

## 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 and 1 (one) Junior Non-Key Expert in the area of Ch. 12 – Food Safety; Processing aids in food production, Food for special groups and Food with altered nutritional composition
<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. 12; Ministry of Health
<b>Budget Line /Expert Category:</b>	One Senior and One Junior Non-Key Expert
<b>Duration of the assignment:</b>	60 working day (10 WD for SNKE and 50 WD for JNKE); from October 2020 – 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 12 - Food Safety, Veterinary and Phytosanitary Policy**

Serbia 2019 Report issued by the European Commission states that Serbia is moderately prepared in the area of food safety, veterinary and phytosanitary policy - Chapter 12. In the coming year, Serbia should among other things, develop a comprehensive strategy for transposition, implementation and enforcement of the acquis on food safety, veterinary and phytosanitary policy, substantially strengthen the administrative capacity of the veterinary, phytosanitary, sanitary and national reference laboratories directorates and consistently apply and improve the risk-based approach to sanitary control at borders.

The Republic of Serbia (RS) is intensively preparing for negotiations with the EU regarding Chapter 12. One of the three opening benchmarks set by the EC is the adoption of the framework legislation and has yet to define a strategy and action plan for full transposition of the acquis. Serbia needs to increase the effectiveness of controls, in particular by strengthening its administrative capacity for inspections, applying risk-based checks.

The Food safety law (the Law on Food Safety, Official Gazette of the RS Nos 41/09, 17/19) divides the competences in the area of food safety between the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Ministry of Health (MoH), depending on the type of food and the stage of production and sale.

In relation to this assignment, the Ministry of Health is a competent authority for establishment of the policy, legislative and official control functions in the area of processing aids in food production (extraction solvents used in the production of foodstuffs and food ingredients), food for special groups (food intended for infants and young children, food for special medical purposes and total diet replacement for weight control) and on food with altered nutritional composition (food for persons intolerant to gluten, substitutes for salt for human consumption, foods with added vitamins, minerals and other substances with nutritional or physiological effect, etc.).

According to the NPAA, in the area of harmonisation of legislation with EU legislation in the area of Processing aids in food production, (extraction solvents used in the production of foodstuffs and food ingredients), food for special groups (food intended for infants and young children, food for special medical purposes and total diet replacement for weight control) and food with altered nutritional composition (food for persons intolerant to gluten, substitutes for salt for human consumption, foods with added vitamins, minerals and other substances with nutritional or physiological effect, etc.) the activities are foreseen to take place in the second quarter of 2020 and first quarter of 2021.

PLAC III project assistance is therefore crucial for the implementation of the NPAA in this sector and in meeting the opening benchmarks set for Ch. 12.

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 drafting of a Rulebook on Processing aids in food production (extraction solvents used in the

production of foodstuffs and food ingredients), a Rulebook on food for special groups (food intended for infants and young children, food for special medical purposes and total diet replacement for weight control) and a Rulebook on food with altered nutritional composition (food for persons intolerant to gluten, substitutes for salt for human consumption, foods with added vitamins, minerals and other substances with nutritional or physiological effect, etc.)

The experts support to MoH is needed in drafting harmonised legislation in this area hence effectively ensuring the necessary administrative capacity for implementing legislative measures as planned. The experts' assistance will enhance harmonisation with relevant EU regulations and their proper implementation and contribute to strengthening of administrative capacities of the sanitary inspection.

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

Assisting the Ministry in drafting of:

- 1) Rulebook on Processing aids in food production (extraction solvents used in the production of foodstuffs and food ingredients) - transposing and harmonising it with the relevant Union acquis:
  - Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients;
- 2) Rulebook on food for special groups (food intended for infants and young children, food for special medical purposes and total diet replacement for weight control) - transposing and harmonising it with the relevant Union acquis:
  - Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009;
  - Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding;
  - Commission Delegated Regulation (EU) 2016/128 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes;
  - Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children;
  - Commission Directive 96/8/EC of 26 February 1996 on foods intended for use in energy-restricted diets for weight reduction;
  - Commission Delegated Regulation (EU) 2017/1798 of 2 June 2017 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for total diet replacement for weight control
- 3) Rulebook on food with altered nutritional composition (food for persons intolerant to gluten, substitutes for salt for human consumption, foods with added vitamins, minerals and other substances with nutritional or physiological effect, etc.) - transposing and harmonising it with the relevant Union acquis:
  - Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food;
  - Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods;

### 3.2 Requested services

The Senior NKE in the area of food safety is expected to provide the following services:

- a. Perform a legal gap analysis of the legislation of the Republic of Serbia in relation to the relevant EU laws in the area of Aids in food production, Food for special groups and Food with altered nutritional composition;
- b. Prepare a road map of the transposition of the acquis in this area for drafting, based on the relevant experience of the selected EU member states
- c. Prepare and conduct a workshop with the following (indicative) topics: presentation examples of the best practices in the selected EU member states regarding the implementation the EU Regulations – the best practices in the area.

The Junior NKE in the area of food safety is expected to provide the following services:

- a. Drafting 3 (three) Rulebooks (on aids in food production, food for special groups and food with altered nutritional composition), taking into consideration remarks and suggestions received from European Commission and the roadmap prepared by the SNKE
- b. Drafting and/or updating Tables of concordance (ToC) for all relevant EU legislations on aids in food production, food for special groups and food with altered nutritional composition;
- c. Hold a Workshop presenting the outputs of the assignment (in conjunction with the SNKE)

### 3.3 Outputs

The Senior NKE are expected to deliver the following outputs:

- Legal gap analysis including a road map for transposition drafted
- Workshop held

The Junior NKE are expected to deliver the following outputs:

- 3 Rulebooks drafted
- ToCs drafted
- Workshop held

### 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 the 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.

### **3.6 Expert input**

#### **3.6.1 Total working days**

60 working days (WDs) has been envisaged for this assignment - 10 WD for SNKE and 50 WD for JNKE for this assignment period.

#### **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 October 2020 until May 2021. The starting date will be confirmed at the later stage.

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

The experts have to deliver 100% of the input in Belgrade, Serbia, if not otherwise agreed due to extraordinary circumstances (i.e. COVID 19). All 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. Expert Profile - Senior NKE (10 working days):**

#### **4.1 Qualifications and skills (25 points)**

- A level of education, which corresponds to completed university studies of at least 3 years in the relevant field attested by a diploma in law, food safety 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 12, Union food safety *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 drafting legislation, transposing Union *acquis* related to Ch. 12 Food Safety, gained in an EU member state, candidate or potential candidate country.

- Postgraduate professional experience in transposition and/or implementation Union food safety acquis related to in the area of processing aids in food production, food for special groups and food with altered nutritional composition, gained in an EU member state, candidate or potential candidate country, will be an advantage
- Knowledge of Serbian legal system will be an advantage.

## **5. Experts' Profile – Junior NKE (50 working days):**

### **5.1 Qualifications and skills (25 points)**

- A level of education, which corresponds to completed university studies of at least 3 years in the relevant field attested by a diploma in law
- 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 related to Union *acquis* gained in an EU member state, candidate or potential candidate country.

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

- Postgraduate professional experience in drafting national legislation harmonised with Union *acquis* in Ch. 12 - food safety, veterinary and phytosanitary policy
- Postgraduate professional experience in drafting ToC, 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](mailto:mbayard@dmiassociates.com) and [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com) no later than 2 October 2020, 17:00 hrs, titled:

**“Application for the position Senior or Junior NKE in the area food safety - aids in food production, food for special groups and food with altered nutritional composition”**

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) .