

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 Chapter 10 – Information Society and Media; Broadband communication infrastructure
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 enhanced negotiating structure in line with the new EU methodology
Target Beneficiaries:	The Coordination for Conducting Negotiations for the Republic of Serbia's Accession to the European Union, Ministry of Trade, Tourism and Telecommunications
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	35 working days (WD), from November 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 Negotiating Ch. 10 - Competitiveness and inclusive growth – Information Society and Media

The Negotiating Chapter's 10 acquis harmonisation development is at an important stage in the process of the Republic of Serbia's accession negotiations with EU. The Chapter encompasses electronic communications, information society services and audio-visual policy.

In the Screening Report from July 2014, Serbia was considered to be sufficiently prepared at that stage for negotiations on Chapter 10. Therefore, the Commission recommended the opening of accession negotiations with Serbia on Chapter 10 – Information Society and Media. Subsequently, Serbia was invited to present its Negotiating Position for Chapter 10. As a result of informal consultations with the Commission regarding the Draft Negotiating Position, in December 2020 Serbia was invited to finalize the Negotiating Position by aligning it with informal Commission's comments. In May 2021, Serbia adopted the Negotiating Position for Chapter 10 and submitted it to the European Commission.

Ministry of Trade, Tourism and Telecommunications and other relevant institutions and organisations recognise the importance of broadband infrastructure and services development. Broadband infrastructure represents a foundation for modern, inclusive, smart, digital society and for introduction of broadband services, such as e-government, e-health, e-learning, e-commerce etc., and is extremely important both for citizens and economy. By developing broadband infrastructure, Serbia is also making an important step in preparation for integration into the Digital Single Market. In order to enable faster deployment and further development of broadband networks and services, regulatory framework needs to be updated and established.

In the Communication on EU Enlargement Policy from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – 2020 Country Report for Serbia, Serbia was assessed as moderately prepared in the field of information society and media. One of the recommendations in the Report is to align the electronic communications legislation with the updated EU regulatory framework. It is also noted that the law on broadband has yet to be adopted. Also, Serbia has the obligation under the Article 106 of the SAA to fully align with the acquis on electronic communications.

With regards to the further development of broadband networks and services, legislation needs to be fully harmonised with the Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the costs of deploying high-speed electronic communications networks (Cost Reduction Directive), as well as with the corresponding provisions of the Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (EECC). Full harmonisation shall be achieved through the adoption of the new Law on Broadband Communications Infrastructure.

The assistance from PLAC III will contribute to and enhance harmonisation with relevant EU regulations and their proper implementation and provide support in meeting the obligations and recommendations set for Chapter 10 – Information Society and Media, specifically in the field of electronic communications.

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 expert assistance to the Ministry of Trade, Tourism and Telecommunications (MTTT) that will enhance harmonisation with EU regulations in the field of electronic communications and their proper implementation and provide support in fulfilling Serbia's obligations and recommendations from the EC 2020 Serbia Country Report.

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

Support in the process of adoption of the new Law on Broadband Communications Infrastructure by:

- Assisting and supporting the MTTT in drafting acquis-compliant legislation, namely Draft Law on Broadband Communications Infrastructure
- Assisting the MTTT in preparing Tables of Concordance (ToC) of Serbian legislation with the Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the costs of deploying high-speed electronic communications networks (Cost Reduction Directive) and updating the existing ToC of Serbian legislation with the Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (EECC)
- Assist and support the MTTT during the public consultations process, consultations with EC and consultations with other relevant Ministries and institutions, and in the review of the received comments, suggestions and opinions, and recommend the solutions how and whether to incorporate them into the draft Law
- Assisting the MTTT in preparing the relevant documents for the European Commission

3.2 Requested services

The Senior NKE in the area of Information society and media – Broadband communication infrastructure is expected to provide the following services:

1. Assist and support the MTTT in drafting the acquis-compliant draft Law on Broadband Communications Infrastructure.
2. Assist the MTTT in preparation of ToC of Serbian legislation with Cost Reduction Directive and updating the ToC of Serbian legislation with EECC;
3. Assist the MTTT in the public consultation process¹ and provide recommendations on how to address and incorporate the comments, suggestions and opinions received during the consultative process with professionals and public, as well as with relevant institutions and EC.
4. Assist the MTTT in preparing a report on public consultations for the European Commission

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

¹ Depending on the beneficiary who will organise the consultations

1. Law on Broadband Communications Infrastructure drafted
2. Table of Concordance on the Cost Reduction Directive drafted
3. Updated Table of Concordance on EECC drafted
4. Public consultations held²
5. Report on the public consultations 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 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

35 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 several missions in the period from November 2021 until May 2022. However, the starting date will be confirmed at the later stage.

² Depending on the beneficiary who will organise the consultations

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 (35 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 law, economy, finance 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 EU acquis gained in an EU member state or a candidate or potential candidate country.

4.3 Specific professional experience (50 points)

- At least 3 (three) preferably 5 (five) years postgraduate professional experience in transposition and/or implementation of EU legislation related to information society and media, broadband communication infrastructure and/or electronic communications sector
- Postgraduate professional experience working in an electronic communications regulatory body/authority gained in and an EU member state or a candidate country 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 17 November 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Information Society and Media – Broadband communication infrastructure”.

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