

TERMS OF REFERENCE

for short-term engagement of expert for ‘Capacity building of Civic Society Organisations about the ‘Beneficial Ownership’

I BACKGROUND

1.1. Beneficiary country

The action will be implemented in 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
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1.3. Relevant country background

Since 1995 and according to the Dayton Agreement the state of Bosnia and Herzegovina has been divided into two political entities – the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FB&H) – and the Brčko District (condominium). The RS covers 49 % of the territory and forms a semi-circle around the north and east, while the FB&H occupies the other 51%. Each Entity has its own political structure and administration. The B&H 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 FB&H 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, the Republika Srpska (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://zbirniregistri.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 Federation of Bosnia and Herzegovina level, the Ministries of Justices are responsible for registration and for keeping the Registry Books for Associations and Foundations. According to the Republika Srpska' 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

BiH, as a member of the global multilateral initiative Partnership for Open Government since 2014, expressed its willingness to support and promote the principles of transparency, fight against corruption, empowering citizens and using the advantages of new technologies, so that public authorities are more responsible and efficient and create prerequisites for more efficient and innovative management of public resources. Certain steps towards the achievement of these goals have already been taken through the implementation of the 1st BiH 2019-2021 Action Plan for the implementation of the Partnership for Open Government, during which BiH proved its commitment to the realization of the ideas of the Partnership for Open Government.

In the 2nd Action Plan (for the period 2021-2023) BiH put emphasis on: opening data through the coordination of the development of the open data ecosystem (public data asset), activities in the field of opening data in the field of public procurement, anti-corruption, improving budget transparency, **the importance of regulating issues real ownership**, and increasing the transparency of information and improving the system of exchanging information with citizens through the website of the Agency for Gender Equality of BiH. The priorities of the 2nd Action Plan have been defined in accordance with the expressed needs of citizens, the **experience and priorities of civil society**, and the recommendations of the international community. In addition, the measures of the Action Plan are carefully coordinated with other processes of public administration reform in order to ensure synergy and sustainability of the measures. In this Action Plan, too, care was taken to ensure the sustainability of the implemented measures, and that subsequent measures and activities be more ambitious than those from the previous Action Plan. All measures and activities of this Action Plan were formulated through dialogue and cooperation with representatives of civil society organizations.

Among ten (10) defined measures within 2nd Action Plans, there is specific measure planned for 'Raising awareness and familiarizing civil society organizations with the importance of the issue of beneficial ownership' (Measure 3 of the Action plan – to be realised till March 2023).

During February 2024 a new Law on Prevention of Money Laundering and Financing of Terrorist Activities of Bosnia and Herzegovina have been adopted (Official Gazette of Bosnia and Herzegovina No. 13/2024 of February 19, 2024), as one of the conditions for opening negotiations with the European Union and avoiding placing BiH on the Moneyval grey list.

II SCOPE OF THE ASSIGNMENT

2.1. Purpose of the assignment

Expert for Capacity building of Civic Society Organisations (hereinafter referred to as "Expert") will deliver training to CSOs on topic 'Beneficial Ownership', as support to implementation of the BiH policies related to civil society (2nd Action Plan (2021-2023) for implementation of the Partnership for Open Government. Expert will offer participants from civic sector an unique opportunity to benefit from a diversified training package related to the effective fight against money laundering and financing of terrorist activities, where civil society organisations play a particularly important role.

It's planned to organise total of 4 one day trainings for approx. 20 CSOs' representative - training participants in various BiH cities (e.g. Sarajevo, Mostar, Tuzla, Banja Luka).

This training will result in strengthening perspectives for realization of the existing BiH Action plan for Open Government Partnership Initiative (2021 – 2023) via increasing understanding and knowledge of CSOs about:

- The term/meaning of beneficial ownership in the context of the fight against money laundering and terrorist financing
- The FATF "International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation - the FATF Recommendations",
- International bodies to fight against money laundering and terrorist financing,
- Legal and institutional framework regulating the area of real ownership in BiH and
- Existing good practices from the neighbouring countries.

Training will be supported by appropriate educational materials.

2.2. Geographical area

The geographical area to be covered by the project is Bosnia and Herzegovina.

2.3. Target groups

Participants of the training will be representatives of CSOs active in various civic sectors (e.g. environment, social protection, human rights, consumer protection, anticorruption, labour, trade unions etc.) that will improve their skills and knowledge on timely, proper, and consistent implementation of the BiH policies related to civil society in the context of preventing and combating money laundering and terrorist financing.

2.4. Tasks and deliverables to be provided by the Expert

Tasks description:

- Revising/updating earlier created training curricula from March 2024 according to new adopted Law on Prevention of Money Laundering and Financing of Terrorist Activities in BiH,
- Delivering 4 one-day trainings in different BiH cities (according to decision of the Contracting authority and different from Sarajevo, Mostar, Brcko and Banja Luka) and
- Drafting Report on trainings delivered.

Expert will provide the following deliverables:

No	Description of the deliverable	Number of assignments days	Due date
1.	Revised training curriculum,	1,5	At least 5 working days before the Training starts, in electronic version
2.	Updated training material (presentations, documents)	1	At least 5 working days before the Training starts, in electronic version
3.	4 training sessions (preparation and delivery),	4	End of 2024
4.	Training report,	0,5	1 week after the last training held, in electronic version in BHS languages

2.5. Payment

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

III METHODOLOGY

Work Methodology will be based on interactive approach and adults learning principles. This method will increase active educational participation, stimulating and improving professional competence of participants creating conditions for efficient implementation of BiH policy (Action plan) for the implementation of the Partnership for Open Government and combating money laundering and terrorism financing within the civic society in BiH.

IV REQUIREMENTS

4.1. Expert's profile

Qualifications and skills

- University degree in Economics, Law, Public administration, Political sciences and/or related field;
- Proven experience as a Trainer;
- Computer literacy;
- Excellent communicator with proven management, analytical, training and reporting skills,
- Fluency in both written and spoken English is advantage.

Professional experience

General professional experience:

- Minimum 10 years of general professional experience in or related with public and civic sector in Bosnia and Herzegovina;

Specific professional experience:

- At least 3 years of professional experience in the fields related with purpose of this assignment,
- Experience in working in IPA countries (Croatia, The former Yugoslav Republic of 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.

V 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 4 of this ToR.

VI DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

6.1. 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.

6.2. 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, October 11th, 2024, titled:

**Application for the position:
'expert for Capacity building of CSOs about the 'Beneficial Ownership'**

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