
JUST/2015/JTRA/AG/EJTR - Providing specialized training of LEA in the intense use of modern judicial cooperation tools

TERMS OF REFERENCE

For selecting 2 experts in international judicial cooperation within the project „Providing specialized training of LEA in the intense use of modern judicial cooperation tools - FIGHTERR”

The Romanian Prosecutor’s Office of the High Court of Cassation and Justice (POHCCJ) is looking to contract 2 experts in adult education and international judicial cooperation within the project „Providing specialized training of LEA in the intense use of modern judicial cooperation tools - FIGHTERR”, financed by the European Commission, DG Justice.

1. Objectives of the project/selection process

The project aims at strengthening the institutional capacity of Romanian DIOCT (Directorate for Investigating Organized Crime and Terrorism) in the area of judicial cooperation through tailored, interactive professional training related to modern instruments of judicial cooperation, as defined and ensured by the European Convention of 2000 regarding the „Mutual assistance in criminal matters between the Members States of the European Union”.

Therefore, within this project, among other activities foreseen for achieving the project objectives, there is the organization, within Activity no 4, between September 2017 and June 2018 (**indicative dates**), of following:

- **3 workshops** of 3 days each, two in Bucharest (Romania), and one in Dresden (Germany) for a group of Romanian DIOCT prosecutors and their counterparts within other Member States of the European Union;
- **One international conference**, for one day, for closing the project, to be attended by prosecutors of Member States of the European Union.
- **Drafting a guide** (digest) of European judicial cooperation, in English language, dedicated to prosecutors from Member States of the European Union (minimum 50 pages).

Before the start of the workshops, the contracted experts will write a draft paper of the European judicial cooperation guide that will be discussed during the workshops. This working



JUST/2015/JTRA/AG/EJTR - Providing specialized training of LEA in the intense use of modern judicial cooperation tools
document represent an outline of the European judicial cooperation instruments used in combating organized crime and terrorism within EU member states.

The objective of the 3 workshops, to be attended by Romanian and other EU Member States prosecutors, is ensuring a direct line of communication between the Romanian judicial practitioners and their European counterparts.

The workshops will last 3 days, two of them being dedicated to presentations and case studies related to Romanian and European legislation in the area of judicial cooperation and the efficient use of instruments in the investigation of organized crime, followed by a third and last day allocated to ensuring professional exchange between the participants. During these workshops, one topic will also be the clarification of the obstacles met in such previous cooperation cases.

The objectives of this training activity is to identify of the most effective and appropriate tools for judicial cooperation to be used in transnational organized crime cases, to analyze when to choose between spontaneous exchange of information or continuing an investigation and choose the use of modern judicial instruments offered by the Convention such as videoconference, joint investigation teams (the importance of choosing between the signing of a JIT agreement or use the parallel investigations), controlled deliveries, cross border observations, surveillance or the use of covert investigators and to encourage and facilitate timely and direct communication and better understanding of terms frequently used in the Convention and during the judicial assistance activities.

The experts will have to collect the most relevant pieces of information debated during the workshops and to organize it into a draft training curricula for the European prosecutors involved in fighting organized crime.

After finalizing the workshops the experts will draft, in English language, a guide including all the relevant practical examples and the most relevant pieces of information debated during the above mentioned activities, to make recommendation for the use of the best methods of investigation in the area of organized crime.

The 3 workshops will be held according to the following **indicative calendar**:

- February 19-21, 2018, Bucharest, Romania
- March 28-30, 2018, Dresden, Germany
- April 23 -25, 2018, Bucharest, Romania

The deadline for submitting the guide (digest) is 10 May 2018, and the draft version of the guide is before the first workshop of the project.



JUST/2015/JTRA/AG/EJTR - Providing specialized training of LEA in the intense use of modern judicial cooperation tools

The final conference of the project will be held at the end of June 2018, in Bucharest.

To achieve the project objectives, the experts will attend all the above mentioned activities, expressing their availability for the timeframe indicated in the application.

2. Specific tasks

Each expert will be required to:

- Attend all the 3 workshops and the final conference of the project where they will propose and draft the agenda, moderate and deliver presentation according to the agenda of each event. The presentations have to be well structured, adjusted to the timeframe and have to include relevant aspects of the investigations in the area of organized crime and focused on good practices, concrete examples, taking into consideration that the participants are practitioners;
- Drafting a guide (digest) of European judiciary cooperation, in English language, for the use of prosecutors in EU member states (minimum 50 pages).
- send to the project manager, by email, the training curricula with proposed agenda at least 5 working days before the start of the activities;
- cooperate with the project leader and the project manager for drafting a methodology to organize the courses/professional meetings and agendas;
- Give a particular attention to practical aspects in international judicial cooperation, stressing out the importance of communication through exercises. In this way, the experts will also create a draft training curricula for prosecutors within EU for judicial cooperation on organized crime

3. Results

The experts will cooperate with the project leader for achieving the objectives of the project. The experts will keep contact with the project leader and the project manager throughout the activities to be carried out.

All the documents related to the activities conducted by the experts will meet the visibility requirements imposed by the European Commission. The project manager will assist the experts in meeting these requirements.



JUST/2015/JTRA/AG/EJTR - Providing specialized training of LEA in the intense use of modern judicial cooperation tools

3. Experts' profile

The experts will meet the following **mandatory** requirements:

1. Citizens of a member state of the European Union
2. Law degree or equivalent
3. Mastering English language to a level needed for deliver training sessions in the area of international judicial cooperation and drafting a guide for judicial cooperation in criminal matters.
4. A minimum of 5 years of professional experience as prosecutor/judge/judicial expert/judicial cooperation expert/academic
5. A minimum of 2 years of experience in the area of European/international judicial cooperation as prosecutor/judge/judicial expert/judicial cooperation expert/academic
6. Experience as facilitator, expert/guest lecturer/trainer/rapporteur for a working group, training dedicated to magistrates, law enforcement personnel;
7. At least one participation in a project that involved drafting a guide/report/manual of good practices in European/international judicial cooperation in criminal matters;
8. Excellent abilities of communication and writing

The application package to be sent by the candidates will include the following mandatory documents:

1. Proposal with details about how to undertake proposed activities, like planning of the workshops and final conference, objectives of the training, methods of training, case studies, practical exercises, statistical etc. In addition, the experts are free to add whatever else they consider relevant in the proposal – maximum 3 pages.
2. Curriculum vitae (*Europass format* with list of publications, if available)



JUST/2015/JTRA/AG/EJTR - Providing specialized training of LEA in the intense use of modern judicial cooperation tools

5. Financial offer and payment arrangements

The fee for each experts is **300 euro/day** for a number of 10 working days (3 workshops x 3 days each, 1 final conference x 1 day).

The fee for each experts is **200 euro/day** for a number of 30 working days allocated for drafting the guide.

- For preparing and moderating the 3 workshops, and the final conference: 300 euro/day/expert x 10 working days/ expert = 3.000 euro/expert x 2 experts = 6000 euro
- For drafting the guide of European/international judicial cooperation in criminal matters: 200 euro/day/expert x 30 working days/expert = 6.000 euro/expert x 2 experts = 12.000 euro

Total fees: 18.000 euro

The experts will be also paid DSA (daily subsistence allowance), to cover accommodation, meals and local transport, as well as flight tickets from their country of residence to the places where the activities will be organized, within the limit of 400 euro for a round trip.

DSA (200 euro/day x 3 day x 3 workshop) + (200 euro/day x 1 day) = 2000 euro x 2 experts = 4000 euro

Transportation 400 euro x 4 trips = 1600 euro x 2 experts = 3200 euro

Total value contract (fees, DSA and transport: 2 experts x 12600 euro = 25.200 euro

Experts from European Union must attach a tax clearance certificate and a declaration on oath that they will pay all the taxes according to their national legislation.

- In order to pay for the services carried out by the experts, three documents will be drafted and signed by both parties: invoice, timesheet and protocol.

The experts and the beneficiary – the Romanian POHCCJ – will sign a contract providing the services.

6. Selection procedure



JUST/2015/JTRA/AG/EJTR - Providing specialized training of LEA in the intense use of modern judicial cooperation tools

An evaluation committee will make the selection of candidates, based on POHCCJ internal procedures and according to terms of references. Each member of the evaluation committee will complete an evaluation form and each candidate will receive a score for each selection criteria.

The evaluation committee may reserve the right to request additional documents from applicants and it may held interviews with them to clarify documents contained in the dossier application.

Criteria for selection

- a) Professional experience as a prosecutor/judge/judicial expert/judicial cooperation expert/academic as well as a good reputation in the field in which he/she works will be awarded with maximum 20 points
- b) Experience in European / International judicial cooperation as prosecutor/judge/judicial expert/judicial cooperation expert/academic certified by documents (certificates, letters of recommendation, contracts etc.) will be awarded maximum 20 points)
- c) Participation in a similar project involving the drafting of a guide / report / best practice manual will be awarded a maximum of 20 points.
- d) Experience as an facilitator, expert / lecturer / trainer / rapporteur in working groups, training activities – maximum 20 points
- e) Evaluation of the proposal submitted – maximum 20 points.

Note: in order to be selected, a candidate must receive minimum 50 points.

After the evaluation of all applications, the evaluation committee will rank the applicants in descending order according to the total score obtained with the applicant receiving the most points being ranked first.

7. Special conditions



JUST/2015/JTRA/AG/EJTR - Providing specialized training of LEA in the intense use of modern judicial cooperation tools

▪ **Property rights/use of the results**

The ownership of the deliverables, including the intellectual property rights, belongs to the Prosecutor's Office attached to the High Court of Cassation and Justice through the contract concluded between the experts and this institution.

▪ **Non-compliance**

In the case of partial or full failure to fulfill the tasks assigned to each expert in accordance with terms of reference and the failure to comply with any commitments under the contract signed with PICCJ, PICCJ has the right to terminate the contract and claim damages.

Experts will not be held responsible for breaching their obligations unless they have been prevented from driving force or other event assimilated to them. Experts will make every effort to mitigate any damage caused by force majeure or similar event.

8. Final provisions and contact details

This terms of reference will be part of the contract to be concluded between the POHCCJ and the selected experts.

For more details or clarifications you may contact:

Razvan Maties, project manager, e-mail: maties_razvan@mpublic.ro

Madalina Apetrei, responsible with project implementation, e-mail: apetrei_madalina@mpublic.ro

Phone: +4 021 3193827

