Ref. No. 609/1-05-2026

Terms of reference for engagement of

Locally Contracted Expert

Review of the Draft Law on Maritime Navigation of Bosnia and Herzegovina

PS/SRV/LCE/037/2026

1. Background

The Transport Community is an international organisation in the field of mobility and transport. It has 36 participants – the European Union Member States represented by the European Commission, the Southeast European Parties (the Republic of Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, the Republic of North Macedonia, and the Republic of Serbia - hereinafter referred to collectively as "regional partners") and the three observing participants (Georgia, Republic of Moldova and Ukraine). Transport Community is working on integrating the Western Balkans' transport markets into the EU by assisting the regional partners in adopting and implementing the EU legislation in the transport field and supporting projects connecting the region and the EU.

The organisation was founded by the Treaty[1] establishing the Transport Community signed on 9th of October 2017 by all partners (Council Decision (EU) 2019/392).

The aim of the Treaty therefore is the creation of a Transport Community in the field of road, rail, inland waterway, and maritime transport as well as the development of the transport network between the European Union and the Western Balkan Parties. The Transport Community shall be based on the progressive integration of transport markets of the South-East European Parties into the European Union transport market based on the relevant acquis, including in the areas of technical standards, interoperability, safety, security, traffic management, social policy, public procurement and environment, for all modes of transport excluding air transport. For this purpose, this Treaty sets out the rules applicable between the Contracting Parties under the conditions set out hereinafter. These rules include the provisions laid down by the acts specified in Annex I[2].

Bosnia and Herzegovina currently has no State-level law that comprehensively regulates maritime navigation. The area is still governed by the Law on Maritime and Inland Navigation and related acts that no longer correspond to the constitutional set-up, the organisation of public administration, or the international and European obligations of the Regional Partner.

Bosnia and Herzegovina is a coastal State, with its maritime access in the Neum area, but it currently has neither a ship register nor the status of a flag State or a port State. Under the Treaty,

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

[1] https://www.transport-community.org/wp-content/uploads/2022/10/treaty-en.pdf

[2] https://www.transport-community.org/wp-content/uploads/2022/10/treaty-en.pdf

Bosnia and Herzegovina has nevertheless committed to implementing the EU acquis listed in Annex I.4 (Rules applicable to maritime transport).

The Ministry of Communications and Transport of Bosnia and Herzegovina (MoCT) has prepared the Draft Law on Maritime Navigation comprising 195 articles organised in eleven parts. Draft Law aligns national legislation with several EU acts.

2. Description of the assignment

The Transport Community Permanent Secretariat (TCPS) intends to engage a locally contracted expert to provide legal assistance to the Ministry of Communications and Transport of Bosnia and Herzegovina in two related tasks:

- Reviewing the Draft Law on Maritime Navigation to assess and improve its alignment with the EU acquis; and
- Preparation of the new Draft Law on Maritime Navigation together with the Tables of Concordance for all the EU Acquis transposed and the Explanatory notes.

The review shall cover the Draft Law as a whole, with particular focus on the provisions intended to transpose the EU acts.

The Expert will work in close cooperation with the Ministry of Communications and Transport, the Harbour Master's Office Neum and other competent institutions, under the coordination of the Ministry of Communications and Transport.

The assignment shall result in an EU-aligned, legally sound and enforceable Draft Law, supported by Tables of Concordance.

3. Aim of this assignment

The overall aim of the assignment is to support Bosnia and Herzegovina in establishing, for the first time, a modern State-level legislative framework for maritime navigation that is aligned with the EU acquis, and in planning the progressive transposition of the maritime acquis listed in Annex I.4 of the Treaty.

The assignment should ensure that the EU acts referred to in the Draft Law are transposed accurately, completely, and in a form that works within the legal and institutional system of Bosnia and Herzegovina. It should also reflect the current status as a coastal State that is not yet a flag State or a port State and set out the legal steps needed as that status changes.

It should also strengthen the capacity of the Ministry of Communications and Transport and other competent institutions to document compliance with the acquis and to report on progress to the Transport Community and in the EU integration process.

The adoption of this assignment is related to the **fulfilment of Article 13 of the Transport Community Treaty and the implementation of Annex I.4 (Maritime Transport).**

4. Objectives of the assignment

The primary objectives of this consultancy are to:

1. **Assess the alignment of the Draft Law with the EU acquis**: Carry out an article-by-article review of the Draft Law on Maritime Navigation against the EU acts listed in its Article 1(2) and other relevant acts in Annex I.4, and identify gaps, partial or incorrect transposition, and outdated or superseded references.
2. **Ensure accurate and complete transposition**: Verify that the provisions taken over from each EU act are complete, correctly transposed, and consistent with the latest consolidated versions of those acts, and confirm whether each act is transposed fully or partially.
3. **Propose drafting amendments**: Prepare precise amendments to the Draft Law, with justification, to remove the identified gaps, inconsistencies, and legal-technical deficiencies.
4. **Ensure coherence with the national legal system**: Ensure consistency of the Draft Law with the Constitution of Bosnia and Herzegovina and the division of competences between entities and with the international maritime conventions to which Bosnia and Herzegovina is a party.
5. **Prepare compliance documentation**: Prepare Tables of Concordance and a revised statement of alignment for the Explanatory Note, in line with the harmonisation methodology applied in Bosnia and Herzegovina.
6. **Support institutional capacity**: Provide the Ministry of Communications and Transport with practical tools and guidance to plan, monitor and report on the transposition and implementation of the maritime acquis.

5. Scope of work

The Expert shall undertake the legal review, analysis and drafting activities necessary to achieve the objectives above. The work shall cover, at a minimum, the following components:

5.1. Inception and mapping of the legal and institutional framework

- Review the Draft Law on Maritime Navigation and its Explanatory Note, including the results of the public consultations and the opinions already received from competent institutions.
- Review the existing legal framework applicable to maritime navigation in Bosnia and Herzegovina.
- Identify the international maritime conventions to which Bosnia and Herzegovina is a party and their relevance for the transposition of the EU acquis.
- Map the competent institutions and their responsibilities in maritime navigation, maritime safety and security, seafarers, protection of the marine environment and waste management.
- Prepare a methodology and detailed work plan for the assignment.

5.2. Review of the Draft Law for alignment with the EU acquis drafting proposals for amendments

The Expert shall carry out an article-by-article review of the Draft Law, examining at least:

- Completeness and accuracy of transposition of EU acts, including whether the Draft Law transposes the act fully or only partially.
- Prepare specific amendments to the Draft Law in track-changes form, in the official language(s) of Bosnia and Herzegovina, and English.
- Provide a short justification for each amendment, with reference to the relevant provision of the EU act or international convention.
- Propose any additional provisions needed to provide a legal basis for future transposition of Annex I.4 acts through implementing acts.

5.3. Tables of Concordance and compliance documentation

The Expert shall:

- Prepare a Table of Concordance for each EU act transposed, showing the corresponding provisions of the Draft Law and its implementing acts and the level of alignment in the format required by the Ministry of Communications and Transport of Bosnia and Herzegovina.
- Draft an Explanatory Note, describing for each act the scope of transposition, the reasons for any partial transposition and the planned next steps.

5.4. Mapping of the Annex I.4 acquis and its transposition status

The Expert shall identify all acts currently listed in Annex I.4 of the Treaty, using the latest consolidated version of Annex I.4 of the Transport Community Treaty as adapted. The mapping shall cover, indicatively, the following areas:

- Market access in maritime transport, including freedom to provide services and maritime cabotage.
- Maritime safety: flag State requirements, port State control, ship inspection and survey organisations, marine equipment, safety of passenger ships and ro-ro passenger ships, registration of persons on board, vessel traffic monitoring and information systems, marine accident investigation, insurance of shipowners for maritime claims and liability of carriers of passengers.
- Seafarers: minimum level of training, working time, enforcement of the Maritime Labour Convention, and medical treatment on board.
- Protection of the marine environment: port reception facilities for ship-generated waste, ship-source pollution and penalties, sulphur content of marine fuels, harmful anti-fouling systems, ship recycling and phasing-in of double-hull tankers.
- Maritime security: enhancing ship and port facility security and port security.

- Reporting formalities and the maritime single window environment, and passenger rights when travelling by sea.

The list above is indicative. The Expert shall verify the exact acts and their versions against Annex I.4 as in force at the start of the assignment.

5.5. Consultation, validation and finalisation

The Expert shall:

- Consult the Ministry of Communications and Transport throughout the assignment.
- Organise or participate in at least one physical meeting with the Ministry of Communications and Transport, to present the findings of the review of the draft law and Tables of Concordance.
- Incorporate comments and recommendations received from the Ministry of Communications and Transport and other stakeholders.
- Ensure consistency, legal clarity and enforceability of the final proposals.
- Prepare the final versions of the proposed amendments, the Tables of Concordance and the Transposition Plan.

5.6. Additional considerations for the Expert

The Expert should pay particular attention to ensuring that the Draft Law does not merely reproduce the provisions of EU acts but translates them into clear, enforceable and operational national requirements, with clearly designated competent authorities.

The Expert should pay particular attention to the specific situation of Bosnia and Herzegovina, including its limited maritime access in the Neum area, the role of the Harbour Master's Office Neum, the absence of a ship register, and the constitutional division of competences.

6. Qualifications

- A university degree of a minimum of 4 years in Law is required. A degree in Maritime Studies, Transport, Law, Engineering or Economics may be accepted if combined with substantial experience in legislative drafting. Specialisation in maritime law, transport law or EU law is preferred.
- Any expert submitting more than one application for the same assignment shall be automatically excluded from the tender procedure. In cases where multiple applications involving the same expert are identified, all applications concerned will be disqualified

7. Work experience

- A minimum of seven (7) years of relevant working experience in the area of maritime transport law and EU acquis transposition.
- Good knowledge of EU legislation, specifically the EU acquis related to maritime transport. Proven reference activity conducted in the past 5 years will be a plus.

- At least 3 years of experience in legislative drafting or EU acquis harmonisation, including preparation of Tables of Concordance, would be considered an asset.
- Experience working in the Western Balkans and EU environment.
- Ability to build strong, trusted relationships and operate in an influential manner with government authorities to assist in driving key initiatives is essential.
- Ability to consistently exercise discretion and confidentiality with sensitive information is essential

8. Languages

- Proficiency in one of the official languages of Bosnia and Herzegovina (Bosnian, Croatian or Serbian) and in English.
- The proposed amendments to the Draft Law and the Tables of Concordance should be submitted in the official language(s) of Bosnia and Herzegovina and in English.

9. Deliverables and Indicative Timeline

The consultancy is expected to deliver the following:

Deliverable	Description	Indicative deadline
D1	Inception report: methodology, detailed work plan, list of stakeholders, mapping of the Draft Law.	Week 2
D2	Legal review and gap analysis report on the Draft Law on Maritime Navigation, including Tables of Concordance for each transposed EU act.	Week 4
D3	Proposed amendments to the Draft Law (track-changes text with justification), Tables of Concordance and the Explanatory Note.	Week 6
D4	Final package following consultations: final proposed amendments and Tables of Concordance, with list and outlines of implementing acts, and Final Mission Report	Week 8

10. Delivery of the report

After completing each of the deliverables, a report will be delivered to the beneficiary and to the Transport Community Treaty (TCT) Permanent Secretariat. The report should contain the following:

a. The draft documents mentioned in the table above.
b. A detailed description of the assignment and the scope of work undertaken by the expert after each deliverable.

c. A comprehensive summary of the accomplishments achieved during the course of the assignment.
d. Minutes of all meetings held with beneficiaries regarding the proposed tasks.

11. Timing and Location

- The consultancy is expected to be completed in a maximum of two months from the date of contract signing.
- The assignment foresees work from home, periodic meetings with the Ministry of Communications and Transport of Bosnia and Herzegovina in Sarajevo, and a possible visit to the Harbour Master's Office in Neum.
- For implementation of the tasks listed above, physical presence of the expert in the Ministry of Communications and Transport might be required from time to time.

12. Remunerations

The assignment foresees up to a maximum of 176 working hours or 22 working days of engagement, with a maximum value of 5.500 EUR.

Payment will be processed upon submission and approval of all documents by the TCT Secretariat and the end-beneficiary, as stipulated in the contract

The final outputs will be subject to TCT Permanent Secretariat and the Ministry of Communications and Transport of Bosnia and Herzegovina quality control and approval before payment is executed.

No subcontracting is allowed for the assignment.

No other costs will be covered besides the expert cost per day as indicated in the offer.

13. Financial Offer

The financial offer should be shown in a form showing the price per working day of 8 hours.

The offer with the lowest price will be scored with a maximum of 20 points.

14. Selection and Award Criteria

Selection will be based on work experience.

Work experience	Minimum score	Maximum score
A minimum of 7 (seven) years of relevant experience working in the area of maritime/waterborne transport law.	20 points for 7 years of relevant experience. Every additional year will be scored with 2 points up to the maximum score.	30
Good knowledge of EU legislation, specifically the EU Acquis related to waterborne	20 points for good knowledge of EU legislation.	30

transport. Proven similar activities conducted in the past 5 years will be an asset.	Proven reference activities conducted in the past 5 years will be scored with 5 points up to the maximum score.	
Experience of at least 3 years in legislative drafting or EU acquis harmonisation.	0	5
Experience working in the Western Balkans and EU environment	5 points for experience in the Western Balkans. Additional experience in the EU will be scored with an additional 5 points.	10
A short, detailed, concrete methodology/proposal on how the assignment will be delivered	0	5
Total	**45**	**80**

- The scoring of the above-mentioned work experience will be done based on the information provided in the CV and the supporting documents.
- The total maximum score for the selection criteria is 80.
- The total maximum score for the financial offer is 20.
- The offer with the highest score combining work experience and offered price will be proposed for assignment.

Score for tender X	=	$\frac{\text{cheapest price}}{\text{price of tender X}}$	*	100	*	20%	+	Total quality score (out of 100) for all award criteria of tender X	*	80%