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

<b>Technical assistance requested:</b>	One (1) Senior Non-Key Expert in the area of the control of major-accident hazards involving dangerous substances (SEVESO III Directive)
<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>	Representatives of the Ministry of Agriculture and Environmental Protection (Department for planning and management in the environment, Unit for major chemical accident protection), the Ministry of Construction, Transport, Infrastructure, and the Ministry of Interior (Sector for Emergencies)
<b>Content of the assignment:</b>	Analysis of the alignment of draft national legislation with the Seveso III Directive (Council Directive 2012/18/EU of 4 July 2012 on the control of major-accident hazards involving dangerous substances amending and subsequently repealing Council Directive 96/82/EC)
<b>Budget Line / Expert Category:</b>	Senior Non-Key Expert
<b>Duration of the assignment:</b>	10 working days, spent during up to two missions in the period from March until (tentatively) April 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 – Environmental Protection:**

In 2009, Seveso II Directive has been partially transposed through the Law on Environmental Protection - LEP (OG RS 135/04, 36/09, 72/09, 43/11-CC) and 3 by-laws regarding definitions, identifying competent authorities, exclusions, general obligations of the operator, notification, major-accident prevention policy, domino effect, safety report, modifications, emergency plans, information on safety measures, information following a major-accident and prohibition of use. By-laws adopted in accordance with the LEP are, as follows:

- the Rulebook on the list of dangerous substances and their quantities and on criteria for the determination of the type of documents drawn up by the operator of a Seveso installation or establishment (OG RS 41/10 and 51/15) – partially transposing ANNEX I;
- the Rulebook on the scope of Accident Prevention Policy and the scope and methodology on the Safety Report and Contingency Plan Development (OG RS 41/10) – transposing ANNEX II, ANNEX III and partially ANNEX IV;
- the Rulebook on the content of the notification on a new Seveso installation/establishment, existing Seveso installation/establishment and on the permanent closure of a Seveso installation/establishment (OG RS 41/10) – defining Notification form, in accordance with Art 6 of Seveso II Directive.

In addition, provisions related to the external emergency plans are partially regulated by the Law on Emergency Situations (OG RS 111/09, 92/11 and 93/12) and accompanying by-laws:

- the Decree on the content and methodology for elaboration of Protection and Rescue Plans in emergency situations (OG RS 8/11) and
- the Guidance on the methodology for elaboration of the risk assessment and protection and rescue plans (OG RS 96/12).

In 2012, Seveso II Directive has been repealed by Seveso III Directive 2012/18/EU, entering into force on 01 June 2015. Seveso III Directive has not yet been transposed into the Serbian national legislation (apart from few articles, which are the same as in the already transposed Seveso II Directive).

The analysis of the transposition level of the Seveso II and Seveso III Directives into the Serbian legislation, with recommendations for further approximation in this area was completed in August 2013, with assistance of IPA 2011 project titled „Law enforcement in the field of industrial pollution control, prevention of chemical accidents and establishment of the EMAS system in Serbia”. In this regard, the most important gaps identified in transposition of Seveso II Directive were Article 11 (regarding external emergency planning), Article 12 (land-use planning) and Article 18 (inspections).

Based on the legal gap analysis, transposition of Seveso III Directive into the national legislation has been planned for by the end of 2018. The Transposition Plan provides for coordinated involvement of all competent authorities in the transposition process, in particular the Ministry of Construction, Transport and Infrastructure and the Ministry of Interior (Sector for Emergencies). By taking into consideration those Seveso III provisions, which were expected to cause particular difficulties, the Transposition Plan includes the following actions:

- Drafting of the Law on the control of major-accident hazards involving dangerous substances and relating rulebooks transposing relevant annexes (N.B. Assistance in its regard is subject of this ToR);



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- Amending the Law on Emergencies;
- Amending the Law on Planning and Construction.

In regard with the above mentioned actions, the first version of Draft Law on the control of major-accident hazards involving dangerous substances and five rulebooks transposing relevant annexes of the Seveso III Directive have been prepared by the Working Group (WG). The WG has been appointed by the Minister of Agriculture and Environmental Protection and composed of the representatives from relevant institutions (MAEP, SEPA, Mol, MCTI, ML).

## 2. Description of the assignment

### 2.1 Specific objectives

The specific objective of this assignment is to perform compliance analysis of the level of alignment with Seveso III Directive of Draft Law on the Control of Major Accident Hazards involving dangerous substances and of five drafts of by-laws, as follows:

- The Rulebook on the list of dangerous substances,
- The Rulebook on the content, form and submission of the notification,
- The Rulebook on the content of the safety report,
- The Rulebook on the content of the internal emergency plan, and
- The Rulebook on the elements and requirements of the safety management system,

Based on compliance analysis, recommendations for improvements shall be provided to achieve full harmonisation of national legislation with EU *acquis* in this field.

### 2.2 Requested services

The Senior Non-Key Expert is expected to provide the following services:

- a) To perform gap analysis on the level of compliance of Draft Law on the control of major accident hazards involving dangerous substances with Seveso III Directive;
- b) To perform gap analysis on the level of compliance of five draft rulebooks (1. on the list of dangerous substances; 2. on the content, form and submission of the notification; 3. on the content of the safety report; 4. on the content of the internal emergency plan and 5. on the elements and requirements of the safety management system) with Seveso III Directive;
- c) To provide recommendation on the legislative options for harmonisation of previously mentioned national legislation with Seveso III Directive.

### 2.3 Outputs

The Senior Non-Key Expert is expected to deliver the following outputs:

- Report on the findings on the level of compliance of the draft Law on the control of major accident hazards involving dangerous substances and relevant (five) by-laws with Seveso III Directive;
- Table of Concordance of Draft Law on the control of major accident hazards involving dangerous substances and relevant (five) by-laws with Seveso III Directive;



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- Proposal on recommendations for harmonisation of Serbian legislation in the field of Seveso III Directive in order to achieve full compliance and enable actions for successful implementation of the requirements of Seveso III Directive.

## 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 two NKEs 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 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, 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

Within this assignment, a step forward will be done in ensuring future full compliance of the Serbian national legislation with the requirements of the Seveso III Directive (Directive 2012/ 18/EU on the control of major- accident hazards involving dangerous substances amending and subsequently repealing Council Directive 96/82/EC).

According to 2016-2018 NPAA, full transposition of Seveso III Directive into the national legislation has been planned for by the end of 2018.

## 3. Expert input

### 3.1 Total working days

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



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### 3.2 Period of the assignment

March 2017 - (tentatively) April 2017

### 3.3 Starting day

It is expected that the work will be during up to two missions and starting, at the earliest, on 20 March 2017. 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)

- University degree (where university degree has been awarded on completion of three years study in university or equivalent institution) in Law or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

### 4.2 General professional experience (25 points)

- Minimum 10 years of postgraduate professional experience in the field of environmental protection in an EU Member State

### 4.3 Specific professional experience (50 points)

- Proven postgraduate professional experience in the field of harmonisation with the EU environmental acquis, in particular relating to Seveso III Directive, gained in an EU Member State, candidate country 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, **06 February 2017**, titled: **“Application for the position – Senior NKE in the area of the control of major-accident hazards involving dangerous substances”**.

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