

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of Negotiating Ch.12, Food Safety, Veterinary and Phytosanitary Policy; EU legislation on marketing of forest reproductive material
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. 12; Ministry of Agriculture, Forestry and Water Management
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	15 working days (WD), from April 2021 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, 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 2020 Country Report issued by the European Commission states that Republic of Serbia is moderately prepared in the area of food safety, veterinary and phytosanitary policy. Some progress has been made in implementing recommendations of the previous report, in particular with the accreditation of the reference laboratory for milk testing. However, Serbia has not yet implemented all recommendations of last year. In the coming year, Serbia should in particular 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 and national reference laboratories directorates and retain highly competent staff 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. The three opening benchmarks set by the EC are related to adoption of the framework legislation that complies with the acquis, adoption of the strategy and action plan for harmonization and classification of all food establishments and establishments handling animal by-products.

Serbian Law on Forest Reproductive Material is harmonized with Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material. The following bylaws are also adopted:

- Rules for the approval of basic material and production control of reproductive material of forest trees (Official Gazette RS No. 76/05, 105/05 i 83/09).
- Rules of quality of reproductive material of poplar and willow trees (Official Gazette RS, No 76/09).
- Rules for determination of small quantities of forest seedlings and forest seed (Official Gazette RS, No 76/09).

With these bylaws the legislation has been partially harmonised with following:

- Commission Regulation (EC) No 1597/2002 of 6 September 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the format of national lists of the basic material of forest reproductive material,
- Commission Regulation (EC) No 2301/2002 of 20 December 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the definition of small quantities of seed.

An analysis of the level of harmonisation is needed as well as identification of the additional EU acts that need to be transposed.

The assistance from PLAC III will contribute to and enhance harmonisation with relevant EU regulations and their proper implementation and provide a support in meeting the opening benchmarks set for Chapter 12.

Considering the obligations under the NPAA, the selected experts' assistance will contribute to harmonisation of national legislation with the *acquis* and development of the capacities for its 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 the expert assistance to the Ministry of Agriculture, Forestry and Water Management in assessing the level of harmonization of Serbian legislation with EU legislation in the field of marketing of forest reproductive material.

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

1. Preparing a legal gap analysis (LGA) of the present level of harmonization of Serbian legislation with EU legislation in the field of marketing of forest reproductive material.
2. Preparing of Tables of Concordance (ToC) based on the Law on Forest Reproductive Material and three bylaws adopted on the basis of this Law with relevant EU regulations: Council Directive 1999/105/EC; Commission Regulation (EC) No 1597/2002; Commission Regulation (EC) No 2301/2002.

3.2 Requested services

The Senior NKE in the area of forest reproductive material is expected to provide the following services:

- To prepare a legal gap analysis of the level of harmonization of Serbian legislation with the EU legislation in the field of marketing of forest reproductive material.
- Assist the Ministry in drafting Tables of Concordance (taking into consideration Serbian Law on Forest Reproductive Material and three bylaws adopted on the basis of this Law) of the relevant EU legislation on marketing of forest reproductive material as follows:
 - o Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material
 - o Commission Regulation (EC) No 1597/2002 of 6 September 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the format of national lists of the basic material of forest reproductive material,
 - o Commission Regulation (EC) No 2301/2002 of 20 December 2002 laying down detailed rules for the application of Council Directive 1999/105/EC as regards the definition of small quantities of seed

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

- Legal gap analysis drafted
- ToCs 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 team: TL and/or KE2

Submission of reports:

- Draft mission report shall be submitted to the Team Leader of the Project for a 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 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

15 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 during one mission in the period from April 2021 until June 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 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 (15 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 forestry, agriculture, law 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* gained in an EU member state, candidate or potential candidate country.

4.3 Specific professional experience (50 points)

- Postgraduate professional experience in harmonisation of the national legislation with the Union *acquis* Ch. 12 gained in an EU Member State, candidate or potential candidate country
- Postgraduate professional experience in harmonisation of the national legislation related to the marketing of forest reproductive material gained in an EU Member State, candidate or potential candidate country will be an asset.

5. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to ehoward@dmiassociates.com, mbunga@dmiassociates.com, akhani@dmiassociates.com no later than March 29, 2021, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 12, marketing of forest reproductive material.”

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 ehoward@dmiasociates.com, Mareva BUNGA mbunga@dmiasociates.com, and Ariane KHANI akhani@dmiasociates.com.