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

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of drug abuse prevention and trade in drug precursors
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:	Members of the Negotiating Group for Chapter 28 and Chapter 29, Representatives of the Ministry of Health, Ministry of Interior, Ministry of Finance and other relevant stakeholders involved in the in the area of drug abuse prevention and trade in drug precursors
Content of the assignment:	Analysis of existing legislation, support and recommendations in drafting of amendments to the Law on substances used in the illicit production of narcotic drugs and psychotropic substances
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	15 working days, spent during up to two missions planned in the period from December 2016 to (tentatively) January 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 (drug abuse prevention) and Chapter 29 – Custom Union:

According to 2015 Report, Serbia is moderately prepared in consumer and health protection. In the coming years, Serbia should in particular work on strengthening the overall financial sustainability of the public health system. On drug abuse prevention, since recently the Ministry in charge is the Ministry of Health (previously it was the Public Health Institute). In December 2014, the Government of the Republic of Serbia adopted the Strategy for Drug Abuse Suppression (2014-2021) and an Action Plan (2014-2017). At inter-departmental level, there is a Commission for Psychoactive Controlled Substances and the Office for Combating Drugs, which is still not operational. As part of the national Strategy for Drug Abuse Suppression, a clear definition of the responsibilities and powers of the various institutions as regards inter-agency cooperation is needed. The establishment of an early warning system is pending. Serbia will need to ensure proper staffing of and smooth exchange of data between the various bodies and departments active in this area. The lack of secure storage of seized drugs and precursors prior to destruction remains an issue of concern. Finally, according to the Report an appropriate process for the destruction of precursors has yet to be set up.

As per Screening Report for Chapter 29 – Custom Union, adopted by Council of EU on 25th February 2016, the Republic of Serbia can be considered to be sufficiently prepared for negotiations on this chapter. However, national legislation has to be adapted in some cases and certain measures need to be implemented to ensure the correct application of the acquis. The necessary administrative capacity needs to be in place upon accession as well as proper customs procedures, in order to control and prevent illegal trades and smugglings in general, and particularly illegal trade of substances frequently used in the illicit production of narcotic drugs and psychotropic substances.

2. Description of the assignment:

2.1 Specific objectives

During the negotiating process, Serbia has to harmonise its legal system with the European one across all sectors. In the area of drug abuse prevention, Serbia has to align its legislation with the two EU regulations: Regulation 273/2004 on drug precursors and Regulation 1259/2013 amending Regulation 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors. The specific objective of this assignment is to provide assistance in drafting of amendments to the existing umbrella Law on substances frequently used in the illicit production of narcotic drugs and psychotropic substances (Official Gazette of the Republic of Serbia No. 107/2005) (in the rest of the text: umbrella Law) in accordance with relating EU acquis, including the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- a) To analyse the existing umbrella Law and perform gap analysis of its compliance in relation to the relevant EU acquis, including UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, with proposals for necessary improvements;
- b) To draft comparison table (similar to Table of Concordance) of the level of compliance of the umbrella Law with EU regulations 273/2004, 111/2005, 1259/2013 and UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;



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- c) To present the findings and proposals to target beneficiaries, in order to agree on proposed improvements;
- d) To draft final version of proposed amendments to the umbrella Law, for its alignment with the EU acquis and UN Convention.

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- A report on the findings of the analysis of the existing umbrella Law in relation to EU Regulations 273/2004, 111/2005, 1259/2013 and UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- Comparison Table (similar to Table of Concordance) of the level of compliance of the existing umbrella Law with relating EU acquis and UN Convention;
- Final version of proposed amendments to the umbrella Law.

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 Senior NKE 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

By drafting the amendments to the existing umbrella Law on substances used in the illicit production of narcotic drugs and psychotropic substances and subsequent adoption of the latter, Serbia will proceed in fulfilling its obligations regarding harmonisation with the *acquis* in Chapters 28 and 29. Furthermore, since the area of drug abuse is connected and related to the fight against organised crime within Chapters 23 and 24, this will contribute to Serbia's better fighting against this serious international organised crime and health issue problem within EU remits.

The MoH has planned the adoption of the amended Law on substances used in the illicit production of narcotic drugs and psychotropic substances in the revised NPAA, currently in finalisation by SEIO and planned for adoption by the RS Government.

3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

December 2016 – (tentatively) January 2017

3.3 Starting day

It is expected that the work will be performed during up to two missions and starting at the earliest, from 05 December 2016 onwards. However, exact starting date will be agreed at a later stage.

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, Chemistry, Medicine 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 combating drugs, gained in an EU member state, candidate or potential candidate country.

4.3 Specific professional experience (50 points)



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- Proven professional experience in the field of harmonisation of legislation in relation to EU *acquis* and related to drug abuse prevention in the context of drug precursors
- 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, **18 November 2016**, titled: **“Application for the position – Senior NKE in the area of drug abuse prevention and trade in drug precursors”**.

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