



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

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of mutual recognition of professional qualifications
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:	The Ministry of Trade, Tourism and Telecommunications (MTTT), Ministry of Education, Science, and Technological Development (MESTD)
Content of the assignment:	Assistance in finalising improved version of Draft Strategy on professional qualifications based on EC comments and in fine-tuning of the list of regulated professions
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	25 working days, spent during several missions in the period from November 2016 until (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 Chapter 3 - Right of Establishment and Freedom to Provide Services; Mutual Recognition of Professional Qualifications:

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The adoption of the Strategy on professional qualifications (in continuation: the Strategy) with the Action plan is the opening benchmark for Serbia in Chapter 3 - Right of Establishment and Freedom to Provide Services. It should cover the alignment with the professional qualifications Acquis. The Strategy must cover all the reforms necessary in terms of legislative alignment and institutional capacity building for the recognition of professional qualifications acquired in other Member States and for the provision of assistance to professionals, who qualified in Serbia and wish to provide services in other Member States. The Strategy must also cover any adjustments to the training of doctors, dentists, nurses responsible for general care, midwives, pharmacist and veterinary surgeons necessary to comply with the minimum training requirements outlined in Directive 2005/36/EC. A deadline, a responsible entity and a clear indication of the corresponding provision of EU law must be specified for each action covered by the Strategy.

Draft Strategy including its Annexes (i.e. Law on Regulated Professions and Recognition of Professional Qualifications with the Table of Concordance (TOC), List of Regulations, List of Regulated Professions, Timetable for alignment of sector and other legislation, TOC regarding the compliance for sector legislation with the acquis, Detailed reports for 7 sector professions with curricula) has been prepared by the MTTT, MESTD and other relevant ministries, in assistance of PLAC I project. In June 2016, Draft Strategy with Annexes was sent to the EC for their comments, which the MTTT expects to receive in October 2016.

Considering the complexity of the Strategy and issues covered by it, additional assistance will be needed by the MTTT, MESTD and other relevant ministries in finalising improved version of Draft Strategy on professional qualifications in scope of Chapter 3. As regards the Annexes to Draft Strategy, in particular the List of regulated professions and its version attached to Draft Strategy, it was only the first provisional inventory list, which shall be upgraded and revised.

In regard with the timing planned for finalising improved version of Draft Strategy, implementation of planned activities depends on the timing of the receipt of the EC's comments. The plan as proposed has been made on the assumption that EC comments will be provided in October 2016.

## **2. Description of the assignment:**

### **2.1 Specific objectives**

In order to harmonise fully the national legislation with the acquis, it is necessary to assess the level of compliance of the legislation in place, to create a general framework for recognition of the professional qualifications system and to define further steps for harmonization in this area in accordance with the National Programme for the Adoption of the Acquis (NPAA).

The specific objective of this assignment is to assist members of the Negotiating Group in charge of Chapter 3 in addressing opening benchmark laid down in the respective Screening Report, by finalising improved version of Draft Strategy on professional qualifications, based on EC comments and fine-tuning of the List of regulated professions.

### **2.2 Requested services**

The Senior NKE is expected to provide the following services:

#### **In relation to the Strategy on professional qualifications:**

- a) Analyse EC comments on Serbia's first Draft Strategy on professional qualifications, perform gap analysis and develop proposals for improvements;
- b) Present main findings and proposals on relevant improvements of the first Draft Strategy to target beneficiaries;
- c) Based on agreed proposals for improvements, assist the staff of respective target beneficiary bodies in finalising improved version of Draft Strategy on professional qualifications.

#### **In relation to the List on regulated professions:**

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- a) Analyse EC comments regarding the List of regulated professions annexed to the first Draft Strategy on professional qualifications and develop proposals for fine-tuning of the List with EC comments;
- b) Present proposals for fine-tuning of the List on regulated professions to target beneficiaries
- c) Based on agreed proposals for improvements, assist the staff of respective target beneficiary bodies in finalising improved version of the List of Regulated Professions harmonised with the respective acquis requirements.

## 2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- Proposals on improvements planned for inclusion in improved version of both Draft Strategy on professional qualifications and the List of regulated professions;
- Present the findings and proposals for improvements to target beneficiaries;
- Final draft of improved version of the Strategy on professional qualifications and the List of regulated professions.

## 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 of the Team Leader and collaborate with the project team. During this assignment, the NKE shall work jointly with representatives of target beneficiaries, i.e. members of the Negotiating Group 3 involved in drafting of the Strategy on professional qualifications in scope of Chapter 3, high-ranked officials and operational staff of MTTT and MESTD and representatives from other institutions, if necessary. Participation of high-ranked officials in the role of decision-makers is important to ensure that framework defined in the Strategy is respected in other national legal acts in the area of mutual recognition of professional qualifications.

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

In scope of Chapter 3, the Strategy on professional qualifications is the benchmark that must be met by Serbia before the opening of negotiations. It will provide for strategic framework until the end of negotiations, and beyond.

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As such, this Strategy will take on board all changes necessary to be made in Serbian legal system, in order to comply with the EU acquis in the area of mutual recognition of professional qualifications over the coming years. It will contribute, together with the list of regulated professions to future free movement of persons within the EU, being one of the four fundamental freedoms in the EU.

### 3. Expert input

#### 3.1 Total working days

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

Additional number of WDs may be allocated for this ToR, should the needs of target beneficiaries require an extension for the activities mentioned in this ToR.

#### 3.2 Period of the assignment

November 2016 – (tentatively) March 2017

#### 3.3 Starting day

It is expected that the work will be performed during several missions in the period from 01 November 2016 onwards. However, exact starting date will be agreed at a later stage as it depends on the timing of the receipt by Serbia of the EC's comments on the first Draft Strategy on professional qualifications.

#### 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)*

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

#### 4.2 *General professional experience (25 points)*

- Minimum 10 preferably 12 years of postgraduate professional experience in the field of mutual recognition of professional qualifications gained in an EU member state, candidate or potential candidate country;

#### 4.3 *Specific professional experience (50 points)*

- Proven professional experience in drafting of strategic documents and legislation in the field of mutual recognition of professional qualifications and related to harmonisation with Ch 3 acquis;
- Previous professional experience, and/or knowledge of the legislation, of the Republic of Serbia in the respective area would be an advantage.

### 5. Applications

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Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to SEPLAC@altairasesores.es with a copy to v.kotova@altairasesores.es not later than 17:00 hrs, 05 October 2016, titled: **“Application for the position – Senior NKE in the area of mutual recognition of professional qualifications”**.

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

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