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Pravna podrška pregovorima

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

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of water management (technical expert) 1 (one) Junior Non-Key Expert in the area of water management (legal expert)
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, Water Directorate
Content of the assignment:	Assistance in transposing water related directives
Budget Line / Expert Category:	Junior Non-Key Expert and Senior Non-Key Expert
Duration of the assignment:	30 WDs for Senior NKE and 20 WDs for Junior NKE, spent in the period from November 2016 until, tentatively, February 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 and related to water management sector:

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and climate change. EU environment policy is based on preventive action; the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of environmental protection into other EU policies. The acquis comprises over 200 major legal acts covering horizontal legislation relevant for the environment sector in general, as well as a sub-sector organized legal acts (e.g. water and air quality, waste management, nature protection, industrial pollution control, chemicals, noise and climate change). Environment protection is recognised as one of the most challenging and complex chapter when it comes to harmonization of national legislation with the EU standards and norms. Moreover, implementation of the legislative norms in environment sector requires significant investments. In addition, institutional set up and capacities at national and local level is imperative for the application and enforcement of the environment acquis.

In line with the results of explanatory and bilateral screening for Chapter 27, National Programme for Integration of the Republic of Serbia into the EU, Post screening document and other relevant documents, before accession, in the water management field, Serbia needs to finalise alignment with the acquis and continue to prepare and conduct necessary reforms in the water management sector so as to demonstrate that it will be fully prepared to ensure the implementation and enforcement of the EU requirements at the date of accession. Full transposition is planned and expected by the end of 2018.

In the context of the above, in the area of management and protection of water, activities relating to aligning national legislation with the acquis and reorganising responsible institutions in most effective manner for the application and enforcement of the relevant acquis have been given utmost priority.

2. Description of the assignment:

2.1 Specific objectives

The specific objective of this assignment is to provide assistance in scope of the following activities organised in three (3) thematic groups:

- Assistance in providing recommendations for improvement of new Draft Water Law in terms of full transposition of water related directives (Group 1),
 - in particular Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy (**WFD**), Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (**FD**), Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (**ND**) and Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment as amended by Commission Directive 98/15/EC and Regulations 1882/2003/EC and 1137/2008/EC (**UWWTD**);
- Assistance in resolving the cross-cutting issues that are regulated by the new Draft Water Law and other laws - licensing system, reporting system required by each directive, monitoring required by each directive, issues of international basins (Group 2),
 - in particular in terms of provisions laid down in Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural



sources (**ND**) and Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment as amended by Commission Directive 98/15/EC and Regulations 1882/2003/EC and 1137/2008/EC (**UWWTD**);

- o Assistance in reorganisation of relevant institutions in the field of water management, by providing recommendations for reorganisation and clearly defined responsibilities of relevant structures (Group 3).

2.2 Requested services

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

In regard to activities under Group 1: Improvement of new Draft Water Law in terms of transposition of water related Directives (WFD, FD, ND, UWWTD)

- a) Analyse the new Draft Water Law, taking into account possible technical challenges in terms of full technical transposition of EU legislation, in particular Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy, Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks, Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources and Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment as amended by Commission Directive 98/15/EC and Regulations 1882/2003/EC and 1137/2008/EC;
- b) Perform gap analysis and develop proposals for necessary improvements in terms of technical aspects that shall be reflected in modified provisions of the new Draft Water Law for its harmonisation with water related directives, in particular those mentioned above under (a), whereby technical aspects for suggested improvements shall be discussed, clarified and agreed with JNKE, in charge of translating the latter into proposals for modified provisions of improved version of the new Draft Water Law;

In regard to activities under Group 2: Resolving cross-cutting issues in relation to specific provisions of ND and UWWTD

- a) From the technical point of view, analyse cross-cutting issues that are regulated by the new Draft Water Law and other national legislation related to licensing system, reporting system and monitoring and relating to water related directives, as well as issues of international basins, whereby taking into consideration applied common understanding and approach in EU community;
- b) Perform gap analysis and in terms of technical aspects, develop proposals for necessary improvements addressing cross-cutting issues in harmonisation of the new Draft Water Law with water related directives, in particular ND and UWWTD that shall be reflected in modified provisions of the new Draft Water Law, whereby technical aspects for suggested improvements shall be discussed, clarified and agreed with JNKE, in charge of translating the latter into proposals for modified provisions of improved version of the new Draft Water Law;

In regard to activities under Group 3: Reorganisation of relevant institutions in the field of water management

- a) Analyse the current institutional framework including organisation of relevant institutions in the field of water management and propose recommendations for an appropriate set-up of



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institutional framework, with clearly defined structures, their responsibilities and mandates and relations among structures, where relevant.

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

In regard to activities under Group 1: Improvement of new Draft Water Law in terms of transposition of water related Directives (WFD, FD, ND, UWWTD)

- a) Analyse the proposal of the new Draft Water Law in terms of legal transposition of EU legislation, in particular Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy, Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks, Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources and Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment as amended by Commission Directive 98/15/EC and Regulations 1882/2003/EC and 1137/2008/EC;
- b) Perform gap analysis and develop proposals on provisions requiring modifications for harmonisation of the new Draft Water Law with water related directives, in particular those mentioned above under (a), whereby taking into account proposals for improvements from the technical point of view, provided by SNKE and agreed with target beneficiary;
- c) Assist the staff of respective public administration body, i.e. MAEP and Water Directorate in finalising and incorporating specific provisions in improved version of the new Draft Water Law;

In regard to activities under Group 2: Resolving cross-cutting issues in relation to specific provisions of ND and UWWTD

- a) From the legal point of view, analyse cross-cutting issues that are regulated by the new Draft Water Law and other national legislation relating to licensing system, reporting system and monitoring and relating to water related directives, as well as issues of international basins;
- b) Perform gap analysis and develop proposals on provisions requiring modifications for addressing cross-cutting issues in harmonisation of the new Draft Water Law with water related directives, in particular ND and UWWTD as well as issues of international basins, whereby taking into account proposals for improvements provided by SNKE from the technical point of view, and agreed with target beneficiary;
- c) Assist the staff of respective public administration body, i.e. MAEP and Water Directorate in finalising and incorporating specific provisions addressing cross-cutting issues in improved version of the new Draft Water Law.

2.3 Outputs

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

In regard to activities under Group 1: Improvement of new Draft Water Law in terms of transposition of water related Directives (WFD, FD, ND, UWWTD)

- A report on findings of the analysis of the new Draft Water Law, with identification of gaps and proposals for improvements from the technical point of view, which shall be reflected in modified or new provisions of improved version of the new Draft Water Law. Proposals for improvements shall be complemented with conclusions upon clarifications and agreement on the latter with JNKE and target beneficiary.



In regard to activities under Group 2: Resolving cross-cutting issues in relation to specific provisions of ND and UWWTD

- A report on the findings of analysis of the cross-cutting issues, with identification of gaps and proposals for improvements. Proposals for improvements shall be complemented with conclusions upon clarifications and agreement on the latter with JNKE and target beneficiary;

In regard to activities under Group 3: Reorganisation of relevant institutions in the field of water management

- A report on recommendations for reorganisation of water sector, in terms of its institutional framework with relevant structures, their responsibilities and mandates and relations among structures, where relevant.

The **Junior NKE** is expected to deliver the following outputs:

In regard to activities under Group 1: Improvement of new Draft Water Law in terms of transposition of water related Directives (WFD, FD, ND, UWWTD)

- A report on findings of the analysis of the new Draft Water Law, with identification of legal gaps and proposals for amendments to the new Draft Water Law to address the gaps identified;
- Proposal on modified or new provisions of the new Draft Water Law, reflecting improvements from the technical point of view as proposed by SNE and agreed with target beneficiary;
- Final draft of improved version of the new Draft Water Law, including provisions for full transposition of water related directives;

In regard to activities under Group 2: Resolving cross-cutting issues in relation to specific provisions of ND and UWWTD

- A report on the findings of analysis of the cross-cutting issues, with identification of legal gaps and proposals for amendments to the new Draft Water Law to address the gaps identified;
- Proposal on modified or new provisions of the new Draft Water Law relating to cross-cutting issues and reflecting improvements from the technical point of view as proposed by SNE and agreed with target beneficiary.

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.



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- 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 NKEs shall collaborate with the project team, other experts involved and representatives of beneficiary institutions and national structures, as relevant.

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 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

Assistance in drafting improved version of the new Draft Water Law will contribute to harmonisation of national legislation with *acquis* in the area of water sector. According to revised NPAA (currently in finalisation by SEIO and planned for adoption by the RS Government by the end of October 2016), adoption of the new Water Law has been planned for Q4 2017.

No other technical assistance has been planned in relation to further alignment of national legislation in the area of water sector.

3. Expert input

3.1 Total working days

50 working days (WDs) in total have been planned for this assignment, of which 30 WDs for Senior NKE and 20 WDs for Junior NKE.

3.2 Period of the assignment

November 2016 – (tentatively) February 2017

Two NKEs shall work in parallel to large extent possible. Details regarding the most relevant timing of separate or joint missions shall be agreed at a later stage.

3.3 Starting day

It is expected that the work will be performed during several missions in the period from November 2016 until tentatively, February 2017 and starting, at the earliest, from 14 November 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 The Senior NKE in the area of water management (technical expert):

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 Natural or Technical Sciences or similar, relevant to the assignment and preferably, specialised for Water Management
- 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 environment protection in relation to EU policies or EU integration gained in an EU member state, candidate or potential candidate country

4.1.3 Specific professional experience (50 points)

- Proven professional experience in setting up and functioning of the systems with structures at national level relating to water management
- Previous professional experience, and/or knowledge of the legislation, of the Republic of Serbia in the respective area would be an advantage

4.2 The Junior NKE in the area of water management (legal expert):

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

4.2.2 General professional experience (25 points)

- Minimum 5 preferably 8 years of postgraduate professional experience in the field of legal drafting in relation to EU policies or EU integration gained in an EU member state, candidate or potential candidate country

4.2.3 Specific professional experience (50 points)

- Proven professional experience in the field of harmonisation of legislation in relation to EU *acquis* and related to drafting and/or application of national legislation in the field of water management;
- 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, 28 October 2016, titled: **“Application for the position**



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– **Senior NKE in the area of water management (technical expert)**” or **“Application for the position – Junior NKE in the area of water management (legal expert)”**.

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.:
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