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

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of Air Quality Policy and its implementation
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, Department for Protection of Natural Resources
Content of the assignment:	Assistance in transposing of the EU environmental acquis by updating ToC for the Directives 2008/50/EC, 2004/107/EC and 2015/1480/EU
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	10 working days, spent during up to two missions in the period from March 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 – Air Quality:

Based on the Post Screening document, “Transposition and implementation of the EU Environmental and Climate Change acquis – Chapter 27, Status and plans”, the Directive 2008/50/EC on Ambient Air



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Quality and Cleaner Air for Europe (CAFE) has been largely transposed into the Serbian legislation through the Law on Air Protection (OG RS 36/09 and 10/13), Decree/Regulation on Monitoring Conditions and Air Quality Requirements (OG RS 11/10, 75/10 and 63/13), Rulebook on Content of Air Quality Plans (OG RS 21/10) and the Rulebook on Short-term Action Plans (OG RS 65/10).

The Directive 2004/107/EC relating to Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air (4th Daughter Directive) has also been largely transposed into the Serbian legislation through the Law on Air Protection and the Decree on Monitoring Conditions and Air Quality Standards.

In 2015, the Commission Directive (EU) 2015/1480 amending several annexes to the Directives 2004/107/EC and 2008/50/EC and laying down the Rules Concerning Reference Methods, Data Validation and Location of Sampling Points for the Assessment of Ambient Air Quality has been adopted.

In the NPAA 2016-2018 that was adopted on 17 November 2016, the transposition of remaining provisions of CAFE and 4th Daughter Directive including their amendments by the Commission Directive (EU) 2015/1480 is foreseen during 2016-2018.

2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is to provide assistance to the Ministry in updating the existing Table of Concordance by performing the compliance check analysis of the national legislation with certain provisions of the Directives 2008/50/EC, 2004/107/EC and the Commission Directive (EU) 2015/1480, which have not been transposed into the Serbian legal order so far. Apart from this, the assessment of certain transpositions carried out earlier should be reassessed, since it has been realised that certain provisions already harmonised have to be corrected or improved and certain national provisions should be strengthened, in order to properly reflect the scope of the provisions of these two directives.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- a) To assess the state of harmonization (compliance check) of the existing Serbian legislation (i.e. the Law on Air Protection and the above-mentioned by-laws) with certain provisions of CAFE, 4th Daughter Directive and the Commission Directive (EU) 2015/1480 by updating the existing Table of Concordance and addressing eventual gaps in relation to those provisions;
- b) To develop proposals on amendments to certain provisions of the existing national legislation in relation to the gaps identified, in order to comply with certain provisions of CAFE, 4th Daughter Directive and the Commission Directive (EU) 2015/1480.

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:



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- A report on the assessment of compliance of the existing national legislation (the Law on Air Protection and the above-mentioned by-laws) with CAFE, 4th Daughter Directive and the Commission Directive (EU) 2015/1480;
- Draft proposals on amendments to certain provisions of the existing national legislation in relation to the gaps identified, in order to comply with certain provisions of CAFE, 4th Daughter Directive and the Commission Directive (EU) 2015/1480;
- Updated version of the Table of Concordance, addressing eventual gaps in relation to certain provisions of CAFE, 4th Daughter Directive and the Commission Directive (EU) 2015/1480, for the achievement of full harmonisation of the existing national legislation with the *acquis* in this area.

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 report 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 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 report.
- The report and all prepared documents shall be submitted in hard copy and in electronic version to the Team Leader of the project.

2.5 Specifics

The Senior 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 and main 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

The assistance will contribute to achieving adequate level of harmonisation of the Serbian national legislation with the Air Quality *acquis*. The activity has been planned in the revised version of NPAA for 2016-2018, under the chapter on Air Protection.



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3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

March – (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 06 March 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 an 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 environmental sector gained in an EU Member State, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- Proven postgraduate professional experience in the field of harmonisation of legislation in relation to EU acquis related to Air Quality;
- 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, **15 January 2017**, titled: **“Application for the position – Senior NKE in the area of Air Quality Policy and its implementation”**.

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.



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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 395279.