
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 - on batteries and accumulators and waste batteries and accumulators
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:	35 working days (WD), from February 2020 until December 2020 (20 WD SNKE 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 2006/66/EC on batteries and accumulators and waste batteries and accumulators¹ was amended by Directive 2018/849. Moreover, the Directive 2018/851 amending the Directive 2008/98/EC on waste comes with new requirements for the collective schemes that are implementing the extended producer responsibility.

The Republic of Serbia is in the process of fully aligning its environmental legislation with the EU acquis. The Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators was partially transposed through the Rulebook on Manners and Procedures of Used Batteries and Accumulators Management (Official Gazette of the Republic of Serbia, no. 86/2010) and the Law on Waste Management (“Official Gazette of the Republic of Serbia”, No. 36/2009, 88/2010 and 14/2016 - which provides the basic legal framework for the waste management in Serbia). Other relevant legislation is represented by the Regulation on Products (Official Gazette of the Republic of Serbia, no. 54/2010) establishing a database of producers/importers, reporting procedures and fees and the Governmental Order on Amount and Conditions for the Award of Incentive Funds (Official Gazette of the Republic of Serbia, no. 88/2009, 67/2010 and 101/2010).

Through the PLAC I project in 2014, the Ministry of the Environment has benefited from the project support in carrying out an assessment of the institutional capacities of the competent authorities and an assessment to establish if the current legislation creates an adequate legal basis for the correct and complete implementation of batteries and accumulators relevant EU Directives. This assistance under PLAC III project aims to follow up and build upon the results from PLAC I by taking into account the new legislative and policy developments at the EU level. To be more accurate, the legislative changes from 2018 have come with new requirements for the collective schemes including waste batteries and accumulators.

Moreover, there is a need to identify tailored implementation measures for Serbia, but not limited to: a national register on batteries and accumulators’ producers and importers, collective schemes for WBA management, funding the collection of waste batteries and accumulators and

¹ Hereinafter called WBA

treatment, data collection, monitoring the collection rates on a yearly basis according to the scheme set out in Annex I to Directive 2018/849 and providing of incentives for the application of the waste hierarchy, control and enforcement.

The harmonisation with EU acquis will include also secondary EU legal measures, which were not transposed into the national legislation:

- Commission Decision 2008/763/EC establishing a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users
- Commission Regulation No 1103/2010 establishing rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators;
- Commission Regulation No 493/2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators.

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 Directive' requirements. This also applies to the implementation of economic instruments, raising general public awareness, creating and operating an informational system regarding batteries and accumulators and waste batteries and accumulators.

Experts' assistance is needed and would be useful for Serbia in order to move much further towards the full transposition and implementation of the waste management acquis and strengthen the RS negotiating positions for the sector.

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 2006/66/EC on batteries and accumulators and waste batteries and accumulators as amended by Directive (EU) 2018/849**². In the context of the Union's commitment to making the transition towards a circular economy the Directive (EU) 2018/849 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulator, includes additional reporting provisions the member states must comply with and has introduced new article 22a requiring Member States to make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy such as those indicated in the new annex IVa to Directive 2008/98/EC.
 - **Directive (EU) 2018/851 amending Directive 2008/98/EC on waste** (only for the articles related to the implementation of the EPR system) in order to ensure the coherence between different legal provisions.

² Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment

- **Commission Decision 2008/763/EC** establishing a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users
 - **Commission Regulation (EU) 1103/2010** establishing rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators;
 - **Commission Regulation (EU) 493/2012** laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators.
- b) The experts' 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) Identify the legal gaps by drafting and/or updating Tables of Concordance (ToC) on Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, as amended, the latest consolidated version
- b) Assist the MEP in drafting legal act(s)³ amending or recasting the relevant national legislation in force in line with the Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, as amended, inclusive the secondary related EU acquis (see point 3.1, letter a)
- c) Organise and deliver a training 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 of WBA management systems in the selected EU Member States - institutional framework related to WBA efficient implementation and providing possible options for Serbia.

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 batteries and accumulators and waste batteries and accumulators - 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 for the portable waste batteries and accumulators and recycling targets for portable, automotive and industrial waste batteries and accumulators).
- b) Prepare and deliver a training 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:

³ The exact number and type of legal act(s) to be decided during the initial period of the implementation of the assignment

1. A table of concordance (ToC) on Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (as amended) drafted
2. A legal act⁴(s) amending/recasting the relevant national legislation harmonised with the Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as amended, inclusive the secondary related EU acquis (see point 3.1, letter a) drafted
3. A training delivered.

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 WBA including recommendations to achieve the rates/targets set up by the Directive (collection rate for the portable waste batteries and accumulators and recycling targets for portable, automotive and industrial waste batteries and accumulators) drafted
2. Training 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 and JNKE in the context of this assignment;
- 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.

⁴ The exact number and type of legal act(s) to be decided during the initial period of the implementation of the assignment

3.6 Expert input

3.6.1 Total working days

20 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 (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 in 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 EU legislation on batteries and accumulators and waste batteries and accumulators 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 natural or technical science 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 batteries and accumulators and waste batteries and accumulators 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 **7 February 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 batteries and accumulators and waste batteries and accumulators”.

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