



Project funded by the European Union
Projekat finansira Evropska unija



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

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of EU legislation on ship recycling implementing Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships
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:	The Ministry of Construction, Transport and Infrastructure, the Ministry of Agriculture and Environmental Protection, the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of the Interior and other relevant stakeholders
Content of the assignment:	Assistance in harmonisation of national legislation with EU acquis in the area of ship recycling
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	20 working days, spent during up to four missions planned for the period from mid July 2017 to (tentatively) December 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



Project funded by the European Union
Projekat finansira Evropska unija



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:

In relation to Chapter 27, the Republic of Serbia completed the screening process in March 2015. Chapter 27 on the environment and climate change is one of the most ambitious and far-reaching chapters of the EU *acquis* and due to its complexity and volume, represents a major challenge for candidate countries. In recent years, Serbia has advanced in harmonising its legal framework with the environment *acquis*. However, further assistance is needed in harmonisation and implementation of the EU *acquis* horizontally, including in marine environment protection.

The Law on Maritime Navigation (Official Gazette of RS, No. 87/11, 104/13 and 18/15), inter alia, regulates the protection of sea from pollution coming from ships. Chapter VII of the Law on Maritime Navigation defines:

- protection of the sea from pollution by harmful liquids in bulk, sewage and waste from ships;
- protection of the sea from pollution by hazardous and noxious substances transported by sea in packages or containers of cargo, portable tanks or road and rail tank wagons;
- protection of the sea from marine pollution caused by oil spills from ships;
- protection of air pollution from ships;
- protection of the sea from ballast water pollution, and
- protection from harmful effects of anti-fouling systems of ships.

However, the Law on Maritime Navigation does not comprise any provisions on recycling of ships.

On the other hand, the Sector for Waterborne Transport and Safety of Navigation of the Ministry of Construction, Transport and Infrastructure launched a ratification procedure for the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, which is expected to be ratified by the end of 2017. In addition to it and in scope of harmonization of national legislation with the provisions of Regulation (EU) No 1257/2013 on Ship Recycling, it is expected that the Law on amendments to the Law on Maritime Navigation will be adopted by the Parliament of Serbia in November 2017.

2. Description of the assignment

2.1 Specific objectives

In accordance with the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, as well as with Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on Ship Recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, the Republic of Serbia is obliged to ensure that ships under Serbian flag, when being recycled after reaching the end of their operational lives, do not pose any unnecessary risks to human health, safety and environment.

The specific objective of this assignment is to provide assistance in harmonisation of national legislation and in upgrading of institutional set-up providing for control related to ship recycling in line with obligations prescribed by the Regulation (EU) No 1257/2013 on ship recycling and amending Regulation (EC) No



Project funded by the European Union
Projekat finansira Evropska unija



1013/2006 and Directive 2009/16/EC as regards the register of collections, monitoring user compliance and best practices.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- a) To perform assessment of the institutional set-up and its capacities and provide recommendations for further upgrading of the institutional set-up for proper implementation of the Regulation (EU) No 1257/2013;
- b) To present example(s) of best practice(s) in the implementation of the Regulation (EU) No 1257/2013 and provide advice regarding the implementation of stakeholders mapping and possible approaches for stakeholders' involvement in this area;
- c) To develop proposals on selected provisions of draft Law on Amendments to the Law on Maritime Navigation and relating secondary legislation for alignment with Regulation (EU) No 1257/2013;
- d) To deliver training during 1-day workshop on main aspects of the implementation of Regulation (EU) No 1257/2013 for a wider group of representatives from bodies involved.

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- A legal analysis report, including a table similar to Table of Concordance, on the findings regarding the level of compliance of the existing legislation of the Republic of Serbia in the area of marine environment protection relevant for the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships with the Regulation (EU) No 1257/2013;
- A proposal on the institutional set-up and its further upgrading for proper implementation of Regulation (EU) No 1257/2013;
- A proposal regarding the implementation of stakeholders mapping, with identification of possible approaches for the stakeholders' involvement in this area, complemented by some example(s) of best practices in the implementation of Regulation (EU) 1257/2013;
- Drafts of the most relevant provisions of both draft Law on Amendments to the Law on Maritime Navigation and appropriate secondary legislation, for the alignment with Regulation (EU) No 1257/2013;
- Suitable training material and delivery of training during 1-day workshop on main aspects of the implementation of Regulation (EU) No 1257/2013.

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,



Project funded by the European Union
Projekat finansira Evropska unija



- 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 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 future

The results of this assignment will serve as the basis for detailed planning of activities for full implementation of Regulation (EU) No 1257/2013. In addition to this, the outputs of this assignment will be used as a starting point for initiating stakeholder consultation process in broader terms, awareness raising and capacity building of bodies involved, leading to the establishment of the network at institutional level and facilitating cooperation in preparations for the actual implementation planning.

In the NPAA for 2016-2018, harmonisation of national legislation with Regulation No.1257/2013 on Ship Recycling is included under point 3.27. Environment. In line with NPAA, the Law on Amendments to the Law on Maritime Navigation has been planned for adoption in Q4 2018.

3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

July – (tentatively) December 2017

Project implemented by
Projekat sprovodi



in consortium with:
u konzorcijumu sa:

IRZ, European Profiles,
Eurosupport and Eptisa



Project funded by the European Union
Projekat finansira Evropska unija



3.3 Starting day

It is expected that the work will be performed during up to four missions in the period July - December 2017 and starting, at the earliest, from 17 July 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)

- University degree (where university degree has been awarded on completion of three years' study in a university or equivalent institution) in Law, Environment, Nature Conservation, Technical Sciences 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 biodiversity conservation and global multilateral environmental agreements

4.3 Specific professional experience (50 points)

- Proven professional experience in the implementation of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships and Regulation (EU) No 1257/2013
- Proven professional experience in the transposition of EU *acquis* related to Chapter 27 in the field of nature protection and relating to ship recycling
- 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 not later than 17:00 hrs, **03 July 2017**, titled: **“Application for the position – SNKE in the area of EU legislation on ship recycling”**.

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.



Project funded by the European Union
Projekat finansira Evropska unija



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.

Project implemented by
Projekat sprovodi



in consortium with:
u konzorcijumu sa:

IRZ, European Profiles,
Eurosupport and Eptisa