

## 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; Directive 2012/27/EU
<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. 15; Serbian Ministry of Mining and Energy
<b>Budget Line /Expert Category:</b>	One Senior Non-Key Expert
<b>Duration of the assignment:</b>	18 working days (WD), from August 2021 until end of September 2021

#### 1. Relevant background information

Background information relevant to 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 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 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 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 15 – Energy – Energy Efficiency**

Energy efficiency remains the focus of the Serbian Ministry for Mining and Energy (hereinafter the Ministry, the MoME) in the next period. The Country Report for Serbia 2020 issued by the European Commission states that “Serbia achieved some progress in energy efficiency through adopting secondary legislation that implements rules on labelling, amendments to the Law on efficient use of energy improving energy audits and energy management, and the implementation of eco-design requirements and secondary legislation implementing this law.” In this respect, the Ministry continues its efforts to align the Serbian legislation with that of the EU, but the human resource capacity in the Ministry of Mining and Energy’s department for energy efficiency remains insufficient as rightly pointed out in the Report.

The Ministry of Mining and Energy – MoME and Department for Energy Efficiency prepared a new Law on Energy Efficiency and Rational Use of Energy (Law on EERUE), furthering compliance of Serbian regulation with the EU regulation in the domain of energy efficiency. The new Law on Energy Efficiency and Rational Use of Energy (“RS Official Gazette”, No. 40/21) was adopted in April 2021. This Law represents the legal basis for transposition of Directive 2012/27/EU on Energy Efficiency (EED). To transpose requirements of this directive, when it comes to support regarding efficient cogeneration, Chapter XIII ‘Incentives for highly efficient cogeneration and individual participants in the energy market’ of the Law on EERUE, defines the support mechanisms for high efficiency cogeneration.

In order to fully align with the requirements of the EED regarding promotion of efficient cogeneration, Articles 84 and 88 of the Law on EERUE foresee the adoption of a Governmental Decree which will prescribe, in detail, the content of the guarantee of origin for electricity produced in high-efficiency cogeneration, as well as the manner in which the transmission system operator keeps the register of guarantees of origin for electricity produced in highly efficient cogeneration. In addition to this, Article 94 of the Law on EERUE foresees the adoption of another Governmental Decree by which a model of the Feed-in tariff agreement will be prescribed in more detail.

The PLAC project had already assisted the Ministry in the past period in drafting secondary regulation regarding minimal energy efficiency requirements for energy facilities, including the requirements for analysis for implementation of cogeneration for new facilities and for energy facilities undergoing mayor rehabilitation.

At present, there is no on-going and/or planned assistance project 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 expert assistance to the Serbian Ministry of Mining and Energy in the transposition of Articles 14 and 15 of Directive 2012/27/EU (EED) of the European Parliament and the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC in respect to cogeneration, with corresponding annexes.

The selected PLAC expert will support the Ministry in the drafting of two Decrees that will transpose the Directive in line with the national legal framework.

### **3.2 Requested services**

**The Senior NKE in the area of Energy Efficiency is expected to provide the following services:**

To assist the Ministry in the drafting of two Governmental Decrees transposing the above-mentioned Articles of the EED as follows:

- A Decree prescribing in detail the content of the guarantee of origin for electricity produced in high-efficiency cogeneration, as well as the manner in which the transmission system operator keeps the register of guarantees of origin for electricity produced in highly efficient cogeneration
- A Decree prescribing the model of the feed-in tariff agreement.

### **3.3 Outputs**

**The Senior NKE** is expected to deliver the following outputs:

- Two Governmental Decrees 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.
- 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**

18 working days (WDs) in total have been planned for the Senior Non-Key Expert for this assignment.

#### **3.6.2 Period of the assignment and starting date**

It is expected that the work will be performed in the period from August 2021 until end of September 2021. However, the exact starting date will be agreed at a later stage.

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

The SNKE must deliver 100% of the input in Belgrade, Serbia, unless otherwise agreed due to extraordinary circumstances (i.e. COVID-19). All home-based days are subject to prior approval by the EU Delegation Project Manager responsible for the PLAC III project.

#### **3.6.4 Working language**

English

## **4. Expert Profile – Senior NKE (18 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 such as mechanical engineering, transport, environmental science 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 undertaken responsibilities

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

- At least 8 (eight) years of general postgraduate professional experience related to 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 transposition and/or implementation of the EU acquis in the field of Chapter 15 related to energy efficiency
- Postgraduate professional experience with knowledge of the requirements of the EED would be an asset
- Knowledge of the Serbian legal system is considered to be an advantage.

### **5. Applications**

Applications (EU format CV and application letter in English) need to be submitted to [mbayard@dmiassociates.com](mailto:mbayard@dmiassociates.com) and [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com) no later than 20<sup>th</sup> July 2021, 17:00 hrs. titled:

**“Application for the position – Senior NKE in the area of Ch. 15 – Energy; Directive 2012/27/EU”**

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) .