

TERMS OF REFERENCE

CONSUMERS SAFETY EXPERT

FOR THE BUILDING A PRODUCT SAFETY ECOSYSTEM IN UKRAINE (MARKET SURVEILLANCE REFORM) UNDER THE MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE OF UKRAINE (MEDT)

ToR Date of Issuance:	December 5, 2018
Due Date for Applications:	January 4, 2019

PRSM is committed to providing equal employment opportunity without regard to race, color, religion, gender, sexual orientation, national or ethnic origin, age, disability or status as a veteran with respect to policies, programs, and activities.

Background

Professionals for Reform Support Mechanism (PRSM) provides human resource support – from managers to technical experts - to critical reform initiatives undertaken by national governmental agencies. PRSM is a multi-donor platform, which improves coordination of donor efforts for greater impact and avoids overlap of donor funding. It does not support routine work of the Government of Ukraine that is normally managed by the civil service. To do this, PRSM:

- **Selects initiatives** based on clearly defined links to reform initiatives;
- Ensures transparent **recruitment** of human resources;
- Manages the **contracting** and payment of human resources;
- Provides financial **reports** for donors;
- **Monitors** initiatives for results.

Reform Initiative

A new system responsible for product safety gives more freedom to producers to innovate, easier and faster access to markets with less transactional costs. But this system cannot be complete and properly working without well-developed market surveillance.

Market surveillance is an essential tool for enforcement of legislation on safety of goods placed on the market following a supplier's self-declaration of conformity. Market surveillance involves monitoring products to ensure they comply with legislation and taking remedial action when products do not comply. It also includes penalties for false or misleading declarations. To help ensure the fulfillment of legitimate public policy objectives, the less involvement by a third party during the conformity assessment before the product is placed on the market, the greater the need for efficient market surveillance.

In a last year the system of the state market surveillance in Ukraine made good steps in becoming functional after long stagnation. Still, there is a big gap between current state and the one which can be recognized as a European minimum. The main obstacle on the way is lack of institutional capacities and resources.

The main objective of proposed reform initiative is to increase institutional capacities of market surveillance system with advanced tools, new methodologies, and creation of a product safety ecosystem by engaging other stakeholders - business and consumers in making the market clean, safe, and complied with the EU standards.

Position Summary

Consumers Safety Expert will develop solutions enabling implementation of consumer protection into practice, provide legal drafting and support of beneficiary department in development of better version of the Law on consumer protection.

Preferred Qualifications and Skills:

- Master's degree in Law, Political Sciences or other relevant field;
- High level of knowledge of legislation in the field of consumer rights protection;
- Experience of work with legislation on consumer rights protection;
- Knowledge of principles of normative work and analysis of by-laws;
- Proven skills in drafting by-laws;
- Experience of drafting and amending legal acts;
- Strong analytical skills;
- Readiness to change the status-quo and to drive changes within targeted field;
- Experience of policy development would be an advantage;
- Excellent knowledge of Ukrainian and English with highest standard written literacy;
- Knowledge of other European languages would be an advantage.

Indicative duties and responsibilities:

- Expert support in legal drafting based on European best practices;
- Analysis of the regulatory impact;
- Drafting amendments to the Law on consumer protection;
- Work with stakeholders (state bodies, local authorities, non-governmental organizations) over implementation of consumer protection into practice;
- Preparation of relevant information and training materials.

Expected Deliverables:

- Developed skeleton of information and awareness raising materials for PR Expert with essence on consumer protection;
- Developed analysis of initiatives in the field of consumer protection, stoppers and enablers;
- Developed propositions on overcoming existing stoppers for making consumer protection functional and putting into work the most effective mechanisms for this;
- Developed analytics on existing approaches to solving problems with consumer protection in Internet commerce; propositions for effective solutions of this problem in Ukraine;
- Developed possible solutions for enabling alternative dispute resolution mechanisms in Ukraine.

Contract Duration and Timing

Full time position based in Kyiv (MEDT, Antonovycha street). The total duration of the consultancy is expected to be 9 months. For contracting, a candidate should be able to register Private Entrepreneur of the 3d group.

To apply

Submissions must be prepared in English and delivered electronically **by 17:00 Kyiv time on January 4, 2019** to the following address: prsm@fsr.org.ua. We do not welcome unsolicited phone calls.

All submissions must include:

- 1) Applicant's CV;
- 2) Applicant's brief letter of interest indicated related experience and achievements.

Please ensure to state **Consumers Safety Expert (Market Surveillance Reform)** in the e-mail subject line.

Applications received after the indicated deadline or without letter of interest will not be reviewed and considered.

Shortlisted candidates will be contacted after January 8, 2019.