



Project funded by the European Union  
Projekat finansira Evropska unija



Pravna podrška pregovorima - Policy & Legal Advice Centre

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

<b>Technical assistance requested:</b>	1 (one) Senior and 1 (one) Junior Non-Key Expert in the area of Negotiating Ch. 12, Food Safety; Legislation on natural mineral waters and spring waters
<b>Project Title:</b>	Policy and Legal Advice Centre (PLAC III), Serbia
<b>Ref:</b>	EuropeAid/139295/DH/SER/RS
<b>Service Contract No.:</b>	(CRIS) 2018/404-529
<b>Main beneficiary:</b>	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team
<b>Target Beneficiaries:</b>	Negotiating Group Ch. 12; Ministry of Health
<b>Budget Line / Expert Category:</b>	One Senior and One Junior Non-Key Expert
<b>Duration of the assignment:</b>	35 working days (WD), from July 2019 until February 2020 (20 WD SNKE and 15 WD JNKE)

### 1. Relevant background information

#### Background information in relation to PLAC III project:

The scope of PLAC III project is to provide support to the relevant national institutions in charge of alignment of national legal acts with the EU *acquis* and to contribute to developing capacities of relevant national structures for successfully carrying out accession negotiations.

The PLAC III project aims at achieving 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 successfully carrying out of accession negotiations

In general, the project aims at fostering the process of accession negotiations of the Republic of Serbia by supporting the effective alignment of national legislation with the Union *acquis* and its implementation and by further building the capacities of involved carriers of the EU integration process in the Republic of Serbia. After completion of the screening process in 2015, the Serbian public administration has entered into the 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, the PLAC III 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.

## **2. Background information in relation to Chapter 12 – Food Safety**

EU hygiene rules for foodstuff production ensure a high level of food safety. Food Safety is recognised as a challenging and complex acquis when it comes to harmonisation of national legislation with the EU standards and norms. Moreover, implementation of the legislative requirements in the Food Safety sector requires investments and close cooperation with other involved Ministries and public authorities with responsibilities in the sector. Serbia 2019 Country Report issued by the European Commission states that Serbia is moderately prepared in the area of food safety, veterinary and phytosanitary policy Chapter 12. In the coming year, Serbia should among other things, develop a comprehensive strategy for transposition, implementation and enforcement of the acquis on food safety, veterinary and phytosanitary policy, and substantially strengthen the administrative capacity.

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 12 – Food Safety. Serbia will be ready soon to give a notice on the fulfilment of the first benchmark. One of the three opening benchmarks set by the EC is the adoption of the framework legislation that complies with the acquis. Four draft laws, which are important for this benchmark are in the parliamentary procedure (on plant protection products; on plant nutrition products and soil enhancers; on food safety; on plant health). In addition to these, the Draft Law on Water for Human Consumption (The “Draft Law”) and the Draft Rulebook on the Health Safety of Drinking Water have been prepared and at the moment are undergoing additional amendments through PLAC III assistance, under negotiating chapter 27.

The Food safety law (the Law on Food Safety, Official Gazette of the RS No 41/09) divides the competences in the area of food safety between the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Ministry of Health (MoH) depending on the type of food and the stage of production and sale. The Ministry of Health is responsible body as regards water for human consumption, more precisely water in original packaging.

The structure of the Draft Law is such that, in addition to the drinking water from the tap of the consumer that is regulated under the Rulebook on Health Safety of Drinking Water (acquis under Chapter 27), the Draft Law deals with water for Human Consumption comprehensively and therefore includes water in the original packaging (bottled water). The Draft Law provides the legal basis for the adoption of the Proposal for a Rulebook on Health and Water quality in the Original Packaging. These need to be aligned with the Union acquis for Ch 12, namely:

- Directives 2003/40/EC establishing the list of concentrations and labelling requirements for constituents of natural mineral waters and the conditions for the use of Ozone-enriched air for the treatment of natural mineral waters and spring waters,
- Directive 2009/54/EC on the exploitation and marketing of natural mineral waters and
- Regulation (EU) No 115/2010 laying down the conditions for the use of activated alumina for the removal of fluoride from natural mineral waters and spring waters.

This draft law is now under consultation with stakeholders and members of the working group regarding drafted provisions. For full transposition of the legislation on natural mineral waters and spring waters, based on the Draft Law, the subsequent needed step is drafting a Rulebook on Health and Water quality in the Original Packaging.

The outputs of this assignment, the draft Rulebook on Health and Water quality in the Original Packaging, will ensure safety and the quality of natural mineral waters and spring waters. This is a required contribution to the process of preparation of the Negotiation Position for Ch 12 related to Union legislation on natural mineral waters and spring waters.

At present, there is no on-going and/or planned assistance projects for the activities covered by this ToR.

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

#### **3.1 Specific objectives**

The specific objective of this assignment is to assist the Ministry of Health (MoH) and the Negotiating Group Ch. 12 in order to enhance harmonisation with relevant EU legislation and its proper implementation. By strengthening the administrative capacities of the Ministry of Health and the Negotiating Group Ch. 12, the crucial support will also be provided in meeting the opening benchmarks set for Ch. 12. Experts' support to the MoH is needed to draft legislation in natural mineral waters and spring waters sector in order to be fully compliant with Union acquis having in mind and anticipate implications of its implementation.

In the scope of this objective, these activities are foreseen:

- Drafting Table of Concordance on the:
  - 1) Commission Directives 2003/40/EC establishing the list of concentrations and labelling requirements for constituents of natural mineral waters and the conditions for the use of Ozone-enriched air for the treatment of natural mineral waters and spring waters
  - 2) Directive 2009/54/EC on the exploitation and marketing of natural mineral waters and
  - 3) Regulation (EU) No 115/2010 laying down the conditions for the use of activated alumina for the removal of fluoride from natural mineral waters and spring waters.
- Conduct a legal gap analysis on the basis of the drafted Table of Concordance of Union acquis on natural mineral waters and spring waters, as listed above
- Drafting of a Rulebook on Health and Water quality in the Original Packaging, fully harmonised with the relevant EU legislation;
- Organise and hold a Workshop on presentation and the implementation of the draft Rulebook on Health and Water quality in the Original Packaging.

#### **3.2 Requested services**

**The Senior NKE in the area of legislation on natural mineral waters and spring waters is expected to provide the following services:**

- a) Conducting a legal gap analysis on the basis of the drafted Table of Concordance of Union acquis on natural mineral waters and spring waters, as listed above
- b) Drafting of a Rulebook on Health and Water quality in the Original Packaging, fully harmonized with the relevant EU legislation
- c) In conjunction with JNKE, organise and hold a workshop on presentation of the findings of the gap analysis and ToC and of the requirements as set in draft Rulebook on Health and Water quality in the Original Packaging.

**The Junior NKE in the area of legislation in food safety is expected to provide the following services:**

- a) Drafting Table of Concordance of the Union acquis on natural mineral waters and spring waters, listed above
- b) Drafting annexes to the draft Rulebook on Health and Water quality in the Original Packaging, fully harmonized with the relevant EU legislation and with the Serbian best legislative practices
- d) In conjunction with SNKE organise and hold a workshop on presentation of the findings of the gap analysis and ToC and of the requirements as set in draft Rulebook on Health and Water quality in the Original Packaging.

### 3.3 Outputs

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

- a) A legal gap analysis report
- b) A draft Rulebook on Health and Water quality in the Original Packaging
- c) A Workshop held

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

- a) A draft Table of Concordance on legislation on natural mineral waters and spring waters
- b) Annexes to the draft Rulebook on Health and Water quality in the Original Packaging
- c) A Workshop held

### 3.4 Reporting

**The SNKE** 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 SNKE and JNKE in the context of this assignment.
- A brief interim report - only upon a request of the PLAC III team: TL and/or KE 2

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 reports prepared in the agreed quality shall be submitted to the Team Leader of the Project for a review, comments and the 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 a hard copy and electronic version to the Team Leader of the project.

### 3.5 Specifics

Both 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 the relevant beneficiary institutions.

Each of the short-term missions, the timing and duration shall be agreed with the Beneficiary and the PLAC team prior to each planned mission.

### 3.6 Expert input

#### 3.6.1 Total working days:

35 working days are envisaged for the assignment. 20 working days (WDs) in total have been planned for Senior Non-Key Expert and 15 working days for Junior Non-Key Expert for this assignment.

#### 3.6.2 Period of the assignment and Starting day

It is expected that the work will be performed during several missions in the period from July 2019 until February 2020 at latest. The exact starting date will be agreed at a later stage.

**Please note that all the experts pre-selected for the position are requested to sign a Statement of Availability in which they acknowledge and confirm the availability to accomplish the assignment within the period and the number of working days requested.**

### **3.6.3 Location/Place of assignment**

The SNKE and JNKE must deliver 100% of the input in Belgrade, Serbia.

### **3.6.4 Working language**

English

## **4. Expert's Profile - Senior NKE (20 working days):**

### **4.1 Qualifications and skills (25 points)**

- A level of education, which corresponds to completed university studies of at least 3 years in the relevant field attested by a diploma such as law, environment or similar, relevant to the assignment
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills;
- Proficiency in English language
- Be independent and free from conflicts of interest in the responsibilities they take on

### **4.2 General professional experience (25 points)**

- At least 8 (eight) years of general postgraduate professional experience related to Union environmental acquis gained in an EU member state, candidate or potential candidate country

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

- Minimum 5 years of postgraduate professional experience in the field of harmonisation of legislation in relation to Union *acquis* in water sector
- Postgraduate professional experience in transposing and/or implementing the Union *acquis* related to water for human consumption
- Knowledge of the Serbian legal system will be an advantage

## **5. Expert's Profile - Junior NKE (15 working days):**

### **5.1 Qualifications and skills (25 points)**

- A level of education, which corresponds to completed university studies of at least 3 years in the relevant field attested by a diploma in law
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills;
- Proficiency in English language
- Be independent and free from conflicts of interest in the responsibilities they take on

### **5.2 General professional experience (25 points)**

- At least 5 (five) years of general postgraduate professional experience related to Union *acquis* gained in an EU member state, candidate or potential candidate country.

### **5.3 Specific professional experience (50 points)**

- Postgraduate professional experience in harmonisation of national legislation with Union food safety *acquis* gained in an EU member state, candidate or potential candidate country
- Previous professional experience in drafting Tables of Concordance (ToC)
- Knowledge of the Serbian legal system will be an advantage

## 6. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to [mbayard@dmiassociates.com](mailto:mbayard@dmiassociates.com) and [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com) no later than 5 July, 2019, 17:00 hrs, titled: **“Application for the position – Senior or Junior NKE in the area of Food safety, Chapter 12, Legislation on natural mineral and spring water”**.

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 posts are 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 DMI Associates Marion Bayard: mail to [mbayard@dmiassociates.com](mailto:mbayard@dmiassociates.com) or Elizabeth Howard [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com)