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Pravna podrška pregovorima - Policy & Legal Advice Centre

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

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of Food Safety, Veterinary, and Phytosanitary Policy, EU Negotiating Ch. 12 - Nutrition and health claims made on food
Project Title:	Policy and Legal Advice Centre (PLAC III), Serbia
Ref:	EuropeAid/139295/DH/SER/RS
Service Contract No.:	(CRIS) 2018/404-529
Main beneficiary:	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Negotiating Group Ch. 12; Ministry of Health
Budget Line / Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	15 working days (WD), from August 2019 until March 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.

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

EU food safety rules are safeguard for human and animal health and safety as well as of the environment. The General Food Law Regulation (Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety) is the foundation of food and feed law. It sets out an overarching and coherent framework for the development of food and feed legislation both at Union and national levels.

Serbia 2019 Report issued by the European Commission states that Republic of Serbia (RS) is moderately prepared in the area of food safety, veterinary and phytosanitary policy. There has been some progress in implementing recommendations in the reporting period. Serbia has not yet implemented all recommendations of last year. 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, substantially strengthen the administrative capacity of the veterinary, phytosanitary and national reference laboratories directorates and consistently apply and improve the risk-based approach to sanitary control at borders.

In the area of general food safety, Serbia still needs to adopt a strategy and action plan for full transposition of the acquis. The Republic of Serbia (RS) is intensively preparing for negotiations with the EU regarding Chapter 12.

The Food safety law (the Law on Food Safety, Official Gazette of the RS No 41/09, 17/19) 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. Both ministries are responsible for establishment of the policy, legislative and control functions in the area of food safety belonging to their competences. In relation to this assignment, Ministry of Health is a competent authority for establishment of the policy, legislative and official control functions in the area of nutrition and health claims.

Union rules on nutrition and health claims have been established by Regulation (EC) No 1924/2006. The Regulation started to apply on 1 July 2007. This regulation is the legal framework used by food business operators when they want to highlight the particular beneficial effects of their products, in relation to health and nutrition, on the product label or in its advertising. The objective of those rules is to ensure that any claim made on a food's labelling, presentation or advertising in the European Union is clear, accurate and based on scientific evidence. Food bearing claims that could mislead consumers are prohibited on the EU market. A public EU Register of Nutrition and Health Claims lists all permitted nutrition claims and all authorised and non-authorised health claims, as a source of reference and so that full transparency for consumers and food business operators is ensured.

In RS the Rulebook on nutrition and health claims made on foods has been done within PLAC I project and it is published in Official Gazette of the RS No 51/18, 103/18). For the full and a proper implementation of the Rulebook on nutrition and health claims on food, it is necessary to draw up guidelines. This Guide would be used by the food safety inspectors in performing official controls of food placed on the market, as well as by food business operators for the correct, truthful and complete information to consumers. The Guide should contain guidelines and practical examples on how to properly declare a particular product in order to comply with the provisions of the Rulebook on the declaration, labelling and advertising of food and the Rulebook on nutrition and health claims on food. According to the legislative plan (and NPAA) in the area of nutrition and health claims made for food the activities are foreseen to take place in the second part of 2019.

In relation to the results of screening related to Nutrition and Health Claims, experts support to MoH is needed in drafting guidelines in this area which will effectively implement legislative measures and ensure the necessary administrative capacity. It will improve legislation quality and enhance cooperation among the market surveillance authorities. The PLAC III project assistance is therefore crucial for the implementation of the NPAA in this sector and in meeting the opening benchmarks set for Ch. 12.

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 Ministry of Health (MoH) in harmonisation with relevant Union acquis and its proper implementation. more specifically, the support to the Sanitary Inspection in drafting the Guidelines in the area of Information on Nutrition and Health Claims for the proper use of Nutrition and Health Claims and providing reliable and truthful information to consumers. The expert's assistance will contribute to strengthening of administrative capacities of the sanitary inspectorate as well.

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

- Support to the Sanitary Inspection in drafting a Guide for the implementation of the Rulebook on nutrition and health claims made on food
- Support to the MoH in full harmonisation with relevant EU Regulations (Regulation (EC) No 1924/2006 on nutrition and health claims made on foods, Commission Regulation (EU) No 432/2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health and proper implementation)
- Holding and organising a workshop on presentation of the draft Guide for the implementation of the Rulebook on nutrition and health claims made on food - national guidelines in the area of Information on Nutrition and Health Claims for the proper use of Nutrition and Health Claims and true information on consumers, including presentation of the practical experiences of the selected EU member states in the proper implementation of EU legislation (i.e. official controls of food with nutrition and health claims placed on the market, monitoring plans, etc.).

3.2 Requested services

The Senior NKE in the area of food safety and consumer affairs is expected to provide the following services:

- a) Assist the MoH in drafting a Guide for the implementation of the Rulebook on nutrition and health claims made on food
- b) Prepare and conduct a workshop with several topics (indicative): presentation of the national Guide for the implementation of the Rulebook on nutrition and health claims made on food, a proper implementation of the rules on nutrition and health claims on food as well as examples of the best practices in the selected EU member states regarding the implementation the EU Regulations related to nutrition and health claims on food

3.3 Outputs

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

- A draft Guidelines for the implementation of the Rulebook on nutrition and health claims made on food
- 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 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

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

15 working days (WDs) in total have been planned for Senior Non-Key Expert.

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 August 2019 until March 2020 at latest and starting, at the earliest, from 20 August 2019 onwards. However, the 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 Belgrade, Serbia.

4. Expert's Profile - Senior NKE (15 working days):

4.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years attested by a diploma such as law, food science 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 related to Ch. 12 food safety acquis gained in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- Postgraduate professional experience in the field of harmonisation of legislation with Union Nutrition and Health Claims acquis, gained in an EU member state, candidate or potential candidate country
- Previous professional experience in the implementation of Union legislation related to Nutrition and Health Claims made on food (Regulation (EC) No 1924/2006 on nutrition and health claims made on foods, Commission

Regulation (EU) No 432/2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health and proper implementation) and/or Regulation (EU) No 1169/2011 on the provision of food information to consumers. gained in an EU member state, candidate or potential candidate country, would be an advantage.

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to mbayard@dmiassociates.com and ehoward@dmiassociates.com no later than 14 July 2019, 17:00 hrs, titled: **"Application for the position – Senior NKE in the area of Food Safety, Health and Nutrition Claims Made on Food"**

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.

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

For more information, please contact Project Manager at DMI Associates Marion Bayard: mail to mbayard@dmiassociates.com or Elizabeth Howard ehoward@dmiassociates.com