

## Policy and Legal Advice Centre (PLAC III)

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

<b>Technical assistance requested:</b>	1 (one) Senior Non-Key Expert in the area of Negotiating Ch. 27, Horizontal legislation; Harmonisation of the INSPIRE implementing rules on interoperability of data sets and services
<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. 27; Ministry of Environmental Protection (MEP) and Republic Geodetic Authority (RGA)
<b>Budget Line /Expert Category:</b>	One Senior Non-Key Expert
<b>Duration of the assignment:</b>	30 working days (WD), from October 2020 until May 2021

### 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 27 - Environment and climate change**

The Negotiating Chapter 27 is one of the most crucial and difficult chapters in the process of the Republic of Serbia's accession negotiations with EU, especially in the area of Horizontal legislation. The aim for Republic of Serbia (RS) is to harmonise its legislation and achieve full legislative alignment in order to fulfil the aims of the EU environment and climate change policies.

In the Country Progress Report for 2019 the EC states that Serbia has achieved some level of preparation in the area of environment and climate change. In the Screening Report for Chapter 27 regarding horizontal legislation, the EU Commission holds that Serbia has achieved a high level of alignment with the EU horizontal legislation and is partially aligned with the SEA, EIA and Aarhus related Directives. It is recommended that Serbia needs to continue alignment with and enforcement of the ELD Directive. Serbia has submitted the Negotiation position to Ch. 27 to EU Commission in January 2020.

Serbia's Green Fund is still not fully operational. Secondary legislation on co-financing was passed but overall progress on environmental financing including on the level of funding is very low. Some steps were taken to strengthen administrative capacity, in particular for planning environmental infrastructure. Serbia needs more capacities to carry out qualitative public consultations, particularly at local level. Legislation on environmental impact assessments needs to be further aligned and its implementation strengthened. Strategic environmental assessments need to be done for plans and programmes from all relevant policy areas, not only environment. The alignment with and the implementation of the INSPIRE Directive is at an early stage. The necessary legislation, implementing capacity and infrastructure still need to be developed.

The assistance from PLAC III will contribute to and enhance harmonisation with relevant EU legislation and their proper implementation and provide a support in meeting the recommendations set by the EC for Chapter 27, especially regarding to alignment of the existing legislation.

The selected expert's assistance will contribute to, in particular, a higher level of knowledge of the INSPIRE legislation and implementing rules regarding data specifications. In this respect, the assistance provided under this assignment will complement the activities planned under IPA Project titled "Additional development of EU Environment approximation for Air, Chemicals and Horizontal acquis", (EAS 3) which started in January 2019. EAS 3 Project focused on the assessment of current EU approximation status of the country in relation to the selected EU Directives and Regulations from the Air, Chemicals and Horizontal (including INSPIRE) sector, developing strategic programme for ambient air quality protection and improvement, developing selected Directive and Regulation Specific Implementation Plans (DRSIP) and upgrading the Multiannual Financing Plan, in order to achieve an enhanced strategic policy,

legal and institutional environmental framework in the country and to support the upcoming negotiation process for the EU membership in the Chapter 27.

There is no overlapping between PLAC III and EAS 3 project.

### **3. Description of the assignment:**

#### **3.1 Specific objectives**

The specific objective of this assignment is to provide expert assistance to the Serbian Republic Geodetic Authority (RGA), as the institution competent for transposition and responsible for coordinating and monitoring the implementation of the Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community – hereinafter the INSPIRE Directive. INSPIRE is based on the infrastructures for spatial information established and operated by the Member States of the European Union. The Directive addresses 34 spatial data themes needed for environmental applications.

More specifically, the expert assistance is going to support the Centre for Geospatial Information Management, setting up a legal framework of the National Geospatial Data Infrastructure, as well as in preparation base for drafting regulation to implement the INSPIRE directive in national law according to the INSPIRE implementation rules on interoperability of data sets and services, more specifically, in the area of legislation of data specifications. The assistance will enhance harmonisation with relevant EU acquis and their proper implementation.

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

1. Assisting the RGA in transposition by drafting a Governmental Regulation (GR) on implementation rules on interoperability of data sets and services of the National Spatial Data Infrastructure in line with the INSPIRE legislation<sup>1</sup> relevant to the Data Specifications section of the INSPIRE Implementing Rules on interoperability of spatial data sets and services, and
2. Support to the beneficiary in drafting ToC and relevant supporting documents to the draft GR related to implications of the adoption of the Union acquis implementation rules and measures on interoperability of data sets and services of the National Spatial Data Infrastructure by the Government.

#### **3.2 Requested services**

**The Senior NKE in the area of horizontal legislation is expected to provide the following services:**

1. Assist the RGA in transposition and drafting a Governmental Regulation on implementation rules on interoperability of data sets and services of the National Spatial Data Infrastructure in line with the INSPIRE legislation relevant to the Data Specifications section of the INSPIRE Implementing Rules on interoperability of spatial data sets and services, transposing also provisions of the following acquis:

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<sup>1</sup> The listed legislation can be found on the following link <https://inspire.ec.europa.eu/Legislation/Data-Specifications/2892>.

- Commission Regulation (EU) No 1312/2014 amending Regulation (EU) No 1089/2010 implementing the INSPIRE Directive
- Commission Regulation (EU) No 1253/2013 amending Regulation (EU) No 1089/2010 implementing the INSPIRE Directive
- Commission Regulation (EU) No 102/2011 amending Regulation (EU) No 1089/2010 implementing the INSPIRE Directive
- Commission Regulation (EU) No 1089/2010 implementing the INSPIRE Directive

## 2. Support the beneficiary in drafting:

- Table of Concordance of the relevant Union acquis listed above and the draft Governmental Regulation (GR) on implementation rules on interoperability of data sets and services of the National Spatial Data Infrastructure
- A supporting document related to implications and effects of the adoption of the Union acquis implementation rules and measures on interoperability of data sets and services of the National Spatial Data Infrastructure.

### 3.3 Outputs

**Senior NKE** is expected to deliver the following outputs:

1. Governmental Regulation on interoperability of data sets and services of the National Spatial Data Infrastructure, drafted
2. Tables of Concordance drafted
3. A supporting document related to implications and effects of the adoption of the Union acquis implementation rules and measures, 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 mission 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 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 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**

30 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 in the period from October 2020 until May 2021. 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, unless otherwise agreed due to extraordinary circumstances (i.e. COVID-19). Home-based days are subject to a prior approval by the EU Delegation Project Manager responsible for PLAC III project.

#### **3.6.4 Working language**

English

### **4. Experts' Profile – Senior NKE (30 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, environmental sciences, information and technology, 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 related to Ch. 27, environmental and climate change 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 harmonisation of national environmental legislation with Union acquis to establish the Infrastructure for Spatial Information, in accordance with the INSPIRE directive and the related legislation
- Postgraduate professional experience in an environmental regulatory authority of an EU Member State, candidate or potential candidate country, will be an advantage.
- 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 16 October 2020, 17:00 hrs, titled:

**“Application for the position – Senior Non-Key Expert in the area of Ch. 27, Horizontal legislation; Harmonisation of INSPIRE implementation rules on interoperability of data sets and services”**

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) .