Terms of Reference (ToR) for a Short-Term assignment

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of Climate Change *acquis*
Project Title:	Policy and Legal Advice Centre (PLAC II), Serbia
Ref:	EuropeAid/137065/DH/SER/RS
Service Contract No.:	(CRIS) 2016/375-724
Main beneficiary:	The European Integration Office of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Representatives of the Ministry of Agriculture and Environmental Protection - representatives of Refrigerant and Air Conditioning Sector and other relevant stakeholders in charge of climate change policy
Content of the assignment:	Providing assistance in performing gap analysis of the existing Serbian legislation with the Regulation 517/2014/EC and drafting proposal on new national legislation concerning fluorinated greenhouse gasses (F-gases)
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	20 working days, spent during up to two missions in the period from February 2017 until (tentatively) June 2017

1. Relevant background information

Background information in relation to PLAC II project:

The scope of PLAC II project is to provide support to relevant national institutions in charge of alignment of national legal acts with the EU acquis and to contribute to further building of capacities of relevant national structures for successful carrying out of accession negotiations.

The PLAC II project should achieve two results:
RESULT 1 - Enhanced compatibility of national legislation with EU legislation and its effective implementation,
RESULT 2 - Enhanced capacities of the relevant national structures for successful carrying out of accession negotiations.

In general, the project aims at fostering the process of accession negotiations of Serbia by supporting the effective alignment of national legislation with the acquis and its implementation and by further building the capacities of involved carriers of the EU integration process in Serbia. After completion of screening process in 2015, Serbian public administration has entered into much more demanding and obliging exercise of accession negotiations, whereby each step and every decision should result in approaching actual membership in the EU. For this scenario to happen in accordance with planned dynamics, preparedness, adequate institutional capacity of public administration with highly competent staff is of crucial importance. In the core period of the negotiations, PLAC II Project shall support domestic line institutions and the negotiating structures both in performance of quality operational work in relation to harmonisation process and in the effective coordination during various stages and phases in the process for different negotiation chapters.

Background information in relation to Chapter 27 – Environment and Climate Change:

The EC 2016 Report on Serbia in the area of Climate Change states that Serbia advanced on implementing a number of acquis provisions on fluorinated greenhouse gasses. However, considerable strengthening of administrative capacity in this area is needed, as well as awareness raising activities.

Based on the Law on Air Protection (OG RS 36/2009 and 10/2013), in 2013 a national Decree/Regulation on fluorinated greenhouse gasses management and on conditions for license issuance for import and export of such gasses (OG RS 120/13) was adopted. By this by-law, some of the requirements of EU Regulations 842/2006/EC, 1493/2007/EC, 1494/2007/EC, 1497/2007/EC, 1516/2007/EC and Directive 2006/40/EC were introduced in the national legal system of Serbia.

In relation to the system of certification, a Decree/Regulation on certification of personnel performing certain activities related to controlled substances and certain fluorinated greenhouse gases (OG RS 24/16) was adopted in March 2016. This by-law has been aligned with provisions of EU Regulation 303/2008/EC (on minimum requirements for the certification in relation to stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases) and with EU Regulation 307/2008/EC (on minimum requirements for training programmes of personnel recovering certain fluorinated greenhouse gases from air-conditioning systems in motor vehicles). This Regulation prescribes 4 categories of personnel certificates for operating with stationary equipment in RAC sector (Refrigeration/Air Conditioning/Heat Pumps) and certificates for personnel operating in MAC sector (Mobile/Air-Conditioning).

Management of F-gases in Serbia at this moment follows the structure of the ODS (Ozone Depleting Substances) management, with two groups of substances (Ozone Depleting Substances (ODS) and Fluorinated Greenhouse Gases (F-gases) being used as refrigerants. In order to collect more data on imports, licensing system for ODSs has been extended to cover substances and mixtures of F-gases, as well as certain products containing or relying on F-gases. Serbia should focus now on collection of information on the use of F-gases and improve containment measures.

Considering the complexity of both areas (ODSs and F-gases), as well as the obligation to harmonise the national legislation with the Regulation 517/2014/EC on Fluorinated Greenhouse Gases, additional assistance is needed in relation to harmonisation of the Serbian legislation with EU *acquis* in this area.

2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is the support to the MoAEP in improving the compliance of existing national legislation related to F-gases with EU F-gases Regulation 517/2014/EC, in order to achieve adequate level of harmonisation of national legislation with EU acquis in this field.

2.2 Requested services

The Senior Non-Key Expert is expected to provide the following services:

a) To analyse the level of compliance of the existing national legislation of the Republic of Serbia in the area of F-gases and ODSs (i.e. the Law on Air Protection, the Decree on F-gases management as well as on conditions for license issuance for import and export of such gases and the Decree on substances that deplete the ozone layer and on conditions for issuing licenses for import and export of this substances) with Regulation 517/2014/EC;

b) Based on gap analysis, finalise a comparison table (similar to Table of Concordance) outlining the level of compliance of the existing national legislation with the Regulation 517/2014/EC;

c) To draft proposals on amendments to specific provisions of the existing national legislation, in order to comply with Regulation 517/2014/EC.

2.3 Outputs

The Senior Non-Key Expert is expected to deliver the following outputs:

- A report on the findings of the analysis on the level of compliance of the existing national legislation in the area of F-gases and ODSs with Regulation 517/2014/EC;
- Comparison table (similar to Table of Concordance) outlining the level of compliance of the existing national legislation with Regulation 517/2014/EC;
- Draft proposal on amendments to existing national legislation, namely the Law on Air Protection, the Decree on F-gases management as well as on conditions for license issuance for import and export of such gases and the Decree on substances that deplete the ozone layer and on conditions for issuing licenses for import and export of this substances, in order to achieve adequate level of compliance with Regulation 517/2014/EC.

2.4 Reporting

The NKE shall provide the following reports by using the templates of the Project:

- Brief Mission Reports with description of activities and outputs provided, at the end of each mission under this assignment,
- Final Mission Report, no later than 1 week after completion of tasks under this assignment. This report will include description of all activities and outputs provided by the NKE in the context of this assignment.

Submission of reports:

- Draft mission reports shall be submitted to the Team Leader of the Project for review and comments at the end of the mission.
- Final version of the mission report reports prepared in the relevant quality shall be submitted to the Team Leader of the Project for review, comments and final approval. The reports shall be signed by the NKE and the Team Leader, responsible for endorsing the reports.
- The reports and all prepared documents shall be submitted in hard copy and electronic version to the Team Leader of the project.

2.5 Specifics

The NKE shall work under the guidance and follow the instructions of the Team Leader. The NKE shall collaborate with the project team, other experts involved and representatives of beneficiary institutions and national structures, as relevant.

The NKE's activities and outputs mentioned above may be adjusted by the Team Leader at any stage in the implementation of the Project, depending on the evolving needs of the Project, main beneficiary and/or target beneficiaries. Each of the short-term mission, its timing and duration shall be agreed with the Team Leader prior to each mission.

2.6 Final use of intervention and perspectives for the future

This activity will contribute to improved compliance of the Serbian national legislation with requirements of Regulation 517/2014/EC and preparations by relevant national structures for further actions related to successful implementation of the acquis in this area.

3. Expert input

3.1 Total working days

20 working days (WDs) in total have been planned for this assignment.

3.2 Period of the assignment

February 2017 until (tentatively) June 2017

3.3 Starting day

It is expected that the work will be performed during up to two missions and starting, at the earliest, from 20 February 2017 onwards. However, exact starting date will be agreed at a later stage.

3.4 Location/Place of assignment

The NKE has to deliver 100% of the input in Belgrade, Serbia.

3.5 Working language

English

4. Expert Profile

4.1 Qualifications and skills (25 points)

- University degree (where university degree has been awarded on completion of three years' study in university or equivalent institution) in Law, Natural Sciences or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

4.2 General professional experience (25 points)

- Minimum 10 years of postgraduate professional experience in the field of implementation of legislation in relation to EU acquis related to Chapter 27 – Environment and Climate Change in an EU Member State, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- Proven professional experience in drafting legislation related to Chapter 27 - F-gases *acquis*, gained in an EU Member State, candidate or potential candidate country
- Previous professional experience, and/or knowledge of the legislation, of the Republic of Serbia in the respective area would be an advantage.

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to SEPLAC@altairasesores.es no later than 17:00 hrs**, 22 January 2017***,* titled: **"Application for the position – Senior NKE in the area of Climate Change"**

References must be available on request. Only short-listed candidates will be contacted.

The Project is an equal opportunity employer.
All applications will be considered strictly confidential.

Advertised post is not available to civil servants or other officials of the public administration in the beneficiary country, Serbia.

For more information, please contact Project Manager at Altair Asesores S.L.: m.garcia@altairasesores.es / Tel. +34 91 3952798