

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. 27, Environment and Climate Change, Waste Management – Single Use Plastic Directive (SUP Directive)
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
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 working days (WD), from December 2021 until May 2022

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 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 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 Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and Climate change, which is one of the most ambitious and far-reaching chapters of the Union acquis. Due to its complexity and volume, the chapter represents a major challenge for all candidate countries.

European Parliament and Council Directive 94/62/EC on packaging and packaging waste is partially transposed by the Law on Packaging and Packaging Waste (“Official Gazette of the Republic of Serbia”, No. 36/09) and eight bylaws.

According to Recital 10 of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment: “This Directive is a lex specialis in relation to Directives 94/62/EC [Packaging and Packaging Waste Directive] and 2008/98/EC [Waste Framework Directive]. In the event of a conflict between those Directives and this Directive, this Directive should prevail within the scope of its application. That is the case for restrictions on placing on the market. In particular with regard to consumption reduction measures, product requirements, marking requirements and extended producer responsibility, this Directive supplements Directives 94/62/EC and 2008/98/EC and Directive 2014/40/EU [Tobacco Products Directive] of the European Parliament and of the Council”, therefore, in order to develop a comprehensive and effective legal framework, the national transposition act must take into account all horizontal lines.

The competent authority for transposition and enforcement of the EU legislation on packaging and packaging waste management is the Ministry of Environmental Protection (MEP) but considering that the Directive (EU) 2019/904 introduces obligations for all single-use plastic products listed in its Annex, as well as to all products made from oxo-degradable plastics, including fishing gear containing plastic it's of a paramount importance to identify the legislative and institutional framework on how this directive shall be transposed into the Serbian national legal context. The complexity of this task could be best illustrated by the recital in the Directive: “Tobacco product filters containing plastic are the second most found single-use plastic items on beaches in the Union. The huge environmental impact caused by post-consumption waste of tobacco products with filters containing plastic, discarded directly into the environment, needs to be reduced. Innovation and product development are expected to provide viable alternatives to filters containing plastic and need to be accelerated. Extended producer responsibility schemes for tobacco products with filters containing plastic should also encourage innovation leading to the development of sustainable alternatives to tobacco product filters containing plastic. **Member States should promote a wide range of measures** to reduce litter from post-consumption waste of tobacco products with filters containing plastic.”

Experts' assistance is needed in order to move further towards the full transposition and implementation of the waste management acquis and strengthen RS negotiating positions for the sector.

This is also in harmony with the recommendations from the new EC Country Report for Serbia 2021 which in Cluster 4, Green Agenda and Sustainable Connectivity, Ch. 27, identifies “a need for intensifying implementation and enforcement work, such as ensuring strict adherence to rules on environmental impact assessment, closing non-compliant landfills, increasing investing in waste reduction, separation and recycling.” This activity is actively contributing to the completion of these goals.

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 the Ministry of Environmental Protection in transposing EU acquis in the field of waste management, in particular Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment (Single plastic use SUP, Directive). The objectives of this Directive are to prevent and reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health, as well as to promote the transition to a circular economy with innovative and sustainable business models, products and materials, thus also contributing to the efficient functioning of the internal market.

Given that the majority of plastic products listed in the Annex to the Directive (EU) 2019/904 shall also be considered as packaging as defined in Article 3 (1) of the Directive 94/62/EC Packaging and Packaging Waste Directive. A special attention must be paid to the transposition as these products must comply with the requirements set in both directives.

3.2 Requested services

The Senior NKE in the area of waste management is expected to provide the following services:

- Prepare a short overview presenting the synergies between the products listed in the Annex to the Directive (EU) 2019/904 and management of waste including rules for marking specifications on the products
- Prepare a road map for transposition of the Directive (EU) 2019/904 into Serbian system by proposing legal and other relevant implementing measures to achieve the goals of the Directive
- Assist the MoEP in drafting a legal act which will transpose the provisions of the Directive (EU) 2019/904 under the beneficiary's competences
- Draft and present an overview on how the Directive has been transposed in three selected Member States in order to identify the policies that could apply to the Serbian system and contribute to the aims of the directive in the best possible manner
- Hold a workshop to present the results of the assignment.

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

1. A short overview report on synergies of management of waste and the products listed in the Annex to the Directive drafted
2. A road map for the transposition of Directive (EU) 2019/904 drafted
3. A legal act drafted
4. An overview report on the best practices in the select MS drafted
5. Workshop held

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 SNKE 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 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 Senior Non-Key Expert.

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 December 2021 until May 2022. 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 (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 natural, environmental or technical sciences 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 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)

- At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation and/or strategies and policies in the waste management sector, gained in an EU member state, candidate or potential candidate country.
- Postgraduate professional experience in transposition and/or implementation of EU legislation on packaging and packaging waste management will be an asset.
- Knowledge of Serbian legal system will be an advantage.

5. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to mbayard@dmiassociates.com and mail to akhani@dmiassociates.com no later than 13 December 2021, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 27, Environment and Climate Change, Waste Management – Single Use Plastic Directive.”

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 Arianne Khani mail to akhani@dmiassociates.com.