

**TERMS OF REFERENCE**

**LEGAL EXPERT/TRAINING SPECIALIST**

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

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| ToR Date of Issuance:      | <b>December 5, 2018</b> |
| Due Date for Applications: | <b>January 4, 2019</b>  |

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**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

**Legal Expert/Training Specialist** will provide legal advisory and legal drafting, develop road-maps and methodologies, make feasibility studies and research, organize and conduct trainings.

### Preferred Qualifications and Skills:

- Master's degree in Law;
- At least 5 years of experience working in the field of law;
- Experience in development of analytical / training materials and delivering them via trainings and seminars;
- Strong knowledge in legal research, analysis, and legal drafting;
- Strong analytic skills;
- Strong knowledge in the field of technical regulation and market surveillance;
- Knowledge of the EU and Ukrainian legislation on technical regulation;
- Excellent organizational skills;
- Proven ability to achieve planned results in planned terms;
- Good presentation and concept delivering skills;
- Excellent knowledge of Ukrainian with highest standard written literacy.

### Indicative duties and responsibilities:

- Analyzing current regulatory framework in market surveillance system in Ukraine;
- Analyzing system's inefficiencies and proposing improvements based on best foreign and local practices;
- Proposing amendments to legislation in the field of MS enabling proposed improvements focused on increase of efficiency of the MS system;
- Proposing improvements to current schemes of work, methodologies, and operational procedures of MS bodies over practical implementation of legal framework;
- Developing amendments to CMU resolutions and Ministry orders;
- Working with the beneficiary over defining which improvements among proposed are valid and most essential;
- Participate in the inter-ministerial working group on drafting of legal amendments to the legislation;
- Supporting public discussion over developed amendments;
- Analyzing proposed legal and other regulatory changes elaborated by the working group and other stakeholders regarding their compliance with wide scope of national and relevant EU legislation;
- Preparation of guides, recommendations and other supporting materials, organizing and delivering trainings.

### Expected Deliverables:

- Developed content for market surveillance mobile applications and other vehicles for dissemination of information on product safety;
- Skeleton materials with essence on market surveillance and product safety prepared for shaping and distribution by PR Expert;
- Developed methodical recommendations and guides for inspectors and management of MS bodies on market monitoring, planning, inspections, decision making, enforcement of resolutions, and reporting;

- Delivered 6 trainings/seminars for inspectors and/or their management;
- Developed structured materials based on foreign and local best practices on demand by team members;
- Developed tests (question and answers) for inspectors on different aspects of market surveillance;
- Developed lists of tools needed for pre-laboratory assessment of products under inspections for 10 technical regulations;
- Testing database of dangerous chemicals for pre-laboratory assessment of product category "Toys".

**Contract Duration and Timing**

Full time position based in Kyiv (MEDT, Antonovycha street). The total duration of the consultancy is expected to be 6 to 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](mailto: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 **Legal Expert/Training Specialist (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.*