

TERMS OF REFERENCE

‘Trade Development Strategy Expert’

I BACKGROUND

1.1. Beneficiary country

The action will be implemented in Federation BiH, Bosnia and Herzegovina.

1.2. Project description

Title: ‘EU for Civil Society (EU4CS) - Capacity building of Governments to include CSOs into the decision-making, Bosnia and Herzegovina’

The *overall objective* of this project is to address the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and to extend support to inclusive social dialogue and social partners (employees, employers, governments) including in relation to legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

The *specific objective* is to target the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and extend it in direction of support to social dialogue and social partners (employees, employers, governments) including on such issues as legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

Expected *outputs* to be achieved include:

- Strengthen capacity of the public institutions and CSOs for better cooperation on policy dialogue,
- Strengthen capacity of the CSOs for better cooperation on creating and drafting strategic, legal and policy framework,
- Improved social dialogue between social partners (employees, employers, governments) at all institutional levels,
- Ensure participations of CSOs in the public consultations process/public debates on different institutional levels,
- Improved transparency in financing of CSOs by public institutions and
- Improved CSOs programme and financial reporting system to relevant institutions.

Project ‘EU for Civil Society (EU4CS) - Capacity building of Governments to include CSOs into the decision-making, Bosnia and Herzegovina’, is implemented by international consortium led by PCM Consulting, Igor Stojanovic sp, Voždovačka 4, 78000 Banja Luka, Bosnia and Herzegovina Phone: +387 51 329560; info@pcm.ba

1.3. Relevant country background

Since 1995 and according to the Dayton Agreement the state of Bosnia and Herzegovina (BiH) has been divided into two political entities – Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH) – and the Brčko District (condominium). The RS covers 49 % of the territory and forms a semi-circle around the north and east, while the FBiH occupies the other 51%. Each Entity has its own political structure and administration. The BiH State government consists of a Parliamentary Assembly, which is divided into a House of Representatives and a House of Peoples, a rotating tripartite presidency (with one member from each of the constituent peoples – Bosniaks, Croats and Serbs), and a Council of Ministers with nine ministries. The political structure of the FBiH is divided into three levels: the Entity level, the Cantonal level and the Municipal level, with each municipality having its own municipal council and administrative structures. By contrast, RS has no cantons, only municipalities.

Therefore, in such a complex environment non-state actors (NSA) have difficulties in advocating for reforms in the above mentioned areas.

According to the latest data obtained from the BiH Ministry of Justice, for more details please consult <http://zborniregistri.gov.ba/> only accessible in Bosnia and Herzegovina's official languages, there are more than 27,000 organisations that can be considered as civil society non-profit organisations. At the State and FBiH level, the Ministries of Justice are responsible for registration and for keeping the Registry Books for Associations and Foundations. According to RS's Law on Associations and Foundations, associations and foundations register at the Basic Court in the seat of the District Court in the area in which they have their seat.

1.4. Current state of affairs in the relevant sector

The trade development strategy of FBiH for the period 2025 - 2031 should establish guidelines for creating conditions for the sustainable development of the Federation's market, where trade, in the conditions of increased market liberalization towards which all free trade agreements are aimed, is regulated and encouraged.

In this sense, for the development of trade in the Federation of BiH, it is necessary to create a strategic document in which will assess the position and role of trade in the economic development of the Federation of BiH, as well as will analyse and evaluate the strengths, weaknesses, opportunities and threats in the development of trade and the domestic market.

Furthermore, the goal of this strategic document is to increase exports, develop and strengthen the competitive advantage of trade, which includes reforms and investments that strengthen the cohesion and competitiveness of the trade area.

In regards to above mentioned, preparation of the Trade Development Strategy of FBiH for the period 2025 - 2031 is a strategic decision of the Government of FBiH and the Federal Ministry of Trade, which will provide ground for Federal Ministry of Trade to face a series of adjustments to existing legislation with EU Directives in the field of consumer protection and in the field of e-commerce in the near future.

The importance of adopting the Strategy is particularly reflected in the creation of appropriate policies in the area of trade in the Federation of Bosnia and Herzegovina, that is, in the provision of guidelines for the process of adapting trade to current trends and future challenges.

Existing legislative framework in Federation BiH related with trade sector:

Development Strategy of the Federation of BiH 2021-2027, was adopted by during April 2022, which addresses trade through strategic goal 1: accelerated economic development - priority 1.2. accelerate the digital transformation of small and medium-sized enterprises

Law on Internal Trade ("Official Gazette of the Federation of Bosnia and Herzegovina", no. 40/10 and 79/17)

Law on Unauthorized Advertising ("Official Gazette of FBiH" BR.101/16)

Law on mediation in real estate transactions ("Official Gazette of the Federation of Bosnia and Herzegovina", number 75/21)

Rulebook on the requirements for the minimum technical equipment of business premises for trade and trade services ("Official Gazette of the Federation of Bosnia and Herzegovina", no. 49/12, 35/18 and 68/19 and 100/23)

Rulebook on the form, content and manner of keeping the trade ledger ("Official Gazette of the Federation of BiH", no.: 91/15, 97/17 and 49/19)

Rulebook on classification of stores ("Official Gazette of the Federation of Bosnia and Herzegovina" No. 111/12)

Law on Unauthorized Advertising ("Official Gazette of FBiH" BR.101/16)

According to EC Bosnia and Herzegovina 2023 Report¹, BiH continues to implement the Stabilisation and Association Agreement (SAA) which, together with its Interim Agreement applied since 2008, has enabled progressive trade liberalisation with the EU and mutual duty-free access for most goods.

¹ Available on https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2023_en

BiH is between an early stage and some level of preparation in terms of capacity to cope with competitive pressure and market forces in the EU, and made limited progress in this area. Economic integration with the EU remains high, but overall trade is below potential.

BiH again unilaterally introduced and continued export restrictions breaching the terms of the SAA, a matter of concern for trade and commercial policy. The country needs to implement the additional protocols to the Central European Free Trade Agreement (CEFTA) on trade facilitation and trade and services, and swiftly adopt the additional protocol on dispute settlement. BiH continued to actively participate in regional cooperation and to maintain good neighbourly relations. It needs to swiftly ratify the three regional mobility agreements.

Economic integration with the EU and price competitiveness

Trade and investment integration with the EU remained high but overall trade is below its potential. Nevertheless, Bosnia and Herzegovina's openness to trade is still relatively low when taking into account the small size of its economy. The export structure is not very diversified and relies mainly on basic metals, furniture, and textiles. The integration of Bosnia and Herzegovina's financial and capital markets with the EU is also still rather low, although a large part of the banking sector is owned by European banks.

II SCOPE OF THE ASSIGNMENT

2.1. Description of the assignment

Trade Development Strategy Expert (hereinafter referred to as "Expert") has to facilitate and draft the FBiH Trade Development Strategy (further – Strategy) in line with existing FBiH Regulation on the preparation of strategic documents in the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina", number: 74/19) and in close cooperation with established working group, FBiH Ministry of Trade, civic society and other interested actors (including EU4CS project).

It is envisaged that the Expert will perform its duties according to the following framework:

- Related work plans, timeframes, methodologies and relevant data assessment for creation the Strategy should be agreed with FBiH Ministry of Trade and EU4CS.
- The elaboration of the Strategy, will be provided according to the Regulation on the preparation of strategic documents in the Federation of BiH. This also should consider the relevant legislation of Federation BiH, as well as international standards and regulations, (e.g., relevant EU directives, UN Sustainable Development Goals 2030 etc.).
- Final draft of the Strategy should be approved by FBiH Ministry of Trade.

Number of required experts: One (1) Non-Key Senior Short-Term Expert

Duration of the assignment: Up to a total of 25 working days

Period of the assignment: August 2024 – July 2025

Working language: Official languages in BiH

2.2. Geographical area

The geographical area to be covered by the project is entire BiH entity Federation BiH.

2.3. Target groups

- FBiH Ministry of Trade,
- Other interested FBiH entities' and cantonal public institutions, including but not limited to other FBiH relevant ministries and public bodies, working group for Strategy development (established by the FBiH Ministry of Trade), and stakeholders engaged in strategy development through other means,
- Civic society organizations (CSOs),
- EU4CS personnel.

2.4. Tasks and deliverables to be provided by the Expert

Tasks description:

- Development of draft FBiH Trade Development Strategy in line with FBiH Regulation on the preparation of strategic documents in the Federation of BiH,
- Design and delivery of a series of thematic workshops for the institutional working group (consisted by representatives of public institutions and CSOs), which offers practical learning experience for Ministry representatives along the main steps of the strategic planning process and,
- Draft FBiH Trade Development Strategy, present it to FBiH Ministry of Trade and address received relevant comments within the finalization of draft Strategy.

Expert will provide the following deliverables:

- Draft FBiH Trade Development Strategy, reviewed and quality assured by the expert, ensuring internal coherence is approved by EU4CS and FBiH Ministry of Trade.

2.5. Payment

The payments will be completed upon the full completion and acceptance of the contract's obligations, after FBiH Ministry of Trade signs the certification of acceptance and upon the approval of the Experts' time and log sheets from the EU programme manager.

III REQUIREMENTS

3.1. Expert's profile

Qualifications and skills

- University degree (preferably master or higher) in public development studies, economics, law, trade policy or social sciences or a related fields;
- Computer literacy;
- Fluency in both written and spoken English and BiH languages is advantage.

Professional experience

General professional experience:

- Minimum 10 years of postgraduate professional experience in area(s) related with this assignment;

Specific professional experience:

- At least 3 years of professional experience in strategy development,
- Experience in working in IPA countries - Croatia, North Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro, Serbia, and Kosovo (under UNSCR 1244) will be considered an advantage

Please note that, civil servants and other staff of the public administration of the beneficiary country cannot be recruited as experts, unless prior written approval has been obtained from the European Commission.

IV EVALUATION

Received applications from the experts will be evaluated against evaluation criteria developed in line with required qualifications and experiences of the experts, as presented within the section 3 of this ToR.

V DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

5.1. Applicants shall submit the following documents:

- Personal CV including information on experience in similar projects / assignments
- Application letter to EU4CS confirming interest and availability for the expert assignment with Financial Proposal, indicating fee per working day.

5.2. Application Procedure

Applicants interested in applying should submit documents from 6.1. (EU format CV and application letter, both in English) by e-mail to info@eu4cs.ba with a copy to teamleader@eu4cs.ba a not later than 16:00 hrs, August 26th, 2024, titled:

**Application for the position:
'Trade Development Strategy Expert'**

References must be available on request.

Only short-listed candidates will be contacted.

All applications will be considered strictly confidential.

For more information, please contact Igor Stojanovic, Team Leader EU4CS: teamleader@eu4cs.ba