

## TERMS OF REFERENCE

### for short-term engagement of 'Legal Expert for drafting Law on Culture of Brcko District BiH'

#### 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 Phone: +387 51 329560; [info@pcm.ba](mailto:info@pcm.ba)

##### 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 Republic of Srpska (RS) and the Federation 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, the Republic of 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<sup>1</sup>, there are more than 27,000 organisations that can be considered as civil society non-profit organisations. At the State and Federation BiH level, the Ministries of Justices 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*

In the Brčko District of BiH (BD BiH), the cultural sector currently functions without legal framework that would clearly define the rights, obligations and status of all participants in the cultural life of the Brčko District. Culture develops on the basis of individual initiatives of institutions, civil society organizations and independent artists, but without strategic and legislative direction that would enable long-term and sustainable development.

More specifically, BD BiH has no Law on Culture and cultural activities take place in accordance with general regulations and budget decisions. There are sectoral by-laws that regulate certain areas, such as the financing of public institutions or the co-financing of events, but they are not integrated into a comprehensive normative framework. At the level of BiH and both entities, there are certain guidelines and strategies for the development of culture that can serve as a reference, but are not directly binding for BD. Other administrative levels in BiH (i.e. entity Republic of Srpska and cantons in Federation BiH – Tuzla Canton, Sarajevo Canton, Hercegovina Neretva Canton, Middle-Bosna Canton etc.) adopted their own Laws on Culture in accordance with their constitutional competences.

Financing of cultural activities is realized through annual budget grants awarded through public calls announced by the Department for Economic Development, Sports and Culture.

However, there is no clear legal basis or defined methodology for the distribution of funds. Practice often depends on the assessments of commissions and ad hoc decisions.

Key cultural actors in BD BiH include the House of Culture, the Library, the Gallery and the Museum. In addition, the city choir, art sections, and amateur drama and folklore societies function in Brčko District of BiH. However, a registry of cultural actors in BD BiH is yet to be developed.

Several civil society organizations active in the field of culture operate in the BD BiH, including but not limited to the National Cultural Associations Prosvjeta, Preporod and Napredak, amateur cultural and artistic associations and informal groups of artists. Cooperation between these organizations and the Government of BD BiH exists on ad-hoc basis, but it is not systematic or institutionalized.

BD BiH parliament has established commission for education, sports, culture and cooperation with religious communities with the mandate to, in addition to other issues (i.e. education, sports and religion), report to BD BiH parliament on status of cultural and historical monuments and natural resources of the District and propose measures for their

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<sup>1</sup> For more details please consult <http://zbirniregistri.gov.ba/> (only accessible in Bosnia and Herzegovina's official languages)

protection. The membership of this commission consists of 5 members of parliament from different political parties.

BD BiH Council for Culture, as advisory body that would include representatives of all relevant stakeholders, has not been established.

## **II SCOPE OF THE ASSIGNMENT**

### *2.1. Description of the assignment*

Legal Expert for drafting Law on Culture of Brcko District BiH (hereinafter referred to as "Expert") has to facilitate and draft Law on Culture of Brcko District BiH, in close cooperation with working group consisted of representatives from the Government's institutions of BD BiH, civic society organizations and other culture stakeholders from BD BiH.

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

- Related work plan, timeframe and methodology should be agreed with BD Government - Department of Economic Development, Sports and Culture and EU4CS,
- The elaboration of the Law on Culture of Brcko District BiH, will be provided according to the methodology endorsed by Department of Economic Development, Sports and Culture. This also should consider the relevant international standards in drafting legislation and regulations (e.g., Sigma paper no 15 etc.), available reports and/analysis and
- Final draft of the Law on Culture of Brcko District BiH should be accepted by the BD Department of Economic Development, Sports and Culture.

**Number of required experts:** 1 Non-Key Short-Term Expert

**Duration of the assignment:** 22 working days

**Period of the assignment:** June 2025 – November 2025

**Working language:** Official languages in BiH

### *2.2. Geographical area*

The geographical area to be covered is Brcko District BiH, in accordance with the competences of Brcko District BiH.

### *2.3. Target group*

During the process of developing Law on Culture of Brcko District BiH, the following members/representatives of the target group will be involved via working group established by BD Department of Economic Development, Sports and Culture:

1. Departments of BG Government (i.e. Economic Development, Sports and Culture, Department for Professional and Administrative Affairs, Department of Education etc.)
2. Public and private culture institutions in BD (i.e. national library, a city gallery, an amateur theatre, a cultural centre and several cultural, artistic societies etc.),
3. Civil society organizations (active in area of culture and/or sectors related with culture),
4. Representatives of academia, free artists and
5. Project EU4CS.

### *2.4. Tasks and deliverables to be provided by the Expert*

Tasks description:

- Drafting the methodology for creation Law on Culture of Brcko District BiH which will also ensure alignment of the Law with EU chapter 26 Education and culture as well as with other relevant EU Chapters of the acquis,
- Drafting the Law on Culture of Brcko District BiH in line with methodology approved by BD Department of Economic Development, Sports and Culture, and

- facilitation of a series of thematic workshops of the working Group (WG) established by the BD Department of Economic Development, Sports and Culture,
- Addressing received comments on draft Law on Culture of Brcko District BiH during public consultation process and finalization of draft Law on Culture to be accepted by BD Department of Economic Development, Sports and Culture,

Expert will provide the following deliverables:

- Methodology for creation the Law on Culture of Brcko District BiH,
- Draft Law on Culture of Brcko District BiH,
- Final draft of Law on Culture of Brcko District BiH (in one of BiH official languages) with addressed received comment and accepted by the BD Department of Economic Development, Sports and Culture

### *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 REQUIREMENTS**

### *3.1. Expert's profile*

#### *Qualifications and skills*

- University degree in law or related field to this assignment,
- Computer literacy;
- Fluency in written and spoken English is an advantage;
- Fluency in BiH languages is obligatory.

#### *Professional experience*

General professional experience:

- Minimum 8 years of postgraduate professional experience in area(s) related with this assignment,

Specific professional experience:

- At least 5 years of professional experience in areas related with administrative legal framework of Brcko District BiH or similar related with purpose of this assignment,
- Experience in working in IPA countries (Croatia, Republic of 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 experts per number of trainings with Financial Proposal, indicating fee per working day.

### **5.2. Application Procedure**

Applicants interested in applying should submit documents from 5.1. (EU format CV and application letter, both in English) by e-mail to [info@eu4cs.ba](mailto:info@eu4cs.ba) with a copy to [teamleader@eu4cs.ba](mailto:teamleader@eu4cs.ba) a not later than 16:00 hrs, June 11, 2025, titled:

**Application for the position:  
'Legal Expert for drafting Law of Culture of Brcko District BiH'**

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](mailto:teamleader@eu4cs.ba)