



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 Negotiating Ch. 27, Environment and Climate Change, Harmonisation of European Waste Catalogue and Hazardous Waste List with UN number of Dangerous Goods
<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. 27; The Ministry of Environmental Protection and Ministry of Construction, Transport and Infrastructure
<b>Budget Line / Expert Category:</b>	One Senior and One Junior Non-Key Expert
<b>Duration of the assignment:</b>	30 working days (WD), from September 2019 until March 2020 (10 WD SNKE and 20 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 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 27 – Environment and Climate Change**

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and Climate Change. The Second draft of the Negotiating position has been sent in December 2018. In line with the results of explanatory and bilateral screening for Chapter 27, NPAA 3.27.2 National Programme for Adoption of Acquis (Last revision of February/March 2018), Post screening document and Progress report 2019, Serbia has to make progress in transposing and implementing Waste Framework Directive 2008/98/EC amending Directive 2008/98/EC, Regulation (EC) No 1013/2006 on shipments of waste in relation to Basel Convention and the Control of Transboundary Movement of Hazardous waste and their Disposal and European Agreement on the International Carriage of Dangerous Goods ADR/AND/RID. Serbia 2019 Country Report issued by the European Commission states that Serbia has some level of preparation in the area of environment and climate change. In the coming year Serbia should in particular enhance administrative and financial capacity of the public administration authorities and intensify implementation and enforcement work, such as closing non-compliant landfills, investing in waste reduction, separation and recycling. No progress has been made on medical and hazardous waste.

In the European Union (EU), shipments of waste across borders are regulated by Regulation (EC) No. 1013/2006 on shipments of waste, known as the Waste Shipment Regulation. This Regulation implements the provisions of the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" as well as the OECD Decision. The Regulation includes a ban on the export of hazardous wastes to non-OECD countries ("Basel ban") as well as a ban on the export of waste for disposal outside the EU/EFTA area.

The Law on Waste Management (LWM) in RS was adopted in 2009, as well as a large number of by-laws. In 2016, new amendments of the LWM were adopted, by which a large number of provisions of Directive 2008/98/EC (Waste Framework Directive - WFD) have been transposed into the national law. Several draft by-laws pertaining to the existing Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 69/09, 88/10 and 14/16) were prepared in 2018, and all of the mentioned by-laws are currently in the procedure of adoption. In this connection, the type Hazardous Waste List on waste management operations such as collection, transport and recovery or disposal operation of hazardous waste and transboundary movements of hazardous waste shall be defined with the provisions laid down in the proper amendments of the relevant secondary legislation – e.g. Rulebook on categories, testing and classification of waste ("Official Gazette of the Republic of Serbia", No. 56/10), Rulebook on the content of documentation submitted in support of the application for permit for import, export and transit of waste ("Official Gazette of the Republic of Serbia", No. 60/09, 101/10, 48/17, 80/17,98/17 and 38/18), the Rulebook on manner of storing, packing and labelling of hazardous waste ("Official Gazette of the Republic of Serbia", No. 92/10) and other.

In accordance with the existing Law on Waste Management, relevant bodies (Ministry, AP Vojvodina Secretariat and local self-governments) issue permits, keep permits register and submit the data from the permits register to the Environmental Protection Agency (EPA). EPA keeps a register of issued waste management permits on the territory of the Republic of Serbia. The database is available on the EPA webpage.

Transport of hazardous waste in Republic of Serbia is regulated by the Law on Waste Management. The waste carrier is obliged to carry out transport in accordance with the permit of transport of hazardous waste and the requirements that are regulated by special transport regulations. In the Republic of Serbia, the transport of dangerous goods is regulated through Law on Transport of Dangerous Goods ("Official Gazette of RS" No. 104/16 and 83/18) and the ratified international agreements: European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), Regulations Concerning the International Carriage of Dangerous Goods by Rail (RID) and European Agreement Concerning the International Carriage of Dangerous Goods by Inland

Waterways (ADN). This Law regulates the conditions for conducting domestic and international transport of dangerous goods by road, railway and inland waterway transport on the territory of the Republic of Serbia, mobile equipment under pressure, i.e. tank, or means of transport intended for the transport of dangerous goods, conditions for appointing bodies that examine and control the packaging, responsibilities of state authorities and organizations in the transport of dangerous goods, conditions and obligations to be fulfilled by participants in the transport of dangerous goods, supervision, as well as other issues related to the transport of dangerous goods.

To achieve more efficient implementation of laws and regulations related to transport of dangerous goods and waste management, it is necessary to determine the relationship between UN numbers of dangerous goods and hazardous waste index numbers, especially those which are directly connected and described as substances potentially harmful to the environment (liquid and/or solid). PLAC III project assistance is needed to further harmonise the Law on Transport of Dangerous Goods given the frequent changes in the international field. In this context, in the area of transport of hazardous waste as part of the transport that belongs to the transport of dangerous goods, aligning the national legislation with the *acquis* and reorganizing responsible institutions in the most effective manner for the application and enforcement of the relevant *acquis*, have been given the utmost priority.

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 to relevant competent authorities (CAs), the Ministry of environmental protection (MoEP) - Waste Management Department, and the Ministry of construction, transport and infrastructure (MoCTI) - the Group for the Transport of Dangerous Goods in harmonisation of the national laws in area of hazardous waste in a relation to dangerous goods and the inspection/control with the Union *acquis* and ratified international agreements in the field. It is expected that the development of a Manual on the transport of dangerous goods (including waste) will not only assist the administration in the implementation of the relevant national legislation on the transport of dangerous goods but it will be of benefit to the waste operators involved in the transport of hazardous waste in accordance with Basel Convention.

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

- Review of the existing national legislation on the transport of dangerous goods
- Preparation of a Manual on the transport of dangerous goods
- One day workshop for CAs and waste operators

#### **3.2 Requested services**

**The Senior NKE in the area of transport of dangerous goods is expected to provide the following services:**

- a) Prepare a Manual on the transport of dangerous goods which should cover criteria for and improvement of the procedures for to the Competent authorities (CAs) in the line with the best practices in EU countries (procedures for safety checking, conditions for issuing the identification mark, positioning and tracking in the transport of hazardous waste in relation with a vehicle register for the transport of dangerous goods and recommendation for inspection control of CAs). It will allow for a UN number of dangerous goods to be assigned in line with the EU Waste Catalogue (EWC) list of hazardous waste.
- b) Prepare and conduct a Workshop for CAs and relevant waste operators

**The Junior NKE in the area of transport the following services:**

- a) Prepare a review of the national legislation on the transport of dangerous goods with recommendations

for alignment with the waste acquis and the ratified international agreements with accompanying ToCs for Directive 2008/68/EC on the inland transport of dangerous goods, Directive 2010/35/EU on transportable pressure equipment and Regulation (EC) No 1013/2006 on shipment of waste.

- b) Conduct analysis of and collect information on records of inspection controls of transport obtained from MoEP and MoCTI administration according to the waste Permits Register for the transport of hazardous waste in the territory of RS and the vehicle Register for the transport of dangerous goods on the territory of RS obtained from MoCTI administration in line of the EWC list with UN number of dangerous goods necessary for completion of the Manual.
- c) Prepare and conduct a Workshop and present the findings

### 3.3 Outputs

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

- a) A Manual on the transport of dangerous goods containing procedures for the Competent authorities (CAs) in the line with the best practices in EU Member States (see 3.2.a)
- b) Workshop held

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

- a) A review of national legislation on transport of dangerous goods containing ToCs for Directives on transport: 2008/68/EC on the inland transport of dangerous goods and Directive 2010/35/EU on transportable pressure equipment and Regulation (EC) No 1013/2006 on shipment of waste
- b) A report on analysis of records of inspection controls of transport on dangerous good and hazardous waste in the territory of RS
- c) 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 both 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**

10 working days (WDs) in total have been planned for Senior Non-Key Expert and 20 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 September 2019 until March 2020 at latest and starting, at the earliest, from 30 September 2019 onwards. However, the exact starting date will be agreed at a later stage.

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

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

#### **3.6.4 Working language**

English

### **4. Expert's Profile - Senior NKE (10 WD):**

#### **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 in law, environmental engineering, transport engineering 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 the harmonisation of legislation in relation to Union *acquis*, 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 either Council Directive 94/55/EC on the transport of dangerous goods by road, Directive 2008/68/EC on the inland transport of dangerous goods and Directive 2010/35/EU on transportable pressure equipment
- Postgraduate professional experience in developing laws or developing procedures (legislative or other measures) on transport of hazardous waste in a relation to dangerous goods
- Postgraduate professional experience as a safety advisor in transport of dangerous goods or/and hazardous waste in a relation to dangerous goods will be an advantage

### **5. Expert's Profile - Junior NKE (20 WD):**

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

- A level of education, which corresponds to completed university studies of at least 3 years attested by a diploma on transport engineering, law, environmental engineering 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

**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 developing legislation and/or ToC related to Union waste management *acquis* gained in an EU member state, candidate or potential candidate country
- Professional experience or knowledge related to transport on hazardous waste in a relation to dangerous goods will be an advantage
- Knowledge of 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 9 September 2019, 17:00 hrs, titled: **“Application for the position – Senior or Junior NKE in the area of Ch. 27, Environment and Climate Change; Harmonisation with European Union legislation on European Waste Catalogue and Hazardous Waste List with UN numbers of Dangerous Goods”**.

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)