-private dialogue. The Project’s approach to achieving reforms is to help the Government work closely with the private sector and outside experts to make reforms that improve business competitiveness. The Project provides technical assistance to improve construction permitting, inspection oversight, and other legal, regulatory and institutional reforms.

Background to SOW

In order to meet numerous and complex requirements of creation of business-friendly regulatory and institutional frameworks in the area of inspection oversight, USAID BEP seeks for technical assistance of Legal Advisor for Inspection Oversight.

USAID BEP has worked with the Ministry of Public Administration and Local Self-Government (“MoPALSG”) and the Government of the Republic of Serbia (GoS) in developing a new inspection oversight framework that is harmonized with good international practices and modern inspection standards. The Law on Inspection Oversight was enacted on April 15, 2015, and published in the Official Gazette of the Republic of Serbia No. 36/2015. The Law entered into full force on April 30, 2016. The MoPALSG, with USAID BEP support, has prepared an Implementation Plan for this Law to address the likely challenges in implementing this piece of legislation. Implementation involves a large number of inspection bodies and inspections that have to implement new concepts and procedures. It includes a number of implementing



activities structured within five measures: 1. Development and adoption of by-laws and documents for implementation, and informing public on Law novelties; 2. Establishing coordination mechanism and building capacities of the Coordination Commission; 3. Establishment and maintenance of e-Inspections system; 4. Establishing a system of training, continuous improvement of knowledge and skills and professional promotion of inspectors; 5. Providing technical and communication infrastructure, equipment and working conditions for inspections. During 2015 and 2016 BEP helped implement the Law by drafting bylaws and other implementation documents, developing methodologies, analysis, instructions, recommendations and templates, giving legal interpretations (over 400 interpretations provided in 2016), providing inputs for development of inspection oversight check-lists (1,700 check-lists developed with the help of BEP experts; all state inspectorates developed their inspection oversight check-lists), continuously presenting features of the Law and related legislation and regulation, training inspectors (around 5,000 inspectors trained through direct and follow-on trainings), helping process of development the e-Inspector system, and helping the Inspection Oversight Coordination Commission and the MoPALSJ to coordinate inspections.

In 2016, BEP in cooperation with the Partners for Democratic Changes Serbia and the MoPALSJ completed the primary and advanced Train the Trainers inspection program on implementation of the Law on Inspection Oversight and inspection soft skills, which resulted in training of 327 trainers from a number of inspectorates across the Serbia. These trainers conducted follow-on trainings for their colleagues from inspectorates, ensuring knowledge dissemination and sustainability. 50 trainers passed the advanced Train the Trainers inspection program on implementation of the Law on Inspection Oversight. BEP also participated in development and delivery of e-training on implementation of the Law on Inspection Oversight for 1,140 local inspectors, through cooperation with the Standing Conference of Towns and Municipalities (SKGO) and OSCE.

BEP provided technical support in analysis and development of recommendations re: improvement of inspection organization, transparency, advisory and preventive role, risk analysis, inspection oversight planning and inspection effectiveness indicators. The Coordination Commission is supposed to endorse these recommendations as inspection guidelines in Q2 2017. BEP continuously supported the Inspection Oversight Coordination Commission - umbrella inspection coordination body consisted of the Inspection Oversight Board (operational level) and the Commission's Inter-Ministerial Council. In cooperation with the Coordination Commission, inspectorates, MoPALSJ and Coordination Body for Reduction of Grey Economy, BEP worked on prevention and reduction of shadow economy, which resulted in significant increase in business registration (20% more of newly-registered sole traders), decrease of closed businesses (14% less closed sole traders), movement of unregistered workers to full registration and employers' payment of taxes and social contributions. Business Survey 2016 shows increase of businesses' trust in inspections, where 42% of legitimate businesses (there is 6 pp more than 2015 – 36%) believe that inspections effectively protect them from unfair competition. Business perception of inspection oversight and building confidence in inspections is constantly growing, particularly enhanced by enactment and



implementation of the Law on Inspection Oversight. Surveys and analysis show that additional efforts should be invested in better understanding, communication and dialogue between the inspections and judiciary, law enforcement authorities, and other public bodies.

Objective

The objective of this STTA is to assist in implementation of inspection oversight framework and good practice in Serbia.

Legal Advisor for Inspection Oversight will closely cooperate with USAID BEP staff and consultants, as well as with other stakeholders. The Legal Advisor for Inspection Oversight will be part of a USAID BEP Inspection Reform Task Management team.

Tasks

The Legal Advisor for Inspection Oversight will provide technical assistance and advisory support in implementation of the Law on Inspection Oversight. It will include development of the law implementation documents (instructions, interpretations, inspection related analysis, improvement recommendations, comments and suggestions, other inputs), participation in harmonization of sector inspection legislation with the Law on Inspection Oversight and adjusting legislation and regulations related to inspection oversight, and providing technical assistance in implementation of the inspection oversight guidelines, standards and good practice.

The Legal Advisor for Inspection Oversight will participate in presentations and trainings on the inspection oversight framework and law implementation.

The Legal Advisor for Inspection Oversight will help building capacities of the Coordination Commission and its supporting office (unit) in the MoPALSG, and help in improving inspections coordination and cooperation between inspections and other public bodies by providing technical assistance and advisory support.

The Legal Advisor for Inspection Oversight will provide the other deliverables as agreed with USAID BEP authorized representative.

The Legal Advisor for Inspection Oversight will furnish drafts of deliverables to USAID BEP duly and timely. USAID BEP will provide its comments in written timely after receiving the draft deliverable through Milan Stefanović, Senior Expert in USAID BEP Business Regulation and Economic Governance Team, Inspection Reform Task Manager.

Level of Effort

The maximum number of days under this LoE cannot exceed 12 (twelve) days. The Legal Advisor for Inspection Oversight will obtain approval by the USAID BEP authorized



representative on the number of days billable for each activity under this SoW and on deadlines for completion of each activity before he/she engages in that activity.

Period of Performance

Period of performance of this SoW is March 1, 2017 to June 15, 2017.

Deliverables

Specific work products to be developed by the Legal Advisor for Inspection Oversight include:

- providing technical assistance and advisory support in implementation of the Law on Inspection Oversight, inspection oversight guidelines, standards and good practice through participation in development of the law implementation documents, participation in the process of harmonization of sector inspection legislation with the Law on Inspection Oversight and adjusting legislation and regulations related to inspection oversight, and advisory support;
- providing technical assistance and advisory support in building capacities of the Coordination Commission and its supporting office (unit) in the MoPALS, and providing help in improving inspections coordination and cooperation between inspections and other public bodies;
- participating in presentations and trainings of inspectors;
- STTA Final Report;
- other deliverables as agreed with USAID BEP authorized representative.

Legal Advisor for Inspection Oversight will closely cooperate with USAID BEP staff and consultants, MoPALS, coordination bodies and Coordination Commission Support Unit, and other public authorities, business and professional associations, donors and other stakeholders. Legal Advisor for Inspection Oversight will be part of a USAID BEP Task Management teams.

All documents will be prepared in Serbian and the final report on the work performed and results achieved (STTA Completion Report) will be prepared in English.

To Apply:

1. Requirements for eligible candidates:

- a. Good understanding of inspections, regulatory reform, law implementation, law enforcement, judiciary and business environment related issues;
- b. Expertise and experience in inspection law, administrative law, judiciary and law enforcement;
- c. Knowledge and experience in drafting legislation, regulations, instructions, analysis and/or related enactments will be considered an advantage;
- d. Experience on USAID projects is preferable;



- e. Good presentational and training skills;
 - f. Good English speaking and writing skills;
 - g. Excellent writing skills.
2. Applications including CV clearly showing adequate technical background and relevant work experience should be sent by e-mail to: info@bep.rs, **by February 23, 2017 CoB (Close Of Business - day)**. Only short-listed candidates will be contacted.