



## **TERMS OF REFERENCE**

### **Call for selecting experts**

**to develop a best practices guide addressed to magistrates and other legal practitioners, consisting in legal instruments and procedures applicable in cross-border family mediation**

**Title of the project:** JUST/2013/JCIV/AG/4628 “Judicial Intercultural Communication in Family Mediation”

**Co-ordinator:** Craiova Court of Appeal (Romania)

**Co-beneficiaries:** Cluj Court of Appeal (RO), Timisoara Court of Appeal (RO), County Court of Rijeka (HR), Differenza Donna (IT)

**Associated Partner:** Sofia City Court (BG)

**Topic:** Mediation referred to in Directive 2008/52/EC and family mediation referred to in Regulation (EC) 2201/2003, concerning divorce and parental custody matters "Brussels IIa Regulation".

### **1. Project description**

The project aims at improving judicial cooperation in civil matters between national judges and overcome the difficulties arising in practice in relation to family mediation in cross-border proceedings, by organizing a series of workshops addressed to judges and other legal practitioners, that will provide the opportunity to identify the main common difficulties legal practitioners encounter in practice and identify viable solutions for a better enforcement of the legal instruments adopted at European level.



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One major objective of the project is to identify the specific problems arising from cultural and psychological differences, diversity of traditions and mentality between European citizens. As a result, the project will meet the need of magistrates and other legal practitioners to determine and to overcome the main issues and problems encountered in family cross-border mediation matters.

The project is implemented by Craiova Court of Appeal, Romania as Co-ordinator, in partnership with Cluj Court of Appeal (Romania), Timisoara Court of Appeal (Romania), County Court of Rijeka (Croatia), Differenza Donna (Italy) and Sofia City Court (Bulgaria).

The implementation period of the project is 12 months and it consists in:

- organizing 4 workshops, 1 in Romania, 1 in Bulgaria, 1 in Croatia and 1 in Italy, where judges will learn about mediation referred to in Directive 2008/52/EC and family mediation referred to in Regulation (EC) 2201/2003, concerning divorce and parental custody matters "Brussels Iia Regulation";
- creating a guidebook for magistrates and a brochure for promoting mediation among European citizens.

The target group is formed of approx. 100 judges and other legal practitioners (25 participants / workshop).

The topics discussed during the workshops and the results obtained from the training, special attention being held on the active participation of the beneficiaries, will be summarized in a "guidebook", which will be edited in 5 languages: Romanian, Italian, Bulgarian, Croatian and English, and distributed among the project partners and among other courts of justice from EU Member States. The guide will be published on the applicant's website and made available for download by specialists or any other interested person.

## **2. Purpose of the consultancy**

The purpose of this call is to identify experts for creating a guidebook addressed to specialists – magistrates, mediators and other legal practitioners – dealing with family mediation cases in cross border procedures.

The Guidebook will include the following main topics:

**Topic no. 1** - Mediation and alternative dispute resolution in the European Union.



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**Topic no. 2** – Legal framework including: Directive 2008/52/EC, the Regulation (EC) 2201/2003 and their implementation into national legislation.

**Topic no. 3** – Intercultural character of cross border mediation

**Topic no. 4** – Communication skills that are necessary to the magistrate and other legal practitioners in order to overcome difficulties that appeared in the process of recommendation of cross-border mediation

**Topic no. 5** – Solving family cases through mediation and judicial proceedings

**Topic no. 6** - The impact of judicial proceedings over the family, in general and over children, in particular.

### **3. Profile of experts and qualifications**

#### **A. General conditions**

- University degree
- Minimum 7 years work experience, in general
- Minimum 5 years work experience as mediator/psychologist/sociologist.

#### **B. Specific conditions**

- At least 5 publications (articles, reviews, studies, reports, theses, etc) regarding mediation.

For each topic, the experts will prepare approx. 15 – 20 pages, using Arial 12 font, single spacing.

Each topic will be prepared in one of the following languages, according to the expert's option: Romanian, Italian, Croatian, Bulgarian or English. The final version of the Guidebook will be translated in all of the five languages mentioned above.

### **4. Deadlines**

The experts shall send their contribution to the Guidebook to Craiova Court of Appeal no later than 12 days after the contract will be signed, respectively no later than 02.12.2014.



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## **5. Financial terms**

The experts who will be selected will receive 200 euro/topic, elaborated and delivered no later than 12 days after the contract has been signed.

## **6. Procedural aspects**

Selection of experts will be in accordance with the requirements specified in the above terms of reference. The selection criteria are described in section 3 "profile experts" and consist of minimum requirements (mandatory) regarding the qualifications of experts, specific professional skills and experience required to implement the activity.

The contracting authority shall appoint amongst the selected experts a coordinator of the activity that will perform the following tasks:

- Contact the other selected experts;
- Ensure that the schedule and the deadlines for delivering each topic will be respected;
- Verify the received materials in terms of morpho-syntactic structure and logical exposure of the topics;
- Subsumes all topics from the other experts to develop the Guidebook;
- Oversees the compliance by the other experts, of the general and specific objectives set out in paragraph 1 of this notice;
- Draws up the conclusions of the Guidebook (minimum 3 pages)
- Delivers to Craiova Court of Appeal the final version of the Guidebook, no later than 20.12.2014.

The expert appointed as coordinator of the work will have to meet, in addition to the minimum requirements set out in paragraph 3, the requirement of proving professional experience in international training.

For the position of coordinator of the Guidebook, the selected expert will be paid a fee of 2.000 euro.

## **Supporting documents required for submitting an application**

- copy of the identity card;
- copy of the University degree certificate;



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- copy of the authorization/certificate/diploma of mediator (for the mediators)
- CV – in Europass form, dated and signed by the expert;
- Supporting documents to proof the professional experience.

The Romanian experts, shall submit all documents in Romanian language (for documents issued in another language there will be accepted only authorized translation), and the experts from other countries shall submit all documents in English.

**Documents shall be submitted until 19.11.2014** at Craiova Court of Appeal, located in 5A. Constantin Brancusi str., 200136 Craiova, Dolj County, Romania or by e-mail at: [cacraiova@just.ro](mailto:cacraiova@just.ro)

### **Payment**

The payment of the fee will be made on the actual performance of work by the experts and after they present an original invoice.

The payment of the fee shall be made only after Craiova Court of Appeal shall approve the final product of the Guidebook.

### **7. Special conditions**

The experts who developed the guide will give ownership of the results of the work, including intellectual property, to Craiova Court of Appeal, as project Coordinator. Craiova Court of Appeal will have the exclusive right to publish, multiply, distribute and translate the Guidebook, under the terms established by the contract which will be concluded between the parties.

The Guidebook shall also be sent to the European Commission, which is entitled to use the results of the project.

### **Provisions regarding the non / improper performance of work**

In the event of non-performance / improper performance of work, the expert will not receive the fee provided. Also the expert will be responsible of the non/ improper performance of the work, depending on the damage caused.



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The expert shall not be held liable for breach of its obligations set out in this notice of selection, if he is unable to perform due to force majeure. The expert will endeavour to minimize the damage caused by force majeure situations.

#### **Contact details**

**For more information, we kindly ask you to contact us directly by e-mail ([cacraiova@just.ro](mailto:cacraiova@just.ro)) or telephone / fax (+40 251.415.456).**



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