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

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| <b>Technical assistance requested:</b> | One (1) Senior Non-Key Expert in the area of consumer protection,<br>One (1) Senior Non-Key Expert in the area of public health                                       |
| <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>           | Ministry of Health, Ministry of Trade, Tourism and Telecommunications and other relevant stakeholders involved in drafting of the Negotiating position for Chapter 28 |
| <b>Content of the assignment:</b>      | Assistance in drafting Negotiating Position for Chapter 28  |
| <b>Budget Line / Expert Category:</b>  | Senior Non-Key Experts  |
| <b>Duration of the assignment:</b>     | 15 working days in total, spent during one or more missions planned for 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 28 – Consumer and Health Protection:**

As per Draft Screening Report for Chapter 28 – Consumer and Health Protection, the Republic of Serbia is considered to be sufficiently prepared for negotiations on this chapter. Therefore, the Commission recommended the opening of accession negotiations with Serbia on Chapter 28. For the assessment of the degree of alignment and implementing capacity, according to Draft Screening Report Serbia has reached a satisfactory level of alignment with the acquis in the area of consumer and health protection, but administrative capacity-building needs to continue in both areas. Still, all the outstanding parts of the acquis will have to be transposed into Serbian legislation by the date of the accession to the EU. Prior to opening accession negotiations on Chapter 28, Serbia shall prepare Draft Negotiating Position, presenting its plans concerning future legislative and institutional framework in the area of consumer and health protection aligned with the acquis.

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

### **2.1 Specific objectives**

The negotiating Chapter 28 - Consumer and Health Protection is related to the protection of citizens in their roles of consumers and generally, to citizens' health protection that should be ensured by the state. Citizens are usually very vulnerable when they need health protection as well as when they are in a position of a consumer. In the Republic of Serbia, two ministries are competent for consumer and health protection: Ministry of Health and Ministry of Trade, Tourism and Telecommunications. According to Draft Screening Report, in both areas further harmonisation of legislation is needed, in order to fully align with the acquis, as well as administrative capacity building.

In relation to consumer protection part, in the area of non-safety related issues legal alignment remains to be completed, inter alia, on consumer rights and is yet to be confirmed in the area of misleading and comparative advertising; in the field of general product safety legal alignment remains to be completed as well. As for the enforcement issues, Serbia will need to be able to ensure adequate enforcement capacity and the application of the EU Regulation on Consumer protection cooperation, in particular regarding the minimum powers of enforcement authorities and the designation process for the competent authorities and the Single Liaison Office. Efforts need to continue to ensure adequate functioning of market surveillance. Furthermore, according to Draft Screening Report cooperation among line ministries and consumer protection organisations still needs to be reinforced, as well as cooperation among consumer protection organisations.

In relation to public health part, Serbia needs to harmonise all relevant laws in the field of public health with the acquis.

The specific objective of this assignment is to provide assistance in preparing Draft Negotiating Position for Chapter 28 - Consumer and Health Protection for both the area of consumer protection and the area of health protection. First Draft Negotiating Position related to health protection and consumer protection has been finalised by respective national bodies involved in Ch 28 and can serve as a starting point for further drafting.

### **2.2 Requested services**

**The Senior NKE 1 in the area of consumer protection** is expected to provide the following services:

- a) To analyse Draft Screening Report, in order to define the structure of the Negotiating Position and its content in relation to consumer protection;



- b) To analyse the existing legislation of the Republic of Serbia in area of the consumer protection, in order to define the structure of the Negotiating Position and its content;
- c) To analyse the existing institutional framework in the Republic of Serbia in the consumer protection area and the first version of Draft Negotiating Position for Chapter 28 in relation to consumer protection part;
- d) To present main findings and proposals regarding the structure and the content of the Negotiating Position to target beneficiaries;
- e) To assist target beneficiary in drafting improved version of Draft Negotiating Position in relation to consumer protection.

**The Senior NKE 2 in the area of public health** is expected to provide the following services:

- a) To analyse draft Screening Report in order to define the structure of the Negotiating Position and its content in relation to health protection;
- b) To analyse the existing legislation of the Republic of Serbia in the area of health protection, in order to define the structure of the Negotiating Position and its content;
- c) To analyse the existing institutional framework in the Republic of Serbia in health protection area and the first version of Draft Negotiating Position for Chapter 28 in relation to health protection part;
- d) To present main findings and proposals regarding the structure and the content of the Negotiating Position to target beneficiaries;
- e) To assist target beneficiary in drafting improved version of Draft Negotiating Position in relation to health protection.

### 2.3 Outputs

**The Senior NKE 1** is expected to deliver the following outputs:

- Proposals for improvements in relation to consumer protection that should be reflected in Draft Negotiating Position based on main findings (summarising results of analyses of Draft Screening Report, national legislation and institutional framework in place and the first version of Draft Negotiating Position drafted by target beneficiaries);
- Delivery of presentation on findings and proposals to the representatives of the MTTT and relevant members of both the Negotiating Group in charge of Chapter 28 and the Negotiating Team, to agree on proposals that should be reflected in Draft Negotiating Position in relation to consumer protection;
- Drafts of relevant sections of improved Draft Negotiating Position in relation to consumer protection, whereby improved version of Draft Negotiating Position (in relation to consumer protection and health protection) shall be finalised by the lead ministry in Chapter 28.

**The Senior NKE 2** is expected to deliver the following outputs:

- Proposals for improvements in relation to health protection that should be reflected in Draft Negotiating Position based on main findings (summarising results of analyses of Draft Screening Report, national legislation, institutional framework in place and the first version of Draft Negotiating Position drafted by target beneficiaries);



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- Delivery of presentation on findings and proposals to the representatives of the MoH and relevant members of both the Negotiating Group in charge of Chapter 28 and the Negotiating Team, to agree on proposals that should be reflected in Draft Negotiating Position in relation to health protection;
- Drafts of relevant sections of Draft Negotiating Position in relation to health protection, whereby improved version of Draft Negotiating Position (in relation to consumer protection and health protection) shall be finalised by the lead ministry in Chapter 28.

## 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 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 electronic version to the Team Leader of the project.

## 2.5 Specifics

The NKEs 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

Drafting of the Negotiating Position is a first step in order to open negotiations in Chapter 28 - Consumer and Health Protection. After finalising and adopting its Negotiating Position, the Republic of Serbia will proceed with further alignment of its legislative framework with the acquis in Chapter 28 and necessary institutional reforms, if needed.



### **3. Expert input**

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

15 working days (WDs) in total have been planned for this assignment, of which 5 WDs have been planned for SNKE in the area of consumer protection and 10 WDs have been planned for SNKE in the area of public health.

Additional number of WDs may be allocated for this ToR, should the needs of target beneficiaries require an extension for the activity areas 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 one or more missions. The first mission is expected to start in November 2016. However, exact starting date will be agreed at a later stage as well as the exact days of the following missions.

#### **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 1 in the area of consumer protection**

##### *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, Economics, Management 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 preferably 12 years of postgraduate professional experience in the field of consumer protection

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

- Proven professional experience in the field of harmonisation (in particularly implementation) of legislation in relation to EU *acquis* and related to Chapter 28, 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.



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## 4.2 Senior NKE 2 in the area of public health

### 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, Economics, Medicine, Management or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

### 4.2.2 General professional experience (25 points)

- Minimum 10 preferably 12 years of postgraduate professional experience in the field of public health

### 4.2.3 Specific professional experience (50 points)

- Proven professional experience in the field of harmonisation (in particularly implementation) of legislation in relation to EU *acquis* and related to Chapter 28, 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](mailto:SEPLAC@altairasesores.es) no later than 17:00 hrs, 25 October 2016, titled: **“Application for the position – Senior NKE 1 in the area of consumer protection”** or **“Application for the position – Senior NKE 2 in the area of public health”**.

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](mailto:m.garcia@altairasesores.es) / Tel. +34 91 3952798