

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	One (1) Senior Non-Key Expert and one (1) Junior Non-Key Expert in the area of Negotiating Ch. 27, Environment and Climate Change, Waste Management - waste electrical and electronic equipment and the restriction of the use of certain hazardous substances in electrical and electronic equipment
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 and One Junior Non-Key Expert
Duration of the assignment:	50 working days (WD), from February 2020 until December 2020 (35 WDS NKE and 15 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 27 – Environment and Climate Change

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and Climate Change. In line with the results of explanatory and bilateral screening for Chapter 27, NPAA 3.27.2 National Programme for Adoption of Acquis and other relevant documents, Serbia needs to finalise the alignment with the acquis and conduct necessary reforms so as to demonstrate that it will be fully prepared for the implementation and the enforcement of the EU requirements at the date of accession. According to the NPAA, full transposition of the Union acquis is planned by the end of 2021. In this connection, in the area of waste management, further alignment of national legislation with the acquis is expected.

In 2015, the European Commission presented an ambitious Circular Economy Package, consisting of an EU Action Plan for the Circular Economy. Following this plan in 2018 the Directive 2012/19/EU on waste electrical and electronic equipment amended by Directive 2018/849 and Directive 2018/851 amended the Directive 2008/98/EC on waste. In this legislation new recycling targets for EU member states were set and the EPR system were promoted as the pillars to achieve these targets.

The Republic of Serbia is well on track in approximating its legislation in environmental field with that of the EU acquis. It became a priority to develop the legislation which will fully transpose the EU directives' requirements related to specific waste streams, such as waste electrical and electronic equipment (WEEE).

Currently the WEEE Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment and RoHS Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment are partially transposed into Serbian legislation by the Rulebook no. 99/10, RS Official Gazette, but only for those articles which are the same as in the former WEEE and RoHS EU legislation (Directive 2002/95/EC and Directive 2002/96/EC).

The institutional framework related to this field is established, but in order to finalise the transposition process it is necessary to strengthen the administrative capacity as to ensure the planning, monitoring and enforcement of the Directives' requirements. This also applies to the implementation of economic instruments, raising general public awareness, creating and operating an informational system regarding waste electrical and electronic equipment.

Directive 2011/65/EU lays down rules on the restriction of the use of certain hazardous substances in electrical and electronic equipment (EEE). RoHS provisions apply to EEE placed on the EU market regardless whether they are produced in the EU or in third countries and then imported into the EU market. RoHS 2 is necessary to prevent barriers to trade and distortion of competition in the Union, which could have been generated by disparities between the laws or administrative measures if these were adopted individually by the Member States and to contribute to the protection of human health and the environmentally sound recovery and disposal of waste EEE and, at the same time.

This is the reason why it is very important for Serbia, as a candidate country to the EU, to fully transpose the RoHS Directive into national legal framework, as part of the same package with the WEEE Directive.

The competent authority for transposition and enforcement of the EU legislation on waste electrical and electronic equipment as well as for the restriction of the use of certain hazardous substances in electrical and electronic equipment is the Ministry of Environmental Protection (MEP). The enforcement is ensured by the Sector for Precaution and Supervision of Environment, which is a part of the MEP, as well as by the Regional Inspectorate APV and the Ministry of Trade, Tourism and Telecommunications - Market Inspection (control of EEE placed on the market in terms of respecting the level of permitted substances).

The full transposition and implementation will ensure that Serbia is moving towards a circular economy road, therefore expert assistance is more.

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

- a) The specific objective of this assignment is to provide assistance to the Ministry of Environmental Protection (MEP) to transpose the Union acquis in waste sector in particularly Directive (EU) 2012/19/EU on waste electrical and electronic equipment and RoHS Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment. In addition, in order to ensure the coherence between different legal provisions, where relevant, a transposing legal act shall be aligned with Directive (EU) 2018/851 amending Directive 2008/98/EC on waste.
- b) The expert support to the MEP is also needed to assess the current institutional framework in order to identify how the responsibilities arising from the new EU policy shall be assigned having in mind the circular economy where waste hierarchy is promoted and waste are channelled back into the economy.

3.2 Requested services

The Senior NKE in the area of environment and climate change is expected to provide the following services:

- a) Perform a legal gap analysis and identify the legislative gaps and propose measures how to bridge them (the WEEE and RoHS Directives shall be addressed separately);
- b) Drafting and/or updating Tables of Concordance (ToC) on Directive 2012/19/EU on waste electrical and electronic equipment and on Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment;
- c) Assist the MEP in drafting legal act(s)¹ amending or recasting the relevant national legislation in force in line with the Directive 2012/19/EU on waste electrical and electronic equipment and Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment;

¹ The exact number and type of legal act(s) to be decided during the initial period of the implementation of the assignment



- d) Organise and deliver a workshop on main aspects related to the latest EU policy development to the representative of Ministry of Environmental Protection and present examples of best practice in the implementation WEEE management systems in two-three selected EU Member States - institutional framework related to WEEE efficient implementation.

The Junior NKE in the area of environment and climate change is expected to provide the following services:

- a) Prepare a report on the institutional and legal framework in Republic of Serbia related to waste management sector with focus on waste electrical and electronic equipment and on the restriction of the use of certain hazardous substances in electrical and electronic equipment - identifying how the responsibilities arising from the legislation in force are performed and on the fulfilment of the targets set by the Serbian national legislation (collection rate and recovery targets).
- b) Prepare and hold the WS in cooperation with the Senior NKE (see point 3.2. item d) and present the outputs of the assignment.

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

1. Legal gap analysis report drafted;
2. A table of concordance (ToC) on Directive 2012/19/EU on waste electrical and electronic equipment, the latest, updated and consolidated version drafted;
3. A table of concordance (ToC) on Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment, the latest, updated and consolidated version drafted;
4. A draft legal act² amending/recasting the relevant national legislation harmonised with the Directive 2012/19/EU on waste electrical and electronic equipment, the latest, updated and consolidated version and Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment drafted.
5. A workshop held

Junior NKE is expected to deliver the following outputs:

1. A report on the institutional and legal framework in the RS in waste management sector related to WEEE/RoHS including recommendations to achieve the rates/targets set up by WEEE Directive (collection rate and recovery targets) drafted;
2. Workshop held.

3.4 Reporting

The SNKE shall provide the following reports by using the templates of the Project:

- a) 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;

² The exact number and type of legal act(s) to be decided during the initial period of the implementation of the assignment

- b) A brief interim report - only upon a request of the PLAC III team: TL and/or KE2

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 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

35 working days (WDs) in total have been planned for Senior Non-Key Expert and 15 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 February 2020 to December 2020. 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 Serbia.

3.6.4 Working language

English.

4. Experts' Profile – Senior NKE (35 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 in law, natural or technical sciences 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 in harmonisation of legislation related to Ch. 27 Union acquis gained in an EU member state, candidate or potential candidate country.

4.3 Specific professional experience (50 points)

- At least 3 years of postgraduate professional experience in development of legislation and/or drafting and/or implementing strategies, policies in the waste management sector gained in an EU member state, candidate or potential candidate country;
- Postgraduate professional experience in transposition and/or implementation of Directive 2012/19/EU on waste electrical and electronic equipment and of Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment and drafting ToC, will be an advantage;
- Knowledge of Serbian legal system and/or EU negotiation process will be an advantage.

5. Experts' Profile – Junior NKE (15 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 law, natural or technical sciences 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.

5.2 General professional experience (25 points)

- At least 5 (five) years of general postgraduate professional experience in harmonisation of legislation with Union acquis gained in an EU member state, candidate or potential candidate country.

5.3 Specific professional experience (50 points)

- Postgraduate professional experience in waste management sector preferably with waste electrical and electronic equipment and restriction of the use of certain hazardous substances i.e. in developing waste management plans, waste characterization and/or morphology;
- Postgraduate professional experience in performing reviews of institutional and /or legal framework related to environmental sector will be an advantage;
- Knowledge of Serbian legal system, will be an advantage.

6. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to mbayard@dmiassociates.com and ehoward@dmiassociates.com no later than 10 January 2020, 17:00 hrs, titled:



“Application for the position – Senior or Junior NKE in the area of Environment and Climate Change, Ch. 27, Management of waste electrical and electronic equipment and on the restriction of the use of certain hazardous substances in electrical and electronic equipment”

References must be available on request. Only short-listed candidates will be contacted.

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.

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.

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