



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

Technical assistance requested:	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, Drafting Guidelines for the Border Veterinary Inspection Policy and Legal Advice Centre (PLAC III), Serbia
Project Title:	EuropeAid/139295/DH/SER/RS
Ref:	(CRIS) 2018/404-529
Service Contract No.:	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Main beneficiary:	Negotiating Group Ch. 12; The Ministry of Agriculture, Forestry and Water Management (MAFWM)
Target Beneficiaries:	Senior Non-Key Expert (SNKE) and Junior Non-Key Expert (JNKE)
Budget Line / Expert Category:	40 working days, from December 2019 until April 2020 (20 WD for SNKE and 20 WD for JNKE)
Duration of the assignment:	

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 part of the Union acquis because of a wide range of legislation that have to be transposed and implemented. 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 – Inspection 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. 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.

The application of the EU Official Controls Regulation (Regulation (EU) 2017/625 on official controls) 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 on official controls aims to create an integrated and uniform approach to official controls along the agri-food chain. 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 to humans and animals, either directly or through the environment and guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information.

Food fraud is the topic that requires special attention since it is the act of intentionally altering, misrepresenting, mis-marking, replacing or replacing any food product at any time along the food supply chain. On top of that, these fraudulent practices in the food sector may also lead to severe public health risks. Some of examples that have drawn worldwide attention regarding food fraud were in 1981 in Spain: the "rapeseed oil" fraud intended for industrial use affected about 20.000 people or in 1999, in Belgium: dioxin found in food resulted in massive economic losses; and most recently in 2012-2014, Czech and Poland: methanol poisoning from the sale of illegal spirits causing around 59 casualties, etc. In the wake of the horse meat scandal, the European Parliament's 2013 resolution called on the Commission "to give food fraud the full attention it warrants and to take all necessary steps to make the prevention and combating of food fraud an integral part of EU policy". The EU countries and the Commission agreed on 19 concrete measures to reinforce the EU's action against food fraud. These measures were presented to the AGRIFISH Council on 9 October 2017. The protection of consumers against fraudulent practices by unethical businesses is a challenge that requires increased cross-border cooperation among administrations.

The importance of food fraud training and training for the non-compliant approved countries and facilities is important for border veterinary inspectors to become familiar with this area for general product safety reasons that will contribute to the protection of human and animal health.

At this moment, a legal act that regulated official control of food, a very sensitive question of public interest is to be drafted through PLAC III project assistance and will be finalised by March 2020. As for the legislation in force, parts of the provisions regulate some of the area in different laws and by laws (Law on Veterinary Matters (OG No. 91/05,30/10,93/12 I 17/19), Law on Inspection Supervision (OG No 36/2015,44/2018 , 95/2018) , Law on food safety (OG No 41/09 I 17/19). Nevertheless, regarding transposition of the Regulation (EU) 2017/625 on official controls, certain definitions, tools, measures, training of staff exist in Serbian legislation in force but are not regulated at adequate level. There is no legal act which transpose the Regulation on official controls (Regulation (EC) No 882/2004)¹ in full.

¹ From 14th 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

PLAC III project support is needed in drafting Guidelines for border veterinary inspectors in the area of food fraud with the an emphasis on fishery products which is in line with Regulation no. 882/2004 and relevant provisions of Regulation (EU) 2017/625 on official controls as well as the support in drafting Guidelines for border veterinary inspectors to find non-compliant establishments from the approved third countries and approved establishments in line with Regulation no. 882/2004 and Regulation (EU) 2017/625 on official controls and other official activities

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 and support to the MAFWM in drafting Guidelines for border veterinary inspectors in the area of food fraud with the an emphasis on fishery products which is in line with Regulation (EU) 2017/625 on official controls as well as the support in drafting Guidelines for border veterinary inspectors to find non-compliant establishments from the approved third countries and approved establishments in line with Regulation (EU) 2017/625 on official controls and other official activities.

3.2 Requested services

The Senior NKE in the area of food fraud is expected to provide the following services:

- a) Assisting the Ministry in drafting Guidelines for border veterinary inspectors in the area of food fraud with an emphasis on fishery products which is in line with Regulation no. 882/2004 and relevant provisions of Regulation (EU) 2017/625 on official controls
- b) Assisting the Ministry in drafting Guidelines for border veterinary inspectors to find non-compliant establishments from the approved third countries and approved establishments in line with Regulation no. 882/2004 and Regulation (EU) 2017/625 on food fraud area.
- c) Organise and conduct 2-day training/retreat for border veterinary inspectors

The Junior NKE in the area of food fraud is expected to provide the following services:

- a) Assist the Ministry in performing a legal and institutional gap analysis in the area of border veterinary controls and provide the recommendations how to improve and align with Union acquis in this area.
- b) Co-prepare and participate in 2-day training/retreat for border veterinary inspectors

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

- A Guidelines for border veterinary inspectors in the area of food fraud with an emphasis on fishery products drafted
- A Guidelines for border veterinary inspectors to find approved third countries and approved and non-compliant establishment drafted
- A 2-day training/retreat for border veterinary inspectors held

Junior NKE is expected to deliver the following outputs:

- A Legal and institutional gap analysis report and the recommendations drafted
- A 2-day training/retreat for border veterinary inspectors held

3.4 Reporting

plant protection products. The new rules will gradually become applicable with the main application date being 14 December 2019.

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) in total 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 December 2019 until April 2020 at latest. However, the exact starting date will be agreed at a later stage.

3.6.3 Location/Place of assignment

The operational base for the SNKE and the JNKE for this assignment is Belgrade. Internal travel within Serbia may be required.

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 medicine, food safety, law 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 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)

- At least 2 years of postgraduate professional experience in implementation of Union's Regulations on official controls gained in an EU member state, candidate or potential candidate country
- Postgraduate professional experience in developing a system of official controls related to food fraud in line with the Union *acquis*, gained in an EU member state, candidate or potential candidate country

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 medicine, food safety, law 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 performing legal and/institutional gap analysis and/or drafting national legislation aligned to Ch. 12 of Union *acquis*
- 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 November 28, 2019, 17:00 hrs, titled: **"Application for the position – Senior or Junior NKE in the area of Ch. 12 – Official controls, Drafting Guidelines for the Border Veterinary Inspection "**

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 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

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