

# TERMS OF REFERENCE

No. WP1-1 | 24 February 2026

<b>Project:</b>	<b>Technical Assistance for Support to Ukraine for Decentralisation and Regional Development (U-LEAD Phase III) DRD-ES Team</b>
<b>Project Number:</b>	23.2122.2-002.20
<b>Category / Title of Expert:</b>	<b>National Short-Term Experts — Legal Experts (up to 5 Experts)</b>
<b>Title of Assignment:</b>	<b>Legal Expertise on the Delimitation and Distribution of Powers among Levels of Public Governance</b>
<b>Relevant RPT Workplan Activity / Task:</b>	<b>WP1 — Support to Central Bodies on Decentralisation and MLG</b> Task 1.1: Supporting national authorities with the implementation and monitoring of the LSG-related parts of the Ukraine Plan (2024–2027) and the LSG Action Plan for 2024–2027
<b>Duration of Expert Assignment:</b>	07/2026 – 09/2026
<b>Location and Travel:</b>	<b>Home-based.</b> Due to restrictions arising from the Russian invasion, work will be delivered remotely/home-based, with only demand-driven access to the project's office premises in Kyiv and/or event locations in Kyiv, subject to GIZ security rules and procedures. No in-country travel is foreseen under this assignment.
<b>Working-Days Allocation:</b>	<b>Up to 90 days in total for up to five legal experts</b>

Reporting Lines	
<b>Reporting to:</b>	<ul style="list-style-type: none"> <li>- Progress reporting: Witold Satorius, DRD-ES Team Leader (GOPA)</li> <li>- Timesheet and deliverable approval: Oleksiy Chebotarov, Legal Advisor, U-LEAD with Europe.</li> </ul>
<b>Reporting Requirements:</b>	Time sheets on standard form. Experts will support progress reporting of the DRD-ES (GOPA) Team as defined below.

## 1. Project Background

The *Ukraine — Local Empowerment, Accountability, and Development Programme (U-LEAD with Europe)* is a flagship multi-donor initiative that has supported Ukraine's decentralisation reform since 2016. Implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and jointly funded by the European Union and the governments of Germany, Denmark, France, Austria, Poland, and Slovenia, the Programme aims to strengthen local self-government, enhance multi-level governance, and promote sustainable local and regional development.

Since its inception in 2016, U-LEAD has contributed substantially to Ukraine's decentralisation achievements, including the amalgamation of municipalities (*hromadas*), expansion of local competencies, and strengthening of fiscal decentralisation. These advances were acknowledged by the European Commission during the assessment of Ukraine's EU membership application, underpinning the decision to grant Ukraine EU candidate status in 2022 and open accession negotiations in 2024.

Russia's full-scale invasion has placed extraordinary pressure on governance systems; yet local self-government has demonstrated remarkable resilience — ensuring continuity of essential services, hosting internally displaced persons, coordinating humanitarian response, and leading early recovery and reconstruction efforts. This experience further underscores the centrality of a capable, empowered local tier for sustainable recovery and for meeting the administrative and institutional demands of EU accession.

*U-LEAD Phase III (2025–2027)* responds to these evolving needs by strengthening decentralisation, multi-level governance, regional development policy, and local reconstruction planning in line with European standards and good governance principles, including those enshrined in the European Charter of Local Self-Government (ECLSG). The Programme also supports Ukraine in delivering on commitments under the Ukraine Plan and progressing reforms relevant to the EU accession process, notably in the areas of *Public Administration Reform (PAR)*, *the Functioning of Democratic Institutions (FDI)*, and *Chapter 22 — Regional Policy and Coordination of Structural Instruments*.

Within this framework, **GOPA Worldwide Consultants** is implementing the project *Technical Assistance for Support to Ukraine — Decentralisation and Regional Development* under U-LEAD Phase III. The project (27 October 2025 – 31 December 2027) is delivered by a multidisciplinary *Decentralisation & Regional Development Expertise and Support Team (DRD-ES)* working in close collaboration with U-LEAD's structures at national, regional, and local levels. Key institutional counterparts include the Ministry for Communities and Territories Development, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, and other governmental and subnational actors engaged in decentralisation, regional development, and reconstruction.

**Work Package 1 (WP1)** focuses on strengthening central-level capacities for decentralisation and multi-level governance (MLG). It provides legal, analytical, and policy advisory services aimed at advancing decentralisation reform, ensuring alignment with EU standards, and consolidating the institutional foundations on which subsequent work packages — regional development policy (WP2), oblast and municipal capacity-building (WP3), and investment preparation (WP4) — will build. WP1 is therefore central to achieving Output 1 of U-LEAD Phase III, ensuring that national authorities are capable of steering decentralisation and fulfilling obligations arising from EU accession.

## 2. Rationale

Despite significant progress in decentralisation since 2014, Ukraine continues to face critical challenges in consolidating the legal and institutional framework for local self-government and multi-level governance. Persistent challenges include:

- ambiguity in the distribution of competences across government levels;
- insufficiently predictable and needs-based financing of local responsibilities;
- gaps between national legislation and EU *acquis* requirements, as well as the principles of the European Charter of Local Self-Government (ECLSG); and
- the absence of a coherent framework to guide decentralisation in the context of EU accession and the post-war recovery agenda.

The EU accession process — particularly the requirements of PAR, FDI, and Chapter 22 — adds both complexity and urgency. National authorities must ensure that decentralisation reforms are consistent with broader public administration reforms, fiscal reforms, sectoral de-concentration processes, and the institutional architecture required for accessing and managing EU structural instruments. Meanwhile, recovery and reconstruction imperatives require clear, functional, and legally coherent governance arrangements to guide investment planning, intergovernmental coordination, and accountability.

Legislative and policy processes in decentralisation are highly dynamic. Multiple reform initiatives — including *Ukraine Plan (2024–2027)*, the *Peculiarities of Local Self-Government Reform and Territorial Organisation of Power under Martial Law and in the Context of Preparations for Ukraine's Accession to European Union approved by the KMU Regulation No 1748 as of 12.12.2025*, wartime legal adjustments, and EU *acquis* harmonisation — are progressing in parallel. These require **continuous**, high-quality analytical, legislative, and policy support rather than isolated technical

inputs. Stakeholder coordination among key actors — government ministries, the Verkhovna Rada, the Office of the President, local government associations, and civil society — also requires structured technical backing.

**Work Package 1** directly responds to these needs by providing sustained, demand-driven expert support integrated into national reform processes. The WP1 expert team supports the preparation, analysis, and improvement of legal and policy documents, advises on compliance with EU standards and the ECLSG, and helps national stakeholders navigate complex reform interdependencies. This support is designed to be flexible and responsive, ensuring coherence with U-LEAD's broader intervention logic while avoiding duplication of existing coordination or monitoring functions.

By strengthening central-level capacities and improving the legal framework, WP1 creates essential preconditions for effective regional policy-making, subnational implementation capacities, and reconstruction-oriented investment planning. It therefore plays a foundational role in enabling the overall objectives of U-LEAD Phase III and supporting Ukraine's path toward EU accession and sustainable recovery.

In accordance with **Indicator 9.3 of the Ukraine Plan**, a clearer delimitation of power between different levels of public administration is to be ensured in line with the principles of decentralisation and subsidiarity.

The fulfilment of Indicator 9.3 requires amendments to the Law of Ukraine “On Local Self-Government in Ukraine” and a range of sectoral legislative acts. These amendments should support the optimal delimitation of power between different levels of public administration in accordance with the principles of subsidiarity and decentralisation, with a view to eliminating overlaps and conflicts of competences between hromadas, rayons, oblasts, and the state, ensuring the accessibility and quality of local public services, and promoting the efficient use of public resources.

The Draft Law of Ukraine “On the Principles of Delimitation and Distribution of Powers among Levels of Public Governance” (Registration No. 14412), adopted by the Verkhovna Rada of Ukraine at first reading on 7 April 2026, establishes the legal framework for the delimitation and distribution of competences across levels of public governance.

The Draft Law sets out the principles governing such delimitation (Article 4), defines the levels of public governance (Article 5), specifies the categories of competences subject to delimitation (Articles 6–10), and establishes the criteria for the distribution of competences among levels of local self-government (Article 12) as well as the criteria for distinguishing between own and delegated competences of hromadas (Article 11).

The Annex to the draft law contains a list of 158 sectoral legislative acts requiring amendment to implement the provisions of the Draft Law “On the Principles of Delimitation and Distribution of Powers among Levels of Public Governance” and to ensure the fulfilment of Indicator 9.3 of the Ukraine Plan.

### 3. Objectives of this Assignment

#### General Objective

The overall objective of this assignment is to support U-LEAD with Europe and national counterparts in advancing decentralisation and multi-level governance reform in Ukraine. Expert support under WP1 contributes to strengthening the legal, institutional, and policy foundations of decentralised governance in line with the European Charter of Local Self-Government (ECLSG), the Ukraine Plan (2024–2027), and requirements arising from the EU accession process. The assignment provides continuous legal, policy, and technical input to enable national authorities to steer decentralisation reform effectively, align national legislation with European standards, and support resilient recovery and sustainable territorial development.

#### Specific Objective

The specific objective of this assignment is to provide specialised legal expertise to support the **Ministry for Development of Communities and Territories of Ukraine** in implementing **Indicator 9.3 of the Ukraine Plan** through the review and alignment of framework and sectoral legislation with

the principles established by **Draft Law No. 14412 on the Delimitation and Distribution of Powers among Levels of Public Governance** and amendments № 515–531 registered to it.

The assignment aims to contribute to:

- establishing a clear, coherent, and subsidiarity-based distribution of competences among levels of public governance;
- strengthening the consistency of sectoral legislation with the new legislative framework;
- supporting the implementation of decentralisation reforms in line with the European Charter of Local Self-Government and EU accession commitments;
- improving legal certainty, reducing overlaps and conflicts of competences, and enhancing the effectiveness of public service delivery.

#### 4. Tasks and Responsibilities

Working under the technical coordination of the Ministry for Development of Communities and Territories of Ukraine and in close cooperation with U-LEAD with Europe and the DRD-ES Team, the Legal Experts shall:

- review assigned sectoral legislation and identify legal inconsistencies, overlaps and gaps;
- prepare comparative legal tables;
- draft legislative amendments;
- ensure compliance of the results of the work with the provisions of DL 14412, considering amendments № 515–531 on sectoral delimitation of competences submitted by Members of Parliament and relevant framework legislation;
- participate in technical consultations with the Ministry and stakeholders;
- revise draft legislation following comments received;
- provide legal advice during the review process.

Delivery steps	Activity	Indicative Outputs
<b>Step 1</b>	Conduct an in-depth analysis of the sector-specific legislation defining the powers and responsibilities of the different levels (bodies) within the multi-level governance system in the selected sphere of competences and compile a list of the relevant laws	<ul style="list-style-type: none"> <li>• Analytical review of the legal framework for the selected sector(s) completed.</li> <li>• Legal mapping identifying the existing distribution of competences across levels of public governance submitted.</li> <li>• Initial legal gaps, overlaps, and inconsistencies documented.</li> </ul>
<b>Step 2</b>	Prepare draft laws for each of the selected spheres of competence, providing for the necessary amendments to the legislation governing powers and responsibilities in that area. The draft law should specify both the allocation of powers to the relevant levels of public governance system and the distribution of those powers among the bodies operating within each level	<ul style="list-style-type: none"> <li>• Comparative tables containing the existing wording, proposed amendments, and explanatory justifications developed.</li> <li>• Legislative amendments aligned with Draft Law No. 14412, the European Charter of Local Self-Government, Amendments № 515–531 to Draft Law No. 14412 and relevant EU standards.</li> <li>• Draft legislation revised following consultations with U-LEAD, the Ministry and other relevant stakeholders supported by explanatory note.</li> </ul>
<b>Step 3</b>	Prepare the necessary amendments to the general framework laws governing the exercise of powers by authorities of general competence (the Law of Ukraine “On Local Self-Government in Ukraine” and the Law of Ukraine “On Local State Administrations”)	<ul style="list-style-type: none"> <li>• Draft amendments to the Law of Ukraine “On Local Self-Government in Ukraine” prepared.</li> <li>• Draft amendments to the Law of Ukraine “On Local State Administrations” prepared.</li> <li>• Consistency of framework legislation with sectoral legislative amendments ensured.</li> <li>• Final package of legislative proposals submitted, including explanatory note.</li> </ul>

## 5. Working Approach

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The assignment will be implemented under the overall technical coordination of the **Ministry for Development of Communities and Territories of Ukraine**, which will determine the policy priorities, sectoral focus, and technical requirements of each assignment.

U-LEAD with Europe, through the DRD-ES Team, will provide contractual management, quality assurance, administrative coordination, and expert mobilisation. Individual assignments will be issued specifying the scope of work, sector(s) of public governance and timeline.

Each Legal Expert will work closely with designated representatives of the Ministry throughout the assignment and the Ministry will coordinate the Experts work. Draft deliverables shall be discussed during technical consultations and revised to reflect comments received from the Ministry, U-LEAD, and other stakeholders before final submission.

The Legal Experts shall maintain regular communication with the DRD-ES Team Leader and the assigned U-LEAD Legal Advisor to ensure consistency of legal approaches, coordination among experts, and quality of outputs.

All deliverables shall be submitted in editable format and comply with Ukrainian legislative drafting standards, the principles of subsidiarity and decentralisation, the European Charter of Local Self-Government, and the requirements of Indicator 9.3 of the Ukraine Plan.

The Legal Expert shall ensure the timely delivery of all agreed outputs in accordance with the timelines and requirements specified by the Ministry and U-LEAD.

The assignment will be implemented **from 20 July 2026 to 20 September 2026**.

## 6. Reporting Requirements

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The Legal Experts shall report on the progress of their assignments in accordance with U-LEAD with Europe reporting procedures and under the technical coordination of the Ministry for Development of Communities and Territories of Ukraine.

Reporting shall focus on documenting progress in legal analysis, legislative drafting, stakeholder consultations, and the preparation of agreed deliverables. Throughout the assignment, the Legal Experts shall:

- submit completed deliverables, including comparative legal tables, draft legislative amendments and explanatory notes;
- participate in coordination meetings organised by the Ministry, U-LEAD with Europe, or the DRD-ES Team to present findings, discuss legal approaches, and review draft deliverables;
- revise and finalise draft deliverables based on comments received from the Ministry, U-LEAD with Europe and other designated stakeholders;
- promptly communicate any risks, legal constraints, or implementation issues that may affect the timely completion or quality of the assignment.

Where requested, the Legal Experts may also provide technical inputs to project reporting by summarising key legal findings, legislative proposals, or policy recommendations arising from their assignments.

Reporting details, submission deadlines and communication arrangements shall be agreed with the DRD-ES Team Leader and the assigned U-LEAD Legal Advisor at the commencement of each assignment.

## 7. Expertise Required and Application Process

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The implementation of this assignment requires the engagement of Legal Experts on the Delineation and Allocation of Competences among Levels of Public Governance, meeting the following qualification and experience requirements:

### Education

- Master's degree in Law (or equivalent);

### Languages

- Full professional proficiency in Ukrainian (C2 level or equivalent);

### General Professional Experience

- At least seven years of professional legal experience in the field of public administration, local self-government, legislative drafting, public policy, or related areas.

### Specific Professional Experience

- Proven experience in legislative drafting, legal analysis, and the preparation of legislative and regulatory proposals related to public administration, decentralisation, local self-government, or sectoral public policies;
- Demonstrated knowledge of the Ukrainian legal framework governing the distribution of competences among public authorities;
- Experience in analysing and amending legislation and preparing comparative legal tables will be considered an asset.

**To participate in the selection process, candidates shall submit:**

- Financial Offer and List of Competency Areas Declaration (Annex 2)
- Curriculum Vitae (CV)
- Examples of legislative or regulatory drafting work prepared by the candidate during their professional activities

The deadline for the documents submission is 12<sup>th</sup> of July 2026.

## 8. Selection Criteria and Evaluation Methodology

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Evaluation of applications will be carried out by an Evaluation Committee established by the Project. Applications will be assessed against the qualification requirements specified in these Terms of Reference and ranked according to the criteria below.

### **Stage 1 – Eligibility Check (Pass/Fail)**

Applications will first be reviewed to verify that candidates have submitted all required documents:

1. Financial Offer and List of Competency Areas Declaration
2. Curriculum Vitae (CV)
3. Examples of legislative or regulatory drafting work

Applications that do not meet the eligibility requirements or are incomplete may be excluded from further evaluation.

### **Stage 2 – Technical Evaluation (100 points)**

Applications shall be evaluated against the qualification requirements outlined in these Terms of Reference through the following scale:

Evaluation Criterion	Maximum Points
1. <b>List of Competency Areas Declaration:</b> The competency areas out of the 16 enlists in Annex 1. Each Area shall equal to 10 points.	30
2. <b>CV:</b> Relevant professional experience in legislative drafting, decentralisation, public administration and local self-government	30
3. <b>Examples of legislative or regulatory drafting work:</b> Experience in preparing draft legislation, legal analyses and comparative legal tables	40
<b>Total</b>	<b>100</b>

During the final selection, the Evaluation Committee shall take into account:

- experience supporting legislative reforms related to EU accession;
- experience working with the Ministry for Development of Communities and Territories of Ukraine, the Verkhovna Rada, central executive authorities or international technical assistance projects;
- sector-specific expertise corresponding to one or more of the thematic areas listed in Annex 1;
- overall balance of expertise within the expert pool to ensure adequate coverage of all priority sectors.

The Project reserves the right to select up to five experts and assign specific thematic areas according to the candidates' qualifications, demonstrated expertise and project requirements.

## 9. Composition of the Expert Pool

Following the technical evaluation of individual applications, the Evaluation Committee will establish a pool of up to five Legal Experts. In addition to the individual technical scores, the Committee will seek to ensure that the selected expert pool collectively provides sufficient legal expertise across the thematic Areas of Public Governance listed in **Annex 1**.

For this purpose, the Committee may take into consideration:

- demonstrated legal expertise in one or more of the Areas of Public Governance covered by the assignment;
- practical experience in drafting or reviewing legislation within the relevant sector(s);
- familiarity with the institutional responsibilities of national, regional, rayon and hromada authorities within the respective policy area;
- previous experience supporting legislative reforms related to decentralisation, public administration reform, or Ukraine's EU accession process;
- the need to ensure balanced sectoral coverage across the selected expert pool.

The highest-scoring candidates may therefore not automatically be selected if this would result in significant gaps in the thematic expertise required for the implementation of the assignment. The Evaluation Committee reserves the right to establish a balanced expert pool capable of covering all priority sectors identified in **Annex 1**.

Following selection, individual Service Requests will be allocated according to each Legal Expert's demonstrated sectoral expertise, availability, and the evolving needs of the Ministry for Development of Communities and Territories of Ukraine and U-LEAD with Europe.