

## Policy and Legal Advice Centre (PLAC III)

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

<b>Technical assistance requested:</b>	1 (one) Senior Non-Key Expert, EU Negotiating Ch. 3, Professional qualifications, in the field of specialisation of health workers
<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. 3; Ministry of Health
<b>Budget Line /Expert Category:</b>	One Senior Non-Key Expert
<b>Duration of the assignment:</b>	15 working days (WD), from May 2020 until October 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 3 – Right of Establishment and Freedom to Provide Services**

In the Republic of Serbia, the Ministry in charge of Chapter 3 is the Ministry of Trade, Tourism and Telecommunications (MTTT). Other ministries are also involved in the harmonisation of the Republic of Serbia (RS) legislation with Chapter 3 acquis (covering acquis areas of services, mutual recognition of professional qualifications and postal services) such as the Ministry of Education, Science, and Technological Development (MESTD., responsible for sub-chapter Professional qualifications), Ministry of Health, Ministry of Justice, Ministry of Finance, Ministry of Agriculture and Environmental Protection, Ministry of Construction, Transport and Infrastructure as well as other relevant institutions.

In connection with one of the opening benchmarks, the Programme on Professional Qualifications with the Action Plan (in continuation: The Programme) was adopted by the Government and by the EC in 2018 Serbia is invited to prepare the Negotiation position. By the date of the accession to the EU, all the outstanding parts of Chapter 3 acquis will have to be transposed into Serbian legislation, addressing the requirements of three general areas of the acquis.

Ministry of Health conducted the activities that are directed towards the adoption of legislation in the field of Health care. The national legislation in this area is regulated by the Law on Healthcare (Official Gazette of the RS, No. 25/19) and Law on the Chambers of Health Professionals (Official Gazette of the RS, No. 107/05 and 99/10). The Law on Healthcare regulates the health care system in the Republic of Serbia, its organisation, social care for the health of the population, the general interest in health care, supervision over the implementation of this law, as well as other issues of importance for the organisation and implementation of health care.

The Law on Healthcare provides professional development, which includes specialisation and sub-specialisation and continuing education, the adoption of the Professional Development Plan by the health institutions, the conditions for approval of specialisation and sub-specialisation in accordance with the Professional Development Plan, as well as requirements for specialisation in the understaffed fields of medicine, dentistry, and pharmacy. It also provides the obligation of the health professional or health associate to stay employed at the health institution from the Network Plan twice as long as than the period of specialization or sub-specialization, after passing the specialist exam.

In addition to the provisions of this Law, it is planned to adopt the Personnel Plan for employees in healthcare institutions from the Ministry of Health's Network Plan, based on the personnel analysis and steps to improve the personnel structure, from the database on the total number of personnel prepared by the Institute of Public Health of Serbia in cooperation with regional institutes of public health.

This area will be elaborated under Chapter 3 - Right of Establishment and Freedom to Provide Services, in part related to the mutual recognition of professional qualifications.

As part of Chapter 3, in the next period significant activities will take place in terms of drafting by-laws which regulates the Law on Health Care to comply with Directive 2005/36/EC on the recognition of professional qualifications and Directive 2013/55/EU amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System.

The adoption of these acts is planned within 18 months from the adoption of the Law on Health Care which will transpose the above-mentioned directives.

Having the above in mind, the assistance of PLAC III project to the MoH is needed to further harmonise with Directive 2005/36/EC and Directive 2013/55/EC. amending Directive 2005/36/EC on the recognition of professional qualifications.

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**

The specific objective of this assignment is to provide assistance to the Ministry of Health in harmonisation of by-law with Directive 2005/36/EC and Directive 2013/55/EC on the recognition of professional qualifications. The assistance will enhance harmonisation with relevant EU rules and their proper implementation.

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

1. Support the Beneficiary in drafting the amendments to the Rulebook on specialisations and sub-specialisations of health workers and health associates
2. Drafting a Programme for specialisation in the field of public health for medical doctors, as integral part of a. m. rulebook, in accordance with Directive 2005/36/EC on professional qualifications and Directive 2013/55/EC.

#### **3.2 Requested services**

The Senior NKE in the area of mutual recognition of qualifications for medical doctors is expected to provide the following services:

- a) Drafting amendments to the Rulebook on specialisations and sub-specialisations of health workers and health associates in accordance with Directive 2005/36/EC and Directive 2013/55/EC.
- b) Drafting a program for specialisation in the field of public health for medical doctors in accordance with Directives

#### **3.3 Outputs**

The Senior NKE is expected to deliver the following outputs:

- a) Amendments to the Rulebook drafted
- b) A Programme for specialization in the field of public health for medical doctors, drafted

#### **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 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 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**

The SNKE 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 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 May 2020 until October 2020. However, the starting date will be confirmed at the later stage.

#### **3.6.3 Location/Place of assignment**

The SNKE has to deliver 100% of the input in 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, economy, medicine 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 the field of EU Negotiating Ch. 3, recognition of professional qualifications, gained in an EU member state or candidate country

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

- Postgraduate professional experience in implementation of Directive 2005/36/EC on the recognition of professional qualifications and Directive 2013/55/EU amending Directive 2005/36/EC related to the area for health workers and health associates

-- Knowledge of Serbian legal system will be an advantage.

#### **5. Applications**

Applications (EU format CV and application letter in English) need to be submitted by e-mail to [mbayard@dmiassociates.com](mailto:mbayard@dmiassociates.com) and [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com) no later than 6 of April, 17:00 hrs, titled:

**“Application for the position – Senior NKE in the area of EU Negotiating Ch.3, professional qualifications in the field of specialisation of health workers”**

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