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

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| <b>Technical assistance requested:</b> | Two (2) Senior Non-Key Experts in the area of judiciary   |
| <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>               | Ministry of European Integration and the Negotiating Team   |
| <b>Target Beneficiaries:</b>           | Representatives of Negotiating Group for Chapter 24, Ministry of Justice and Judicial Academy                               |
| <b>Content of the assignment:</b>      | Training in judicial cooperation in civil and commercial matters, for practitioners in courts and civil servants of the MoJ |
| <b>Budget Line / Expert Category:</b>  | Senior Non-Key Experts  |
| <b>Duration of the assignment:</b>     | 10 working days, equally split between 2 NKEs and spent in the period from November 2017 to (tentatively) January 2018      |

#### 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 24 “Justice, Freedom and Security” and related to judicial cooperation in civil and commercial matters:

The judicial cooperation in civil and commercial matters is dealt with within Chapter 24 “Justice, Freedom and Security”.



In relation to the area of judicial cooperation in civil and commercial matters, the Screening Report for Chapter 24 establishes that Serbia should address, among others: **“A comprehensive training programme allowing practitioners in courts and in the Ministry of Justice to gradually familiarise themselves with the acquis”**. Serbia 2016 Report for the relevant part of Chapter 24 acquis stated that “Serbia needs to step up measures to allow direct cooperation between Serbian and foreign courts and centralise receipt of requests to courts for international judicial cooperation. The necessary infrastructure and database should be put in place for replying promptly to requests for mutual legal assistance and ensuring better statistics on their monitoring, as well as applying the mutual recognition principle. In order to improve efficiency, greater capacity and expertise are needed, including language skills”. The Action Plan for Chapter 24 dedicates a separate section to the Judicial cooperation in civil matters and emphasises the need for training of the judiciary in order to be able to fulfil its role in the future.

Serbia is at early stages regarding the harmonisation of the national legislation with EU civil law acquis. Considering that most of the acquis is in the legal form of Regulations and the fact that Serbian judges did not have much opportunity to familiarise themselves with the EU acquis in the area of judicial cooperation in civil and commercial matters, education of judges in this area of EU law is necessary at an early stage, for its importance and complexity.

## **2. Description of the assignment:**

### **2.1 Specific objectives**

The specific objective of this assignment is to familiarise judges of civil and commercial courts, as well as relevant civil servants of the Ministry of Justice with the EU acquis related to judicial cooperation in civil and commercial matters.

The EU acquis related to civil law in general and judicial cooperation in civil and commercial matters belong to the most complex areas of the acquis, regulated mainly by the EU Regulations, which are directly applicable in the EU Member States (and therefore harmonised with at later stages of the negotiations). EU civil law is based on the principle of the mutual recognition of judicial decisions, pertinent only to the EU legal system. These elements of the EU legal system are usually new and unknown to judges of the third states, not belonging to the EU.

In the context of Chapter 24 Screening Report recommendation on training programme, allowing practitioners in courts and in the Ministry of Justice to “gradually familiarise themselves with the acquis”, targeted capacity building of the relevant groups can be achieved by running of training in specific topics. In addition to theoretical aspects, judges and the national administration will be acquainted with the practical aspects and challenges of the implementation of this EU acquis.

### **2.2 Requested services**

The Senior NKEs are expected to provide the following services:

- a) To prepare suitable training material on judicial cooperation in civil and commercial matters that is relevant for practitioners in courts and in the Ministry of Justice, based on the basic principles of the EU civil law and the jurisprudence of the Court of the European Union;
- b) To deliver thematic training to selected practitioners in courts and in the Ministry of Justice in the EU acquis related to judicial cooperation in civil and commercial matters, based on the basic principles of the EU civil law and the jurisprudence of the Court of the European Union.



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### 2.3 Outputs

The Senior NKEs are expected to deliver the following outputs:

- Training material that is suitable and practical for practitioners in courts and civil servants in the Ministry of Justice;
- Delivery of training, during two 1-day training events organised for training of 20-30 participants in Belgrade and in Niš.

### 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 NKEs in the context of this assignment.

Submission of reports:

- Draft Final 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 Final Mission Report prepared in the relevant quality shall be submitted to the Team Leader of the Project for final approval. The Report 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

The Action Plan for Chapter 24 in a separate section related to the Judicial cooperation in civil matters emphasises the need for developing comprehensive training programmes and the training of the judiciary, in order to be able to fulfil its role in the future.

Training of practitioners in courts and in the Ministry of Justice in this specific area of the EU acquis related to judicial cooperation in civil and commercial matters will contribute to enhanced capacities of the national judiciary for their implementation of the EU legislation in the future.



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### 3. Expert input

#### 3.1 Total working days

10 working days (WDs) in total have been planned for this assignment, equally split between two experts. The NKEs shall work in parallel and organise their work so that all elements covered by EU acquis in the area of judicial cooperation in civil and commercial matters are addressed during training.

#### 3.2 Period of the assignment

November 2017 – (tentatively) January 2018

#### 3.3 Starting day

It is expected that the work will be performed during one mission in the period from November 2017 until January 2018 and starting, at the earliest, from 20 November 2017 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 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 an university or equivalent institution) in Law
- 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 judiciary

#### 4.3 Specific professional experience (50 points)

- Proven professional experience in applying EU civil and/or commercial law in an EU Member State
- Proven professional experience in delivery of training
- Proven professional experience in providing lectures/training in civil and/or commercial matters would be an asset

### 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, **5 November 2017**, titled: **“Application for the position – Senior NKE in the area of judiciary”**.

References must be available on request. Only short-listed candidates will be contacted.



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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