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

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| **Technical assistance requested:** | One (1) Senior Non-Key Expert in the area of health safety of products of general use |
| **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 Health – Department for Sanitary Inspections and other relevant stakeholders involved in health safety and control of products of general use |
| **Content of the assignment:** | Support in the preparation of draft Law on Products of General Use and relevant by-laws |
| **Budget Line / Expert Category:** | Senior Non-Key Expert |
| **Duration of the assignment:** | 15 working days, spent during up to three missions planned for the period from January 2017 – (tentatively) March 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 health safety of products of general use (chapters 1, 12, 28):**

In relation to results of screening related to health safety of products of general use, Serbia needs to harmonise national legislation with the acquis in this area and effectively implement legislative measures and ensure necessary administrative capacity, primarily product safety inspections. In the Republic of Serbia, the legislation covering health safety of products of general use is covered by three negotiating chapters and falls within the competence of the Ministry of Health (health safety of cosmetics falls within Chapter 28 – Consumer and Health Protection; health safety of food contact materials falls within Chapter 12 – Food Safety, Veterinary and Phytosanitary Policy and safety of toys within Chapter 1 – Free movement of goods). Serbia 2016 Report stated that the law on safety items of general use needs to be amended.

Partial harmonisation of the acquis has been achieved by the assistance of PLAC I Project, within which a Rulebook on health and safety requirements, manner, content and specific conditions as regards labelling and marking of toys with a Table of Concordance has been finalised. Also, different guidelines related to cosmetic products were drafted.

The 2016-2018 NPAA envisages the adoption of the new Law on products of general use in Q2 2017.

## 2. Description of the assignment

### 2.1 Specific objectives

The objective of this assignment is further harmonisation of the existing national legislation in the area of health safety of products of general use (cosmetics, toys and food contact materials) with relevant EU acquis.

Draft of a new Law on products of general use, which will replace the existing Law on Health Safety of Products of General Use (OG RS 92/11) has been prepared by the Ministry of Health, as well as drafts of three by-laws, which will regulate safety of cosmetics, toys and food contact materials. Drafts of the new Law on products of general use and of three by-laws shall be aligned with Regulation 1935/2004 on materials and articles intended to come into contact with food; Commission Regulation 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food; Directive 2009/48/EC on the safety of toys and Regulation 1223/2009 on cosmetic products. In order to further strengthen the administrative capacities and enhance the cooperation among relevant competent bodies, a workshop should be organised, with the aim of presenting the relevant provisions of drafts of new legal acts to the relevant stakeholders.

### 2.2 Requested services

The Senior NKE is expected to provide the following services:

a) To perform gap analysis of the compliance of draft new Law on products of general use and of three draft by-laws on the safety of cosmetics, toys and food contact materials with Regulation 1935/2004 on materials and articles intended to come into contact with food; Commission Regulation 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food; Directive 2009/48/EC on the safety of toys and Regulation 1223/2009 on cosmetic products;

b) To prepare Table of Concordance in relation to draft new Law on products of general use and addressing the gaps identified;

c) To up-date and/or amend the existing Tables of Concordance outlining the level of compliance of draft by-laws on the safety of cosmetics, toys and food contact materials;

d) To develop proposals on amendments to existing provisions or draft proposals on new provisions of draft new Law on products of general use and of three draft by-laws on the safety of cosmetics, toys and food contact materials, in order to be harmonised with Regulation 1935/2004, Commission Regulation 2023/2006, Directive 2009/48/EC and Regulation 1223/2009, in agreement with the beneficiaries;

e) To deliver one day training to the representatives of the competent ministries, presenting the legal framework on the safety of products of general use as proposed by draft new Law and draft by-laws.

### 2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- A report on the findings of the analysis of the level of compliance of draft new Law on products of general use and the level of compliance of three drafts of by-laws on the safety of cosmetics, toys and food contact materials with Regulation 1935/2004, Commission Regulation 2023/2006, Directive 2009/48/EC and Regulation 1223/2009;
- A Table of Concordance outlining the level of compliance of draft new Law on products of general use with Regulation 1935/2004, Commission Regulation 2023/2006, Directive 2009/48/EC and Regulation 1223/2009;
- Amended version of the existing Tables of Concordance outlining the level of compliance of each of three drafts of by-laws on the safety of cosmetics, toys and food contact materials;
- Proposals on amendments to existing provisions or proposals on new provisions of draft new Law on products of general use and of drafts of three by-laws on the safety of cosmetics, toys and food contact materials, in order to be harmonised with Regulation 1935/2004, Commission Regulation 2023/2006, Directive 2009/48/EC and Regulation 1223/2009, in agreement with the beneficiaries;
- Delivery of one day training for the representatives of the competent ministries, presenting the legal framework on the safety of products of general use as proposed by the draft new Law and drafts of by-laws.

### 2.4 Reporting

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

- Brief Mission Report with description of activities and outputs provided, at the end of each mission, during which tasks under this assignment have been carried out,
- 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 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 perspective for the future

With further harmonisation of national legislation in the area of health safety of products of general use, as envisaged by 2016-2018 NPAA, Serbia will fully align its legislation with the acquis in this area and ensure that the level of protection of its consumers complies with the European standards.

## 3. Expert input

### 3.1 Total working days

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

### 3.2 Period of the assignment

January 2016 – (tentatively) March 2017

### 3.3 Starting day

It is expected that the work will be performed during up to three missions in Q1 2017 and starting, at the earliest, from 30 January 2017 onwards. However, the 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 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 public health and safety, 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 and/or implementation of legislation in relation to health safety of products of general use and related EU acquis, gained in an EU member state, candidate or potential candidate country
- Previous professional experience, and 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, **13 January 2017**, titled: **"Application for the position – Senior NKE in the area of health safety of products of general use"**.

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