



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

<b>Technical assistance requested:</b>	One (1) Senior Non-Key Expert and 1 Junior Non-Key Expert in the area of Postal Services
<b>Project Title:</b>	Policy and Legal Advice Centre (PLAC II), Serbia
<b>Ref:</b>	EuropeAid/137065/DH/SER/RS
<b>Service Contract No.:</b>	(CRIS) 2016/375-724
<b>Main beneficiary:</b>	The European Integration Office of the Republic of Serbia and the Negotiating Team
<b>Target Beneficiaries:</b>	Members of the Negotiating Group for Chapter 3 involved in drafting of the Strategy on postal services and the Law on postal services, representatives of the Ministry of Trade, Tourism and Telecommunications (MTTT) and other relevant stakeholders on the postal market in the Republic of Serbia
<b>Content of the assignment:</b>	Assistance in finalising Draft Strategy on postal services for the period 2017-2020 and the Table of Concordance (TOC) for harmonisation of Draft Law on Postal Services with the Third Postal Directive 2008/6/EC
<b>Budget Line / Expert Category:</b>	Senior NKE, Junior NKE
<b>Duration of the assignment:</b>	20 WDs in total, equally split between 2 NKEs and spent in the period from October until (tentatively) December 2016

#### 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.

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## **Background information in relation to Chapter 3 - Right of Establishment and Freedom to Provide Services; Postal Services:**

In line with the Screening Report for Chapter 3 – Part III: “Assessment of the degree of alignment and implementing capacity – III c: Postal Services”, Serbia should follow the policy framework laid down in the “Strategy for the development of postal services for the period 2013-2016” (in continuation: the Strategy), which envisages further steps in the process of gradual market opening and further alignment with the third Postal Directive 2008/6/EC.

Implementing its 2013-2016 Strategy, Serbia has partially reformed its national postal framework in the context of harmonisation process with the EU acquis and has to continue implementing development and reform measures, in order to harmonise fully its national legislation with the European one.

Since the current Strategy covers the period until 2016, a new Strategy on postal services for the next 4 years (2017-2020) shall be adopted, as a key document defining future strategic developments in the Republic of Serbia in relation to postal services and postal market. By finalising and adopting new Strategy on Postal Services for 2017-2020, Serbia will fully align its policy framework with the European one in the area of postal services and provide for further steps in the process of gradual opening of postal market. Apart from this, alignment of its national legislation with the Third Postal Directive is necessary.

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

### **2.1 Specific objectives**

The current Law on Postal Services has been aligned with the first EU Directive 97/67/EC and the second one 2002/39/EC, in assistance provided by former PLAC project. Due to changed priorities in 2014 of the competent MTTT because of the floods that hit Serbia at that time, harmonisation of the national Law on Postal Services with the Third Postal Directive 2008/06/EC as well as the up-dating of the Strategy on postal services have been cancelled.

The specific objective of this assignment is to assist the MTTT in drafting new Strategy for 2017-2020 period and harmonising the Law on postal services with the Third Postal Directive.

### **2.2 Requested services**

**The Senior NKE** is expected to provide the following services:

- a) Suggest an outline of the new Strategy for 2017-2020 period, by taking into account the needs of the users of postal services on the Serbian postal market, requirements defined by the relevant postal directive, strategic directions set by the Universal Postal Union and as well as considering the current Strategy for 2013-2016;
- b) Develop proposals for the new Strategy in relation to the relevant acquis in the sector of postal services;
- c) Present the proposals on the outline and concept of the new Strategy to target beneficiaries, for proper understanding of the improvements in scope of the new Strategy in relation to the acquis in the sector of postal services;
- d) Provide relevant input for finalising the draft of the new Strategy for 2017-2020 by beneficiaries;
- e) Provide advice and assistance in finalising Table of Concordance (TOC) for harmonisation of draft Law on postal services with the Third Postal Directive (2008/06/EC).

**The Junior NKE** is expected to provide the following services:

- a) Analyse draft Law on Postal Services;
- b) Perform gap analysis of draft Law on Postal Services with Third Postal Directive 2008/06/EC;
- c) Present main findings to target beneficiaries;
- d) Prepare TOC in relation to draft Law on Postal Services and the Third Postal Directive 2008/06/EC.

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### 2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- Proposals on the outline and concept of the new Strategy for 2017-2020 period;
- Final draft of the new Strategy for 2017-2020.

The Junior NKE is expected to deliver the following outputs:

- A report on the findings of the analysis of the draft Law on Postal Services in relation to the Third Postal Directive;
- Table of Concordance in relation to draft Law on postal services and the Third Postal Directive.

### 2.4 Reporting

The NKEs 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 NKEs shall work under the guidance of the Team Leader and collaborate with the project team. During this assignment, the NKEs shall work jointly with representatives of target beneficiaries, i.e. members of the Negotiating Group for Chapter 3 involved in drafting of the Strategy on postal services, high-ranked officials and operational staff of MTTT 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 postal services.

The NKEs' 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, Serbia is obliged to adopt the Strategy on Postal Services for 2017-2020 period, as well as to align its national legislation with the Third Postal Directive. The new Strategy for 2017-2020 will provide for strategic framework until the end of negotiations and beyond. 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 postal services over the coming years. It will contribute, together with the aligned Law on Postal Services to future freedom to provide postal services within the EU, being one of the four fundamental freedoms in the EU.

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### **3. Expert input**

#### **3.1 Total working days**

20 working days (WDs) in total have been planned for this assignment, equally split between 2 (two) NKEs. The NKEs are expected to work in parallel to the largest extent possible.

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**

October 2016 – (tentatively) December 2016

#### **3.3 Starting day**

It is expected that the work will be performed during up to two missions in the period from 15 October 2016 onwards. However, exact starting date will be agreed at a later stage.

#### **3.4 Location/Place of assignment**

The NKEs have to deliver 100% of the input in Belgrade, Serbia.

#### **3.5 Working language**

English

### **4. Expert Profile**

#### **4.1 Senior NKE in the area of postal services - NKE 1**

##### *4.1.1 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)

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

- Minimum 10 years of postgraduate professional experience in the field of postal services gained in an EU member state, candidate or potential candidate country

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

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

#### **4.2 Junior NKE in the area of postal services - NKE 2**

##### *4.2.1 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, European Studies; Economy or similar, relevant to the assignment

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- Proficiency in English language
- Computer literacy (MS Office applications)

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

- Minimum 5 years of postgraduate professional experience in the field of postal services gained in an EU member state, candidate or potential candidate country

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

- Proven professional experience in drafting of legislation including TOC in the field of postal services in 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 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 postal services**” or “**Application for the position – Junior NKE in the area of postal services**”.

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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