**TERMS OF REFERENCE**

**for conducting an analytical study on judicial practice**

**of the High Anticorruption Court (HACC) in criminal proceedings involving corruption and corruption-related offenses for the period of 2023 – 2024**

**and related public discussion**

**Background and context:**

The EU Anti-Corruption Initiative (EUACI) is the flagship EU program in Ukraine funded by the EU, co-funded and implemented by the Ministry of Foreign Affairs of Denmark. The EUACI’s strategic objectives are: corruption in Ukraine is reduced; Ukraine advances with anti-corruption reform; and the reconstruction in war-affected areas of Ukraine is implemented within a framework that incorporates transparency, accountability, and integrity. Among its activities, the EUACI is providing support to Ukrainian partners in the field of EU integration and accession.

According to Articles 11, 18, 181 and 182 of Law of Ukraine “On Corruption prevention”, the National Agency on Corruption Prevention (NACP, Agency) is responsible for conduction of an analysis of statistical data, research results and other information regarding the situation with corruption; organization of research on studying the situation regarding corruption; the development and coordination of implementation of the State Anti-Corruption Strategy and State Anti-corruption Program (SACP).

The NACP is responsible for implementing significant number of measures provided for in the SACP, specifically those that have to do with increasing the efficiency of the system for preventing and countering corruption, and formation and implementation of state anti-corruption policy. I.e., under the SACP measures 3.3.1.3.3 – 3.3.1.3.4, NACP is providing annual preparation of summaries of the judicial practice of the High Anti-Corruption Court in criminal proceedings regarding corruption and corruption-related criminal offenses for the previous calendar year as well as conducting of related public discussions with the involvement of representatives of public authorities, NGOs, international organizations, international technical assistance projects and scientific community.

To support the Agency in achieving this goal, the EUACI launches this tender to identify an expert or a group of experts who will provide services on conduction of analytical study on judicial practice of the High Anticorruption Court (HACC) in criminal proceedings involving corruption and corruption-related offenses for the period of 2023 – 2024 (including statistics on criminal cases concerning corruption and corruption-related criminal offenses for the period of 2019 – 2024) and public discussion on results of this analytical study under the implementation of measures 3.3.1.3.3 – 3.3.1.3.4 of the SACP.

**Objectives:**

To provide the NACP with analytical study on judicial practice of the High Anticorruption Court (HACC) in criminal proceedings involving corruption and corruption-related offenses for the period of 2023 – 2024 (including statistics on criminal cases concerning corruption and corruption-related criminal offenses for the period of 2019 – 2024) and public discussion on results of this analytical study under the implementation of measures 3.3.1.3.3 – 3.3.1.3.4 of the SACP based on evidence-based policy analysis.

**Scope of work and deliverables:**

The assignment includes the following key tasks:

1. Conducting analytical study on the judicial practice of HACC in criminal proceedings regarding corruption and corruption-related criminal offenses for the period of 2023 – 2024 including analysis of key statistical indicators of the criminal proceedings under judicial jurisdiction of HACC as well as preparation of HACC’s statistics on criminal cases concerning corruption and corruption-related criminal offenses for the period of 2019-2024. All final decisions (verdicts) of courts of HACC and its’ Appeal Chamber are subject to study. Procedural judicial acts may be analyzed depending on the needs of the study. Under the implementation of this key task, the following sub-tasks must be processed:
* Sub-task 1:
* analyze and compare application of the relevant provisions of the Criminal Code of Ukraine, as well as key provisions of the Criminal Procedure Code of Ukraine (i.e., the unity of the applied approaches) in judicial practice of HACC in criminal proceedings involving corruption and corruption-related offenses for the period of 2023 – 2024;
* analyze HACC case statistics from 2019 to 2024, including, but not limited to the number of cases adjudicated, cases closed due to expiration of procedural time limits, the ratio of guilty to not guilty verdicts, average case duration, and judicial workload. The analysis should also consider key milestones and legislative changes and assess their impact on the court’s efficiency and performance.
* Sub-task 2:

Based on findings of the study conducted within Sub-task 1 and results of the Analysis identify factors which cause challenges in HACC effective functioning and provide analysis of related challenges, i.e., under the following:

* issues regarding duration of judicial review of cases, including but not limited to procedural delays and obstructions caused by parties;
* situations of different application of the same legal provisions, identify other problems in the adherence to relevant provisions;
* practice of sentencing, including i.e., the imposition of penalties based on plea agreements;
* detection of other relevant trends, features, shortcomings in the process of case consideration.
* Sub-task 3: Based on findings of studies conducted within Sub-tasks 1 and 2, propose ways for improvement of relevant legislation and HACC practices.
1. Drafting an analytical report on the results of above-mentioned analytical study. This report, i.e., should include proposals on potential areas for improving the practice of application of law, as well as on improvement of the Criminal Code of Ukraine and/or the Criminal Procedure Code of Ukraine (if their provisions lead to problems in the application of law).
2. Public presentation of the analytical report with related expert discussion with the involvement of representatives of public authorities, NGOs, international organizations, international technical assistance projects and scientific community.

Electronic copies of the deliverables made should be sent in Ukrainian by email to the designated EUACI contact person.

**Timeline:**

The intended commencement date is the date of signature of contracts with the selected service provider(s). The minimum number of days for delivering of consultancy services is 30 days **with the finalization and delivering of the related analytical study till 30 October 2025.**

The expected total duration of the contract is **till 28 November 2025.**

**Requirements to the Service Provider/s:**

The contract can be awarded to the expert or group of experts meeting the following criteria:

* Expert or group of experts registered as private entrepreneurs under Ukrainian legislation or legal entity / non-governmental organization registered under Ukrainian legislation;
* Experience of analytical work (such as conducting analytical studies and research, policy analysis, policy advise, etc.) in the sphere of criminal justice, and / or anti-corruption activities with at least 3 years of the relevant experience;
* Profound sense and personal culture of integrity.
* Excellent written and oral communication skills in Ukrainian.

Special requirements:

By signing the contracts, the contractors agree to hold in trust and confidence any information or documents ("confidential information"), disclosed to the contractor or discovered by the contractor or prepared by the contractors in the course of or as a result of the implementation of the contracts and agrees that it shall be used only for the purposes of the contract implementation and shall not be disclosed to any third party without EUACI and NACP authorisation.

Contractors will report to the EUACI. Contractors shall de-brief the EUACI prior to finalising the assignment.

# Bidding details:

The bidder or team of bidders must submit the following information to be considered:

* CV (max. 3 pages) of each expert applying.
* A list of assignments related to the sphere of research executed during the last three years.
* At least one example of analytical paper, study, report or other similar document prepared by the expert or team of experts in the sphere of criminal justice and / or anti-corruption activities;
* A financial offer (including experts’ fees per day or per hour and number of days needed for delivery of services).

If these documents are not submitted in line with the request above, the bid will not be considered.

**Budget:**

The total contract budget for the expert cannot exceed **EUR 16,000.**

# How to apply:

The deadline for submitting the proposals **is 14 July 2025, 18:00 Kyiv time.**

The proposals shall be submitted within the above deadline to euaci@um.dk and ievrom@um.dk indicating the subject line “Tender: “**Study on HACC practices**”.

The applicant will receive an auto-reply from euaci@um.dk when the application is received. If an auto-reply is not received, please contact the EUACI.

Bidding language: **English**.

Any clarification questions for the bid request should be addressed to euaci@um.dk and ievrom@um.dk, **no later than 10 July 2025, 18:00 Kyiv time.**

Please note that the winner of this tender will be made public on EUACI’s website.

# Evaluation criteria:

Bids will be evaluated under the criteria provided below:

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| **#** | **Criteria** | **Weight** |
| 1 | Criterion 1: Professional experience, including the length of experience, the proven track record of practical expertise in the given field, quality of example of the analytical product provided | 70% |
| 2 | Criterion 2: Financial offer | 30% |