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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, Veterinary and Phytosanitary Policy; Official Controls and Authorisation and Coordination of Official Laboratories
<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 The Ministry of Agriculture, Forestry and Water Management (MAFWM); Ministry of Health (MoH)
<b>Budget Line / Expert Category:</b>	Senior Non-Key Expert (SNKE) and Junior Non-Key Expert (JNKE)
<b>Duration of the assignment:</b>	40 working days (WD), from October 2019 until March 2020 (20 WD for SNKE and 20 WD for 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 12 – Food Safety, Veterinary and Phytosanitary Policy**

Chapter 12 is one of the most demanding parts of the Union acquis because of a wide range of legislation that have to be transposed and implemented. The most of the provisions, beside the demanding rules for animal and plant health, safety of food, feed and animal products, require a significant investment in food establishments, agriculture, biosecurity measures and also represent trade challenges. The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 12 – Food Safety, Veterinary and Phytosanitary policy. The Country progress report 2019 of the European Commission and audits done by EU Food and Veterinary Office (FVO) state that Serbia has some improvement in the area Food Safety, Veterinary and Phytosanitary policy. Some progress has been made in further aligning with the acquis, strategic planning and addressing the recommendations from previous reporting years.

The Country progress report 2019 further states that 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. The report recommends the institutional sustainability of the National Reference Laboratories Directorate and its adequate staffing to be ensured as a matter of priority. 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
- consistently apply and improve the risk-based approach to sanitary control at borders.

In connection to the third point of the EC report, the application of the EU Official Controls Regulation will be crucial to ensure the compliance of the rules laid down in the Animal Health Law, Plant Health Law and in other legislations regulating food safety. Regulation (EU) 2017/625 aims to create an integrated and uniform approach to official controls and activities along the agri-food chain, food, feed, plant and animal health. The Regulation lays down general rules for the performance of official controls to verify compliance with rules aiming, in particular, at preventing, eliminating or reducing to acceptable levels risks (either direct or coming from the environment) to humans and animals, and guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information. The NPAA for 2020 (2Q) states that by the Law on food safety and a new Law on official controls transposing Regulation (EU) 2017/625, a full compliance will be achieved by the end of 2020.

At this moment, after the amendments to Food Safety Law are adopted, there is no by-laws that regulate official control for food, as a very sensitive question of public interest. Some provisions are stipulated in different laws or by-laws (Law on Veterinary Matters, Law on Inspection Supervision), but regarding transposition of the Union Regulation on official controls, (even though certain provisions on definitions, tools, measures, education, audit exist in Serbian legislation) it has not been done at the desirable level. The comprehensive controls of food at any stage of production and placing on the market, is not properly addressed and regulated. There is no legal act which transpose Regulation (EC) No 882/2004<sup>1</sup> on official controls in full.

With adoption of amendments on Law on Food Safety, OG RS, no 17/19, article 3, paragraph 4 (amending article 12, paragraph 3), the legal basis for preparing a Rulebook on official controls of food is established. Within this

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<sup>1</sup> From 14<sup>th</sup> December 2019, Regulation 882/2004 will be repealed by Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products. The new rules will gradually become applicable with the main application date being 14 December 2019.

article, the clear division of tasks and competencies between Ministry of Agriculture and Ministry of Health have been done, so there is no overlapping in performing food control activities as it used to be, which will relax the organisation of official controls as well as preparation of supporting documents (multiannual control plan, check lists, etc).

PLAC III project's support is needed in drafting national regulation (a Rulebook) related to official control of food which is in line with the relevant provisions of Regulation (EU) 2017/625 on official controls as well as the support in drafting a Rulebook on the criteria related to authorisation of laboratories for performing official control of food in line with Regulation (EU) 2017/625 on official controls and other official activities.

*IPA Project titled "Capacity building for the alignment with the acquis in the areas of agriculture, rural development, food safety, veterinary and phytosanitary policy" has started in January 2019 and is aimed at further harmonisation of national legislation with the acquis and development of the capacities for its enforcement. Considering a longevity of the legislative process for a law drafting including the parliamentary procedures for adoption, the MAFWM and Ministry of Health have agreed to transpose as much as possible of the provisions from the Regulations through adopting relevant by-laws based on the existing Law on Food Safety, OG RS, no 17/19. It is agreed that regular exchange of information between IPA Project and PLAC III Project will be ensured.*

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

#### **3.1 Specific objectives**

The specific objective of this assignment is to provide assistance and support to the MAFWM and MoH in drafting national regulations related to official control of food and preparation of suitable system of authorisation and coordination of official laboratories for food testing, including designation of reference laboratories all in line with relevant provisions of Regulation (EU) 2017/625. At the same time the provisions of the Regulations that sets out rules for the designation of the laboratories carrying out analysis, tests or diagnoses for official controls related to food sampling and the conditions to be designated need to be transposed as well. Accreditation to EN ISO/IEC 17025 remains a mandatory condition for the designation of all official control laboratories under the Regulation.

#### **3.2 Requested services**

**The Senior NKE in the area of Official Controls and Authorisation and Coordination of Official Laboratories is expected to provide the following services:**

- a) Assisting the Ministries in drafting of a national regulation/rulebook related to official control of food and preparation of suitable system of authorisation and coordination of official laboratories for performing of food testing, including designation of reference laboratories in line with relevant provisions of Regulation (EU) 2017/625 and having in mind requirements for the designation of the laboratories carrying out analysis, tests or diagnoses for official controls and the conditions to be designated related to food.
- b) Support in drafting criteria stipulated in the Rulebook related to authorisation of laboratories for performing official control of food which is in line with Regulation (EU) 2017/625 on official controls and other official activities.

**The Junior NKE in the area of Official Controls and Authorisation and Coordination of Official Laboratories is expected to provide the following services:**

- a) Assisting the Ministries in drafting procedure based on the draft national regulation/rulebook on official controls.
- b) Assisting the Ministries in drafting ToCs related to EU provisions regulating authorisation of laboratories within separate Rulebook.

#### **3.3 Outputs**

Senior NKE is expected to deliver the following outputs:

- A draft rulebook on official controls of food
- A draft rulebook for authorisation and designation of laboratories in line with Regulation (EU) 2017/625.

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

- A draft procedure for tools for performing inspection, verification, screening, targeted screening, sampling, and laboratory analysis, testing and diagnosis based on the draft rulebook on official controls
- ToC related to EU provisions regulating authorisation of laboratories

### **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 both NKEs 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**

20 working days (WD) have been planned for Senior Non-Key Expert and 20 working days (WD) 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 October 2019 until February 2020 at latest. 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 (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 attested by a diploma such as veterinary, food safety, law, agriculture 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 Ch. 12 Union *acquis*, gained in an EU member state, candidate or potential candidate country

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

- Postgraduate professional experience in developing a system of official controls and designation of laboratories in line with the Union *acquis* requirements, gained in an EU member state, candidate or potential candidate country
- Postgraduate professional experience in transposition and/or implementation of Regulation (EC) No. 882/2004 and Regulation (EU) No. 2017/625 will be an advantage

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

### **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 in veterinary field, law, food safety 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 harmonisation of legislation in relation to EU *acquis* gained in an EU member state, candidate or potential candidate country

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

- Postgraduate professional experience in drafting national legislation aligned to Ch. 12 of Union *acquis*
- Postgraduate professional experience with drafting Tables of Concordance (ToC)
- 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@dmiasociates.com](mailto:mbayard@dmiasociates.com) and [ehoward@dmiasociates.com](mailto:ehoward@dmiasociates.com) no later than October 21, 17:00 hrs, titled: **“Application for the position – Senior or Junior NKE in the area of Ch. 12 - Official Controls and Authorisation and Coordination of Official Laboratories”**

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 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@dmiasociates.com](mailto:mbayard@dmiasociates.com) or Elizabeth Howard [ehoward@dmiasociates.com](mailto:ehoward@dmiasociates.com)