



Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of Negotiating Ch. 27, Environment and Climate Change; Institutional assessment and stakeholder mapping re. to Nagoya Protocol
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. 27; Ministry of Environmental Protection
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	15 working days (WD), from November 2019 until June 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 27 – Environment and Climate Change

Environmental protection is recognised as one of the most challenging and complex acquis when it comes to harmonisation of national legislation with the EU standards and norms. Moreover, implementation of the legislative norms in environmental sector requires significant investments. Adequate and efficient institutional set up and capacities at national and local level is imperative for the application and enforcement of the environmental acquis.

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and Climate change. Serbia 2019 Report issued by the European Commission states that Serbia has some level of preparation in the area of environment and climate change. Some progress has been made in further aligning with the acquis, strategic planning and addressing previous years' recommendations.

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 nature protection related acquis. Nature protection in Serbia has been regulated by the framework Law on Environmental Protection, Law on Nature Protection, and relevant bylaws and other sectoral laws. The Law on Ratification of the Convention on Biological Diversity (adopted on 3 January 2002) provides the basis for action in reversing the loss of biodiversity and developing the protection of its valuable natural resources. As a party to the UN Convention on Biodiversity, Serbia is expected to support three basic objectives: a) conservation on biological diversity; b) sustainable use of its components; and c) fair and equitable sharing of benefits arising from the utilization of genetic resources. The Law also provided legal basis for Serbia to develop its first National Biodiversity Strategy and the Action Plan for the period 2011-2018 and allowed its' later on review process coordinated by the Ministry of Environmental Protection. In addition, Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization was signed in September 2011, on the margins of 66th Session of UN General Assembly. The Republic of Serbia ratified the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity in September 2018. Protocol came into force for Serbia on 28 January 2019.

Implementation of Nagoya Protocol will be fully in place in 2020, after the revision of the national legislation related to nature protection. This process is followed by implementation of the Regulation (EU) No 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union and related Implementing Regulation.

The assistance of PLAC III project is needed to support the Ministry by assessing the institutional set up and further institutional needs in order to implement obligations arising from the Nagoya protocol and of provisions of Regulation (EU) 511/2014 on compliance measures for users from the Nagoya Protocol.

At present, there is no on-going 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 Environmental Protection in implementation of Regulation 511/2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union (Nagoya Protocol) and CIR (EU) 2015/1866 as regards the register of collections, monitoring user compliance and best practices.

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

- Identify and analyse the existing legislation of the Republic of Serbia relevant for the "access and benefit sharing" concept or access and benefit sharing (ABS);
- Perform institutional gap-need assessment and prepare recommendations for further upgrading of institutional set up for proper implementation of Regulation (EU) No 511/2014 (Nagoya Protocol) and CIR (EU) 2015/1866 as regards the register of collections, monitoring user compliance and best practices
- To provide guidance for implementation of stakeholder mapping and identify possible approaches to the stakeholder involvement in this area
- To deliver one-day workshop on the results of the work

3.2 Requested services

The Senior NKE in the area Compliance measures for users from the Nagoya Protocol is expected to provide the following services:

Prepare a Report on the Legal-gap assessment (LGA report) of relevant legislation; and overview of identified gaps and potential inconsistencies performed from the perspective of the provisions of Regulation (EU) No 511/2014 (Nagoya Protocol) and CIR (EU) 2015/1866 in particularly those related to designation of competent authorities (Art. 6 of Reg. 511/2014), establishment of check-points of compliance for all recipients of research funding involving the utilisation of genetic resources and traditional knowledge associated with genetic resources (Art. 7.1 and 7.2 of Reg. 511/2014) and dissuasive penalties applicable to infringements (Arts 11.1 and 11.2 of Reg. 511/2014)

- Identify key stakeholders who will be affected by the implementation of Regulation (EU) No 511/2014 and CIR (EU) 2015/1866 and prepare a report on the institutional gap-need assessment and recommendations for further upgrading of institutional set up for proper implementation of Regulation (EU) No 511/2014 (Nagoya Protocol) and CIR (EU) 2015/1866
- Deliver one-day workshop reflecting the work done with focused on institutional set up and stakeholder mapping with possible approaches to the stakeholder involvement in this area especially as regards the register of collections, monitoring user compliance and best practices.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- A report on LGA and on the institutional gap-need assessment and recommendations for further upgrading of institutional set up for proper implementation of Regulation (EU)

No 511/2014 (Nagoya Protocol) and CIR (EU) 2015/1866 as regards the register of collections, monitoring user compliance and best practices drafted

- Workshop delivered

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:

The 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

SNKEs 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 November 2019 until June 2020 at latest. 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.

3.6.4 Working language

English.

4. Experts' 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, environment, nature conservation 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 the harmonisation of legislation in relation to Negotiating Ch. 27, Union environmental and climate change acquis, gained in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- At least 3 (three) years of postgraduate professional experience in performing legal and institutional gap analysis and/or planning transposition and implementation and/or drafting legislation in relation to Union acquis related to nature protection, gained in an EU member state, candidate or potential candidate country
- Postgraduate professional experience working with implementation of Nagoya Protocol
- Postgraduate professional experience in designing and delivery of trainings related to the Nagoya Protocol implementation 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 and ehoward@dmiassociates.com no later than 11 November 2019, 17:00 hrs, titled: "Application for the position Senior NKE in the area of Environment and Climate Change, Ch. 27 - Institutional assessment and stakeholder mapping re. to Nagoya Protocol."

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.

Pre-selected experts will be requested to sign 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 and within the number of working days requested.

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:email to mbayard@dmiassociates.com or Elizabeth Howard ehoward@dmiassociates.com