



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; Animal by-products
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, The Ministry of Agriculture, Forestry and Water Management (MAFWM)
Budget Line / Expert Category:	Senior Non-Key Expert (SNKE)
Duration of the assignment:	20 working days (WD), from September 2021 – December 2021

1. Relevant background information

Background information relevant to the PLAC III project:

The scope of the PLAC III project is to provide support to relevant national institutions in charge of alignment of national legal acts with the EU 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 effective alignment of national legislation with the EU 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 the 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, the PLAC III Project shall support local line institutions and negotiating structures both in performance of quality operational work in relation to the harmonisation process and in the effective coordination during various stages and phases in the process relevant to different negotiation chapters.

2. Background information in relation to Chapter 12 – Food Safety, Veterinary and Phytosanitary Policy

Negotiating Chapter 12 is one of the most demanding part of the EU *acquis* not only because of a wide range of legislation that have to be transposed and the demanding rules for animal and plant health, safety of food, feed and animal by products, but also for significant investments required by food establishments, as well as in agriculture and biosecurity measures.

The Republic of Serbia is intensively preparing for fulfilment the benchmarks regarding Chapter 12 – Food Safety, Veterinary and Phytosanitary policy with the support of IPA 2015 Project “Capacity building for the alignment with the *acquis* in the area of Agriculture, Rural Development, Food Safety, Veterinary and Phytosanitary policy.” After definition of indicative list of Laws and in order to accomplish the first benchmark (“Serbia adopts framework legislation that complies with the *acquis*, enables full transposition of the *acquis* in this chapter and makes provisions for clear assignment of responsibilities, in particular for control bodies”), the MAFWM sent the first package of laws to the MEI on March 29, 2021 in order to obtain an informal opinion from the EC. The first package of laws was submitted to the EC by the MEI on 1 April 2021 and is consisting of the following: the Draft law on Animal Welfare, the draft Law on Plant Protection Products, the draft Law on Reproductive Material of Forest Trees, the draft Law on the acceptance of agricultural plant varieties and the draft Law on protection of plant breeders’ rights. The second package of laws was sent to the EC also in April, 2021 for obtaining the informal opinion, which included: the draft Law on Animal Husbandry (a part related to zootechnics), the draft Law on General Use (a part related to materials and objects that come into contact with food) and the draft Law on Water for Human Consumption (done with the PLAC project assistance).

With the support of IPA 2015 Project “Capacity building for the alignment with the *acquis* in the area of Agriculture, Rural Development, Food Safety, Veterinary and Phytosanitary policy” the following laws are under preparation: The Draft Law on Official Controls (draft Rulebook on official controls on food is done by the PLAC III project), the Draft Law on Food Safety, the Draft Law on Plant Health, the Draft Law on Seeds and Planting Materials and the Law on Veterinary Matters. The draft Law on animal feed is under preparation with the IPA PLAC III project. On indicative list of laws to be drafted is also the Law for Animal by-products.

In order to accomplish the third benchmark (“Serbia presents to the Commission a classification of all food establishments and all establishments handling animal by-products based on the *acquis*, which will serve as a basis for a future National Programme for the upgrading of food and animal by-products establishments”) the Governmental Order on classification and



upgrading of establishments for animal by products and derived products was adopted and published in the OG RS, No. 24/2021, March 19th of 2021. This Order is a precondition to start the categorization of animal by-products establishments.

Regulation (EC) No 1069/2009 and Commission Regulation (EU) No 142/2011 laying down requirements for animal by-products not intended for human consumption and derived products as a potential source of risks to public and animal health are the main legal acts to be transposed and implemented. Animal by-products regardless of their source, pose a potential risk to public and animal health and the environment. This risk needs to be adequately controlled, either by directing such products towards safe means of disposal or by using them for different purposes, provided that the strict conditions which minimise the health risks involved are applied.

In Republic of Serbia animal by-products are regulated by the Law on Veterinary Matters (Official Gazette RS, No 91/2005, 30/2010, 93/2012) and Rulebook on the manner of classification and handling of animal by-products, veterinary-sanitary conditions for construction of facilities for collection, processing and destroying of animal by-products, manner of implementation of official control and self-control, and conditions for cattle graveyards and pit grave (OG No. 31/11, 97/13, 15/15, 61/17) that is in line with Regulation (EC) No 1774/2002, which was repealed by the above mentioned EU regulations.

The PLAC III project's support is needed for amending the draft Law laying down health rules as regards animal by-products and derived products not intended for human consumption, which is prepared within previous Policy and Legal Advice Centre (PLAC) project. Republic of Serbia did not adopt this law yet. In the meantime, lot of amendments were adopted regarding Commission Regulation (EU) No 142/2011¹. Those amendments should be used for the improvements of the existing draft.

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 assistance and support to the MAFWM in drafting the Law for animal by-product in line with requirements prescribed by Regulation (EC) No 1069/2009 and Commission Regulation (EU) No 142/2011

¹ Commission Regulation (EU) 2017/172 of 1 February 2017; Commission Regulation (EU) 2017/786 of 8 May 2017; Commission Regulation (EU) 2017/893 of 24 May 2017; Commission Regulation (EU) 2017/1261 of 12 July 2017; Commission Regulation (EU) 2017/1262 of 12 July 2017; Commission Regulation (EU) 2019/319 of 6 February 2019; Commission Implementing Regulation (EU) 2019/1084 of 25 June 2019; Commission Implementing Regulation (EU) 2019/1177 of 10 July 2019; Commission Delegated Regulation (EU) 2019/2122 of 10 October 2019; Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019; Commission Implementing Regulation (EU) 2020/207 of 14 February 2020; Commission Regulation (EU) 2020/735 of 2 June 2020; Commission Regulation (EU) 2020/757 of 8 June 2020; Commission Regulation (EU) 2020/762 of 9 June 2020; Commission Regulation (EU) 2020/797 of 17 June 2020



The Law will serve as a basis for adopting implementing legislation and transposing all provisions related to animal by-products and derived products.

3.2. Requested services

The Senior NKE in the area animal by-products is expected to provide the following services:

- Assisting the Ministry in fully harmonising the draft Law laying down health rules as regards animal by-products and derived products not intended for human consumption by transposing the requirements prescribed by Regulation (EC) No 1069/2009 and Commission Regulation (EU) No 142/2011 as amended²
- Assist the Ministry in drafting ToCs of Regulation (EC) No 1069/2009 and the Commission Regulation (EU) No 142/2011

3.3. Outputs

Senior NKE is expected to deliver the following outputs:

- Law on Animal by-products drafted
- ToCs drafted

3.4. Reporting

The SNKE shall provide the following reports by using the templates of the Project:

- Final Mission Report, not later than one week after the completion of tasks under this assignment. This report will include the description of all activities and outputs provided by the SNKE in the context of this assignment.
- A brief interim report - only upon request of the PLAC III team: the TL and/or KE2

Submission of reports:

- A draft mission report shall be submitted to the Team Leader of the Project for review and comments by the end of the mission.
- The final version of the mission report, prepared in the agreed quality, shall be submitted to the Team Leader of the Project for review, comments and final approval.

² Commission Regulation (EU) 2017/172 of 1 February 2017; Commission Regulation (EU) 2017/786 of 8 May 2017; Commission Regulation (EU) 2017/893 of 24 May 2017; Commission Regulation (EU) 2017/1261 of 12 July 2017; Commission Regulation (EU) 2017/1262 of 12 July 2017; Commission Regulation (EU) 2019/319 of 6 February 2019; Commission Implementing Regulation (EU) 2019/1084 of 25 June 2019; Commission Implementing Regulation (EU) 2019/1177 of 10 July 2019; Commission Delegated Regulation (EU) 2019/2122 of 10 October 2019; Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019; Commission Implementing Regulation (EU) 2020/207 of 14 February 2020; Commission Regulation (EU) 2020/735 of 2 June 2020; Commission Regulation (EU) 2020/757 of 8 June 2020; Commission Regulation (EU) 2020/762 of 9 June 2020; Commission Regulation (EU) 2020/797 of 17 June 2020



- The reports shall be signed by the JNKE and the Team Leader, responsible for endorsing the reports.
- The reports and all prepared documents shall be submitted in 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 the representatives of the relevant beneficiary institutions.

Each of the short-term missions, their timing and duration shall be agreed with the Beneficiary and the PLAC project team prior to each planned mission.

3.6. Expert input

3.6.1 Total working days

20 working days (WD) in total are 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 several missions in the period from September 2021 until December 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 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 the PLAC III project.

3.6.4 Working language

English

4. Expert's Profile - Senior SNKE (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 such as veterinary, food safety, law, agriculture or similar relevant to the assignment
- Computer literacy
- Proficiency in report drafting
- Excellent communication and analytical skills
- Proficiency in the English language
- Independent and free from conflicts of interest in the undertaken responsibilities



4.2. General professional experience (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to Ch. 12 the EU 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 requirements of EU acquis related to animal by-products and derived products
- Postgraduate professional experience in developing a system of official controls in line with the EU acquis requirements, 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 mbayard@dmiassociates.com and ehoward@dmiassociates.com no later than 2 August 2021, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 12, harmonisation of legislation with that of EU acquis Ch. 12 related to animal by-products”

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 or Elizabeth Howard ehoward@dmiassociates.com .