

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	Senior Non-Key Expert in the area of Negotiating Ch.27, Environment and Climate Change; Harmonisation of national legislation related to waste landfilling and closing of the landfill sites
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 (MEP)
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 Senior working days (SWD) from January 2021 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 challenging and costly chapters in the process of the Republic of Serbia's accession negotiations with EU, especially in the area of waste management. In line with the results of the explanatory and bilateral screening for Chapter 27, NPAA 3.27.3 National Programme for Adoption of Acquis (Last revision of February/March 2018), Post screening document and Progress report 2018, Serbia has to make progress in horizontally related acquis.

Serbia needs to put the most efforts into waste management sector. Predictable financing based on the polluter pays principle is needed to raise investment levels in the sector. Further progress is needed on transposing and implementing the remaining legislation.

The improvements of the national legislation are planned to comply with requirements of Union acquis in the field of waste management. Council Directive 1999/31/EC on the landfill of waste is largely transposed through Amendments of the Law on Waste Management and the Regulation on Waste Landfilling. A full transposition is anticipated by the end of 2021, through the necessary amendments of the Regulation on Waste Landfilling and amendments to the Regulation on Closing of the landfill sites. The provisions of Directive 1999/31/EC and Directive 2008/98/EC are already reflected in the Serbian law, but the majority of the existing landfill sites do not comply with the legal requirements. Serbia has closed or in the process of closing approximately 45 municipal/city landfill sites out of 141. These are the municipalities in the waste management regions or municipalities (to include Gornji Milanovac and Vranje) where they are now delivering to sanitary landfills. Serbia has not fully remediated any old landfills to EU standards (particularly Article 13 and Annex III on inspection and monitoring), but there is some work in progress in Čačak where closure will be EU compliant.

Also, the new requirements of Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste still have to be transposed in through the Regulation on Waste Landfilling and new by-laws. In this connection, new legislation is planned to be adopted until 2021 and a full harmonization is expected in the next 2 years.

PLAC III assistance is therefore needed to assist the Serbian Ministry of environment protection to further harmonise with the EU requirement as set in EU Directive 2018/850. Expert support for the harmonisation of legislation is needed, namely a preparation of a Rulebook or Guidance for management on Waste Landfilling and Closing of the landfill sites.

The type of the document to be drafted is to be decided when the expert examine the best possible way to achieve the goal of the Directive having regard to Serbian context, national waste management system and legal practice in the country.

At present, there is no on-going 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 the expert assistance to the Ministry of Environmental Protection to transpose the Union environmental *acquis* in waste sector, especially regarding to alignment of provisions related to Directive 1999/31/EC on the landfill

of waste and new requirements of the Directive (EU) 2018/850 amending Directive 1999/31/EC of waste landfilling and closing of the landfill sites.

The expert support is needed in drafting a Rulebook or Guidelines for waste landfilling and closing of the landfill sites. The Rulebook or/and Guidelines will contribute to the further alignment of Serbian national legislation with Directive (EU) 2018/850. This Rulebook or/and Guidelines will serve as a tool to the regulatory body to develop and amend a legal act on Waste Landfilling and Closing of the landfill sites.

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

- Review the Serbian legislation in the area and draft a short legal gap analysis
- Assist the beneficiary in drafting a Rulebook or Guidelines for waste landfilling and closing of the landfill sites, transposing requirements of the provisions in Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste
- Hold workshop(s) to present the best practices and good examples of Waste Landfilling and Closing of the landfill sites in selected EU countries and prepare information on relevant EU cases in those areas.

3.2 Requested services

The Senior NKE in the area of Waste Landfilling and Closing of the landfill sites is expected to provide the following services:

- Review the Serbian legislation and perform a legal gap analysis with the focus on waste management sector – landfilling
- Assist the Ministry in drafting a Rulebook or Guidelines (to be decided (tbd) based on the gap analysis) on waste landfilling and closing of the landfill sites harmonised with the requirements of Directive (EU) 2018/850
- Organise and hold at least one but preferably two workshops (tbd) for the targeted beneficiaries on the guiding principles based on the EU best practice.

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

- A legal gap analysis report drafted
- A Rulebook or Guidelines for Waste Landfilling and Closing of the landfill sites in legislative development drafted
- Workshop(s) held

3.4 Reporting

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 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

20 working days (WDs) in total have been planned 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 January 2021 until May 2021. However, the starting date will be confirmed at the later stage.

3.6.3 Location/Place of assignment

The SNKE have to deliver 100% of the input in Serbia unless 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. Experts' Profile – Senior NKE (30 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 environmental engineering, geology, nature conservation, mechanical engineering, biotechnical science, soil, 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 the Union acquis Ch. 27, gained in an EU member state a candidate or potential candidate country.

4.3 Specific professional experience (50 points)

- At least 3 years postgraduate professional experience in implementation and/or transposition of waste management legislation related to waste landfilling and closing of the landfill sites, gained in an EU member state, a candidate or potential candidate country
- Postgraduate professional experience in drafting policy documents in the waste management area, gained in an EU member state, a candidate or potential candidate country will be an advantage
- Postgraduate professional experience providing technical and capacity building assistance to governments in EU MS, candidate or potential candidate countries will be an advantage.

5. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to ehoward@dmiassociates.com and mbunga@dmiassociates.com no later than December 28, 2020, 17:00 hrs, titled:

“Application for the position Senior NKE in the area of Ch. 27, Harmonisation national legislation of Waste Management - Landfilling and Closing of the landfill sites”

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: Elizabeth Howard, mailto: ehoward@dmiassociates.com or Mareva Bunga mailto: mbunga@dmiassociates.com