
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 - end-of-life vehicles
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:	40 working days (WD), from April 2020 until December 2020 (25 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 EU promotes strong climate action, sustainable development and protection of the environment. EU laws for Ch 27 contain provisions addressing climate change, water and air quality, waste management, nature protection, industrial pollution, chemicals, noise and civil protection.

The EU environmental policy is based on preventive action; the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of environmental protection into other EU policies. In recent years, Serbia has advanced in harmonising its legal framework with the environment *acquis*, but the implementation of the legislative norms in environmental sector requires significant further investments.

Following the 2019 European Commission Country report for Serbia, it can be said that Serbia *“has achieved some level of preparation in the area of environment and climate change. Limited progress was made in further alignment with the *acquis* and on strategic planning”*.

Regarding waste management, there is a good level of alignment with the *acquis* but the implementation is at an early stage. According to the National Programme for Adoption of *Acquis* 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. Thus, 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.

The Directive 2000/53/EC on **end-of life vehicles** (hereinafter: ELVs) is partially transposed through the following legal framework: Law on Waste Management (“Official Gazette of the Republic of Serbia”, No. 36/09, 88/10 and 14/16) and the Rulebook on the manner and procedure of end-of-life vehicle management (“Official Gazette of the Republic of Serbia”, No. 98/10).

According to the latest version of the Negotiation position for Chapter 27, in the area of waste management – ELVs, the full transposition will be achieved by the end of 2021 through revision of the following legal acts:

- Amendments of the Waste Management Law;
- Amendments of the Rulebook on ELVs;
- Amendments of other sub-legal acts related to products that become special waste streams i.e. related to the payment of fees for importing motor vehicles, economic incentives for the management of waste vehicles and the collection of reports from economic operators and competent institutions

Beside the fully alignment with the latest consolidated version of the Directive 2000/53/EC including the amendments from 2018 by the Directive 2018/849, the additional three EU measures shall be considered as well. 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 harmonisation with EU acquis will include three secondary EU legal measures, which were not transposed into the national legislation:

- Commission Decision No 2005/293/EC: laying down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in Directive 2000/53/EC;
- Commission Decision No 2003/138/EC: establishing component and material coding standards for vehicles pursuant to Directive 2000/53/EC;
- Commission Decision No 2002/151/EC: on minimum requirements for the certificate of destruction issued in accordance with Article 5(3) of Directive 2000/53/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 Directive' requirements. Necessary reforms are related to strengthening of the existing administrative capacity, which are involved in the planning and management, registration, control and monitoring process and the reporting system. It is important to emphasize that it is also necessary to create conditions for close cooperation between the competent authorities, and that it is necessary to strengthen the administrative capacities of the inspection bodies.

In order to support the Ministry responsible for Environmental Protection in 2014, the European Union provided technical support, through the Project Policy and Legal Advice Centre (PLAC I) in the early stages of the transposition of the ELV Directive. However, the policy documents developed during PLAC I project are outdated considering that the Directive 2000/53/EC was further amended by Commission Directive (EU) 2016/774, Commission Directive (EU) 2017/2096, and Directive (EU) 2018/849.

The selected experts' assistance is needed in order to move even further towards the full transposition and implementation of the end-of-life vehicles Directive, taking into consideration the latest amendments and to identify tailored implementation measures for Serbia, inter alia: collective schemes for ELVs, data collection, control and enforcement.

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 Environmental Protection (MEP) to transpose the Union acquis in waste sector related to ELV. 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) Perform a legal gap analysis and identify the legislative gaps and propose measures how to bridge them. The EU acquis in this field, subject of the LGA are:
 - Directive 2000/53/EC on end-of life vehicles with all its amendments (including Commission Directive 2016/774, Commission Directive 2017/2096, and Directive 2018/849);
 - Directive 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;
 - Commission Decision No 2005/293/EC: laying down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in Directive 2000/53/EC;
 - Commission Decision No 2003/138/EC: establishing component and material coding standards for vehicles pursuant to Directive 2000/53/EC;
 - Commission Decision No 2002/151/EC: on minimum requirements for the certificate of destruction issued in accordance with Article 5(3) of Directive 2000/53/EC.
- b) Drafting and/or updating Tables of Concordance (ToC) on Directive 2000/53/EC on end-of life vehicles, the consolidated version
- c) Assist the MEP in drafting legal act(s) amending or recasting the relevant national legislation in force in line with the Directive 2000/53/EC on end-of life vehicles, as amended, inclusive the secondary related EU acquis
- d) Organise and deliver a training (workshop) on main aspects related to the latest EU policy development to the representative of Ministry of Environmental Protection and present the main findings of the assessment process of Serbian legislation for ELVs, the proposed legal act(s)¹ amending/recasting the relevant national legislation harmonised with the Directive 2000/53/EC on end-of life vehicles, inclusive the secondary related EU acquis and provide advice as regards the mechanism or other instruments that will ensure the alignment with the relevant Union acquis.

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 ELVs and identifying how the responsibilities arising from the legislation in force are shared and performed including the fulfilment of the targets set by legislation.
- b) Provide a close support including recommendations to the beneficiary to examine the way of implementing the national legislation on ELVs, considering mainly the existing collection system, network of treatment facilities and the needs for additional collection and recovery

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

infrastructure, in order to achieve the national targets and future obligation raised from taking over the relevant EU acquis.

- c) Prepare and deliver a training in cooperation with the Senior NKE 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 the consolidated version of Directive 2000/53/EC on end-of life vehicles, drafted
3. A legal act(s)² amending/recasting the relevant national legislation harmonised with the Directive 2000/53/EC on end-of life vehicles, inclusive the listed secondary related EU acquis, drafted
4. 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 ELVs including recommendations how the responsibilities arising from the legislation in force are shared and performed including the fulfilment of the targets, 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.

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

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

25 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 April 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 (25 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 end-of life vehicles, will be an advantage

- Knowledge of Serbian legal system 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 in developing waste management plans, waste characterization and/or morphology preferably related to end-of life vehicles
- 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 **24 March 2020, 17:00 hrs**, titled:

“Application for the position – Senior or Junior NKE in the area of Environment and Climate Change, Ch. 27, Waste Management; End-of Life Vehicles”.

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.