

## 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 Ch.15 - Energy; Emergency Oil Stockholding
<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>	Ministry of European Integration of the Republic of Serbia and the Negotiating Team
<b>Target Beneficiaries:</b>	Negotiating Group Ch. 15; Ministry of Mining and Energy of the Republic of Serbia, Administration for Reserves of Energy-Generating Products
<b>Budget Line / Expert Category:</b>	One Senior Non-Key Expert (SNKE)
<b>Duration of the assignment:</b>	40 working days (WD), from March until June 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, PLAC III 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 15 – Energy; Emergency Oil Stockholding

The Republic of Serbia has committed itself to implement Council Directive 2009/119/EC (the Directive) imposing an obligation on Member States to maintain minimum stocks of crude oil and /or petroleum products by no later than 1 January 2023. This specific commitment stems from the Energy Community Ministerial Council decision of October 2012 (Decision D/2012/03/MC-EnC) and represents a key element of EU integration requirements.

In December 2013, the National Assembly of the Republic of Serbia adopted the Commodity Reserves Law (Official Gazette of the Republic of Serbia, No. 104/13), transposing the most relevant provisions of the Directive. In order to establish the full legal framework for the transposition of the Directive, several regulations and by-laws have had to be adopted by the Government of the Republic of Serbia and the Ministry of Mining and Energy.

In 2014 and 2015, most of the work to establish the full legal framework, including the Long-term Plan and Mid-term Plan for Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products as prescribed under Articles 17 and 18 of the Commodity Reserves Law, was completed and a dedicated body responsible for emergency oil stocks – the Administration for Reserves of Energy-Generating Products – was established within the Ministry of Mining and Energy.

On the other hand, in 2014 Serbian EU accession negotiations formally commenced and following the screening of the *acquis* of Chapter 15, Serbia was considered insufficiently prepared for negotiations on this Chapter and presented with two opening benchmarks in the Screening Report.

The issue of emergency oil stocks is considered a key benchmark for opening EU negotiations on Energy Chapter and one of the main milestones in meeting this benchmark is the presentation of a detailed Action Plan for the alignment of national legislation with the *acquis* related to emergency 90-day stocks of crude oil and/or petroleum products under the Directive.

The first version of the Action Plan for Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products (the Action Plan) has been drafted in 2015, with PLAC I assistance, on the basis of 2013 data. The second version of the Action Plan was developed in July 2017, with PLAC II assistance. The review carried out in scope of work on update of the previously adopted Long-term Plan showed that the second version of the Action Plan requires significant modifications therefore, the third version of the Action Plan was developed in May 2018.

Having in mind that (a) the Directive was amended as regards the methods for calculating stockholding obligations (Commission Implementing Directive (EU) 2018/1581 of 19 October 2018) and (b) the last version of the Action Plan was developed almost a three years ago and the quantity of stocks established by end-December 2020 is lower than planned by the Action Plan (May 2018), the third version of the Action Plan (May 2018) requires update.

The fourth version of the Action Plan should be the most recent executive and operational document, which takes into consideration all relevant and practical aspects influencing the establishment of Serbian emergency oil stocks within the given deadline. Considering the latter, the fourth version of the Action Plan should serve as a baseline for amending the Long-term Plan and developing the Mid-term Plan, fully in accordance with Articles 17 and 18 of the Commodity Reserves Law.

The fourth version of the Action Plan will be sent into the relevant procedure, i.e. to the European Commission for its opinion.

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 assist Serbia in its efforts to (1) establish the minimum required level of emergency oil stocks in accordance with the Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and /or petroleum products within the given deadline (a January 2023) and (2) address the opening benchmark, set by the European Commission for opening negotiations on Chapter 15.

Specifically, this is to be done by providing the expert assistance to the Administration for Reserves of Energy-Generating Products in reviewing and updating the Action Plan for Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products (fourth version). It indicates the timetable for acquiring storage capacity and for gradually increasing the stock levels to the minimum level set by the *acquis*.

Further on, by using the fourth version of the Action Plan for Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products as a baseline, the expert assistance should be provided to the Administration for the Energy Reserves in finalising the updated Long-term Plan and developing a Mid-term Plan for Establishment and Maintenance of Emergency Stocks, fully in accordance with Articles 17 and 18 of the Commodity Reserves Law (Official Gazette of the Republic of Serbia, No. 104/13).

#### 3.2 Requested services

The SNKE in the area of Emergency Oil Stockholding is expected to provide the following services:

- a) To review and draft the updated version of Action Plan for Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products, which is to be developed to meet a key benchmark for opening EU negotiations on Chapter 15 on Energy. The Action Plan should provide an appropriate framework for Serbia's preparations to gradually align with the EU *acquis* and to strengthen the administrative capacity in the field of energy/minimum stocks of crude oil and/or petroleum products. It should outline the current state of play on legal alignment and administrative capacity, and future plans in this field. The Action Plan should lists the responsible institution, time limits for the elaboration, adoption and entry into force of legal acts, human

resources allocated, target dates for strengthening administrative capacities, and related financial aspects. Update should be based on the existing draft documents and relevant input data including but not limited to data on amount of emergency oil stocks in Serbia, approved budgetary allocations and business plan for emergency oil stockholding in 2021, oil supply/consumption and oil infrastructure in Serbia as provided by the Ministry of Mining and Energy – Administration for Reserves of Energy-Generating Products, Directorate for Commodity Reserves, Ministry of Finance, Statistical Office, Serbian oil industry and other relevant stakeholders as needed;

- b) To review and draft amendments to the Long-term Plan for Establishment and Maintenance of Emergency Oil Stocks based on the updated version of Action Plan Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products;
- c) To draft Mid-term (period 2021-2023) Plan for Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products based on draft amended Long-term Plan for Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products.

### **3.3 Outputs**

The SNKE is expected to deliver the following outputs:

- Amended Action Plan for Establishment and Maintenance of Emergency Stocks of Crude Oil and Oil Products (in accordance with relevant requirements of Directive 2009/119/EC), drafted;
- Amended Long-term Plan for Establishment and Maintenance of Emergency Oil Stocks, drafted;
- Mid-term (period 2021-2023) Plan for Establishment and Maintenance of Emergency Oil Stocks, 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 Project 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 III Project team prior to each planned mission.

### **3.6 Expert input**

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

40 WDs in total have been planned for the SNKE 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 March 2021 until June 2021. However, the exact starting date will be agreed at a later stage.

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

The SNKE has to deliver 100% of the input in Belgrade, 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 (40 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 engineering, 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.

### **4.2 General professional experience (25 points)**

- At least 8 (eight) years of general postgraduate professional experience in Ch. 15, Energy, gained in an EU Member State, candidate or potential candidate country

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

- At least 5 years of postgraduate professional experience in transposition of the relevant Union *acquis* in the area of emergency oil stockholding, gained in an EU Member State, candidate or potential candidate country,

- Postgraduate professional experience in implementing the relevant Union *acquis* in the area of establishment of the emergency oil stocks, gained in an EU Member State, candidate or potential candidate country will be an advantage,
- Knowledge of Serbian emergency oil stockholding system 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](mailto:ehoward@dmiassociates.com) and [mbunga@dmiassociates.com](mailto:mbunga@dmiassociates.com) no later than 10 March 2021, 17:00 hrs, titled:

**“Application for the position – SNKE in the area of Ch. 15 – Energy; Emergency Oil Stockholding.”**

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](mailto:ehoward@dmiassociates.com) or Mareva Bunga mailto: [mbunga@dmiassociates.com](mailto:mbunga@dmiassociates.com)