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

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of waste management (legal expert) 1 (one) Junior Non-Key Expert in the area of waste management (technical 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, Department for Waste Management
Content of the assignment:	Assistance in drafting national legislation - by-law in the area of waste management to transpose Directive 2008/98/EC
Budget Line / Expert Category:	Senior and Junior Non-Key Experts
Duration of the assignment:	14 WDs, equally split between Senior and Junior Non-Key Experts, spent in the period from November 2016 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.

Background information in relation to Chapter 27 – Environment and climate change and related to waste 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). Environmental 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, Serbia needs to finalise the alignment with the acquis and continue to prepare and conduct necessary reforms so as to demonstrate that it will be fully prepared for ensuring implementation and enforcement of the EU requirements at the date of accession. Full transposition is planned and expected by the end of 2018. In this connection, in the area of waste management, further alignment of national legislation with the acquis in this sector is necessary.

On the other hand, multi-annual national Strategy in the area of environment protection tends towards improved living quality of Serbian population by providing desirable conditions of environment and conservation of nature based on sustainable environment management. Key steps shall include strengthening of the existing and the development of new measures for the establishment of integrated waste management system, further integration of environmental policy into other sector policies, acceptance of extended individual responsibility for environment and more active participation of public in decision making processes.

In scope of Serbian Waste Management Strategy, further strengthening of institutional capacities is emphasised, as well as liability to prepare new and improve existing legislation and need for education and raising of public awareness. According to valid Waste Management Strategy, the MAEP bears the obligation to guide activities in relation to harmonization of legislation in the process of the EU legislation approximation, beside primary obligation for drafting and adoption of new regulations (i.e. by-laws). Based on the Law on Waste Management in force (Official Gazette, no 36/09, 88/10, 14/16), in the period of one year after its adoption by the Government of the Republic of Serbia, i.e. by 01 March 2017, some of specific by-laws in the area of waste management shall enter into force.

2. Description of the assignment:

2.1 Specific objectives

The specific objective of this assignment is to provide assistance in further harmonisation of national legislation in the area of waste management with Waste Framework Directive 2008/98/EC. The existing by-law, i.e. the Rulebook on content and design of the permits for storage, treatment and disposal of waste (Official Gazette, no: 71/09) needs to be improved according to the Law on Waste Management (Official Gazette, no 36/09, 88/10, 14/16).

2.2 Requested services

The **Senior NKE** (legal expert) is expected to provide the following services:

a) From the legal point of view, analyse the existing Serbian legislation in the area of waste management, in particular the Rulebook on the content and design of the permits for storage, treatment and disposal of waste (Official Gazette, no: 71/09) in relation to Directive 2008/98/EC;

b) Present some examples of best practices of EU Member State(s) in the area of waste management in relation to Directive 2008/98/EC;

c) Perform gap analysis and develop proposals on modifications for addressing the gaps in the new by-law, whereby taking into account proposals for improvements provided by JNKE from the technical point of view, and agreed with target beneficiary;

d) Assist the staff of MAEP, Department for Waste Management and respective Legal Service at MAEP in finalising draft of the new by-law on the content and design of the permits, type and amount of financial guarantee or other instrument to cover waste management cost.

The **Junior NKE** (technical expert) is expected to provide the following services:

a) Analyse the existing Serbian legislation in the area of waste management, in particular the Rulebook on the content and design of the permits for storage, treatment and disposal of waste (Official Gazette, no: 71/09), taking into account possible challenges in terms of full technical transposition of EU legislation, in particular Directive 2008/98/EC;

b) Present some examples of best practices of EU Member State(s) in the area of waste management in relation to Directive 2008/98/EC;

c) Perform gap analysis and develop proposals for necessary improvements in terms of technical aspects in relation to the content and design of the permits, type and amount of financial guarantee or other instrument to cover waste management cost;

d) Discuss, clarify and agree on technical aspects for suggested improvements with target beneficiary and SNKE, in charge of translating the latter into proposals of relevant provisions of the new by-law.

2.3 Outputs

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

- A report on findings of the analysis of the existing Serbian legislation in the area of waste management, in particular the Rulebook on the content and design of the permits for storage, treatment and disposal of waste, with identification of legal gaps and proposals for amendments to address the gaps identified;
- - Proposal on provisions of the new by-law, reflecting improvements from the technical point of view as proposed by technical expert and agreed with target beneficiary;
- - Final draft of by-law on the content and design of the permits, type and amount of financial guarantee or other instrument to cover waste management cost.

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

- - A report on findings of the analysis of the existing Serbian legislation in the area of waste management, in particular the Rulebook on the content and design of the permits for storage, treatment and disposal of waste, with identification of gaps and proposals for improvements from the technical point of view, which shall be reflected in modified/new version of by-law. Proposals for improvements shall be complemented with conclusions upon clarifications and agreement on the latter with legal expert and target beneficiary.

2.4 Reporting

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

- 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 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 of respective by-law in the area of waste management will contribute to both (1) harmonisation of national legislation with acquis in the area of waste management sector and better implementation of EU standards, and (2) adoption of national legal acts within set time line. Based on the Law on Waste Management in force (Official Gazette, no 36/09, 88/10, 14/16), in the period of one year after its adoption by the Government of the Republic of Serbia, i.e. by 01 March 2017, some of specific by-laws in the area of waste management shall enter into force.

Under IPA 2013, additional technical assistance in the field of waste management has been planned, in relation to the development of new Waste Management Strategy.

3. Expert input

3.1 Total working days

14 working days (WDs) in total have been planned for this assignment, of which 7 WDs for Senior NKE and 7 WDs for Junior NKE.
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) December 2016
Two NKEs shall work in parallel. Details regarding the most relevant timing of their missions shall be agreed at a later stage.

3.3 Starting day

It is expected that the work will be performed during one mission in the period from November 2016 until tentatively, December 2016 and starting, at the earliest, from 21 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 waste management (legal 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 Law 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 legal drafting in the field of environment protection, related 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 drafting of national legal acts and/or application of national legislation in the area of waste 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 waste management (technical 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 Natural or Technical Sciences or similar, relevant to the assignment
- 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 environment protection gained in an EU member state, candidate or potential candidate country

4.2.3 Specific professional experience (50 points)

- Proven professional experience in setting up and/or functioning of the systems within structures at national level relating to waste 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, 07 November 2016, titled: **"Application for the position – Senior NKE in the area of waste management (legal expert)"** or **"Application for the position – Junior NKE in the area of waste management (technical 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.: m.garcia@altairasesores.es / Tel. +34 91 3952798