



Project funded by the European Union  
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## Terms of Reference (ToR) for a Short-Term assignment

<b>Technical assistance requested:</b>	1 (one) Senior Key Expert in the area of Negotiating Ch. 12, Food Safety, Veterinary and Phytosanitary Policy, Acceptance of Vegetable Landraces and Varieties
<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 Agriculture, Forestry and Water Management (MAFWM) – Plant Protection Directorate
<b>Budget Line / Expert Category:</b>	One Senior Expert
<b>Duration of the assignment:</b>	20 working days (WD), from September 2019 until July 2020

### 1. Relevant background information

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

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

The PLAC III 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 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 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 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. The sustainability of results, including ensuring the necessary capacities for implementation and follow-up, will be specifically in focus.

## **2. Background information in relation to Chapter 12 – Food Safety, Veterinary and Phytosanitary Policy**

Serbia 2019 Report issued by the European Commission states that Serbia is moderately prepared in the area of food safety, veterinary and phytosanitary policy.

Serbia is moderately prepared in the area of food safety, veterinary and phytosanitary policy. Some progress has been made in implementing recommendations of the previous report, in particular with the accreditation of the reference laboratory for milk testing. However, Serbia has not yet implemented all recommendations of last year. In the coming year, Serbia should in particular develop a comprehensive strategy for transposition, implementation and enforcement of the acquis on food safety, veterinary and phytosanitary policy; substantially strengthen the administrative capacity of the veterinary, phytosanitary and national reference laboratories directorates and retain highly competent staff and consistently apply and improve the risk based approach to sanitary control at borders.

The Republic of Serbia (RS) is intensively preparing for negotiations with the EU regarding Chapter 12. The three opening benchmarks set by the EC are the following:

1. adoption of the framework legislation that complies with the acquis
2. adoption of the strategy and action plan for harmonization
3. classification of all food establishments and establishments handling animal by-products.

The registration of new agricultural, vegetable, fruit and grape varieties is regulated by the Law on acceptance of varieties of agricultural plant species and the relevant secondary legislation. It provides the necessary basics for further production and certification of seed and seedlings. Old domestic or domesticated varieties were listed in the Register of Agricultural Plant Varieties, using the similar rules and procedures as new varieties. The area regulated by Commission Directive 2009/145/EC doesn't have similar legislation in RS. It is necessary to indicate the harmonization of this EU Directive is indicated in the Strategy and Action Plan (the documents that have been given as one of the benchmarks for opening chapter 12). According to this Directive, production, marketing and registration of local varieties/varieties /landraces significantly differs from "standard" plant varieties (different registration procedure, limited and usually very small region of production, limited quantities, labelling, control, etc..). Since this topic is completely new for Serbian legislative, it would be necessary to learn about implementation steps and issues on the spot.

EU Twinning Project: "Strengthening capacities of phytosanitary sector in the field of plant varieties registration, including authorized organizations" (finished in April 2019) was focused on old fruit and grape varieties and didn't deal with Commission Directive 2009/145/EC of 26 November 2009 providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties.

Therefore, the assistance of the PLAC III project expert is needed in order to harmonise this area.

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 provide assistance to the MAFWM - Plant Protection Directorate in assessing of the new acquis in the field of registration of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties

Expert support to MAFWM is needed in preparing completely new legislative regulating given area.

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

- 1) Review of the existing legislation on plant variety registration and recommendations on the best way how to transpose and implement Commission Directive 2009/145/EC into the national legislation
- 2) Preparing a draft of legal act in line with Commission Directive 2009/145/EC
- 3) Organise and conduct a study visit for at least 3 persons from the administration to a selected EU MS to study in practice the implementation of the Directive on the spot (e.g. Czech Republic, France or Germany - the MS which have a lot of experience in this area)
- 4) Organise and hold a workshop presenting the new legislative to all interested parties, e.g. Department for Plant variety registration, Group for Seed and Seedlings, inspectors, representatives of vegetable growers from areas with local varieties and landraces, etc.

#### 3.2 Requested services

**The Senior NKE in the area of variety registration is expected to provide the following services:**

- a) Perform a legal gap analysis between EU rules and national legislation in the area of acceptance of vegetable landraces and varieties, especially those threatened by genetic erosion and with no intrinsic value for commercial crop production and give recommendations how to best harmonise with Commission Directive 2009/145/EC
- a) Prepare a draft of legal act transposing the Commission Directive 2009/145/EC
- b) Organization of study visit to a selected EU country which have a considerable experience in implementation of the Directive
- c) Organise and hold a workshop with stakeholders presenting the results of the activity

#### 3.3 Outputs

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

- A Legal assessment report
- A draft legal act in line with Commission Directive 2009/145/EC
- Workshop held
- A study visit completed

#### 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 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 SNKE 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**

SNKE shall work under the guidance and follow the instructions of the Team Leader. The SNKEs 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**

20 working days (WDs) in total have been planned for Senior 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 September 2019 until July 2020 at latest. However, exact starting date will be agreed at a later stage.

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

The SNKE has to deliver 100% of the input in Serbia except when otherwise requested by the project ToR.

#### **3.6.4 Working language**

English

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

### **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, Agriculture, Biology or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- 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 in the area of Union *acquis* Negotiating Chapter 12, gained in an EU member state, candidate or potential candidate country

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

- Postgraduate professional experience in transposition and/or implementation of Commission Directive 2009/145/EC
- Postgraduate professional experience related to the legislation on plant variety registration

#### **5. 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 27<sup>th</sup> September 2019, 17:00 hrs, titled: **“Application for the position – Senior Non Key Expert in Negotiating Ch 12, Acceptance of Vegetable Landraces and Varieties.”**

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.

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***Please note that all the pre-selected experts are requested to sign a Statement of Availability (SoA) in which they acknowledge and confirm the availability to accomplish this assignment within the indicated period, at the indicated starting date (if any) and within the number of working days requested***

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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)