

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 EU Negotiating Ch. 12, Food Safety, Veterinary and Phytosanitary Policy, - establishing of food contact materials official controls
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 for European Integration of the Republic of Serbia
Target Beneficiaries:	Negotiating Group Ch. 12; Ministry of Health, and Ministry of Agriculture and Water Management
Budget Line/Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	15 working days, from January until September 2023

1. Relevant background information

Background information in relation 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 the 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 the successful carrying out of accession negotiations

In general, the Project aims to foster 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. Upon completion of the screening process in 2015, the Serbian public administration has entered into much more demanding and obliging exercises 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 and adequate institutional capacity of public administration with highly competent staff are of crucial importance. In the core period of the negotiations, the PLAC III project shall support domestic line institutions and the negotiating structures both in the performance of quality operational work in relation to the 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

The Republic of Serbia (RS) is intensively preparing for negotiations with the EU regarding Chapter 12 (Veterinary and Phytosanitary Policy).

In order to open the negotiations in Chapter 12, Serbia was invited by the EU, among other things, to develop and present a comprehensive strategy for transposition, implementation and enforcement of the acquis on food safety, veterinary and phytosanitary policy, including plans for the development of the relevant administrative capacities and an estimation of the financial resources required (hereinafter referred to as the “opening benchmark”).

To meet the opening benchmark Serbia must substantially strengthen the administrative capacity of the veterinary, phytosanitary and national reference laboratories directorates and consistently apply and further improve the application of the risk-based approach to official controls.

The Country Progress Report of the European Commission (EC) for Serbia for 2022 (Serbia 2022 Progress Report) states that Serbia is *moderately prepared* in the area of food safety, veterinary and phytosanitary policy and that in the incoming year it must “improve the risk-based approach to official controls for imports” (Serbia 2022 Progress Report, p. 125).

Requirements for placing the EU food contact materials (hereinafter referred to as “FCM”) on the market are regulated by framework Regulation (EC) No 1935/2004 on materials and articles intended to come into contact with food (hereinafter referred to as the “Framework Regulation”).

The Framework Regulation establishes general requirements for preventing food contamination including labelling, traceability, and declaration of compliance and allowing for specific measures on individual FCM. Under the scope of the Framework Regulation are all stakeholders in the FCM supply chain: manufacturers of raw materials, manufacturers of FCM from raw materials, converters producing articles from FCM, food industry that uses articles for packaging of food, importers of the FCM and retailers of articles.

Besides the Framework Regulation, FCMs are governed by Commission Regulation (EC) No 2023/2006 on good manufacturing practices for materials and articles intended to come into contact with food (hereinafter referred to as the “GMP Regulation”) and by other EU legislation prescribing specific requirements for certain materials and substances.

Commission Regulation (EU) 2022/1616 of 15 September 2022 introduced the specific requirements for recycled plastic materials and articles intended to come into contact with foods.

Article 8 of Directive 1999/2/EC on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation requires keeping the packaging materials used during treatment for each batch of foodstuffs treated.

Producing safe FCMs in compliance with the Framework Regulation and special requirements of specific EU rules is a primary responsibility of the manufacturers. Food packaging and food industries need to cooperate to ensure that only safe food compliant with EU regulations is placed on the internal market.

Ensuring compliance with relevant EU acquis is the responsibility of the competent authorities in charge of official controls and checks that must be carried out in compliance with the:

- Framework Regulation (EC) No 1935/2004;
- GMP Regulation 2023/2006;
- Specific EU requirements for individual materials and substances.

The Law on Food Safety (“Official Gazette of the RS”, Nos 41/09 and 17/19) divides the competences in the area of food safety between the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Ministry of Health (MoH), depending on the type of food and the stage of production and sale.

In accordance with the Law on Food Safety (LFS) the Ministry of Health (MoH) is in charge of prescribing the health and safety requirements of materials and articles intended to come into contact with food, official controls and checks of compliance with FCM safety requirements and their enforcement,

Under the PLAC III project in 2019, a Rulebook on FCM was drafted, aligned with the Framework Regulation, GMP Regulation and Commission Regulation (EC) 282/2008. However, the Framework Regulation was subject to changes in accordance with Regulation (EU) 2019/1381 on the transparency and sustainability of the EU risk assessment in the food chain. In addition, the draft rulebook must be aligned with Commission Regulation (EU) 2022/1616 on the specific requirements for recycled plastic materials and articles intended to come into contact with foods repealing Regulation (EC) No 282/2008.

Taking into account the modifications in the EU legislation, the MoH formed an expert group for updating the drafted Rulebook on FCM.

In the context of the above, the PLAC III project assistance will help in the alignment of the national FCM requirements and official controls procedures and checklists for their enforcement with the requirements of the Framework Regulation (as amended by Regulation (EU) 2019/1381 on the transparency and sustainability of the EU risk assessment in the food chain), GMP Regulation, with the new Commission Regulation and requirements for FCM treated with ionizing radiation thus contributing to meeting the opening benchmarks as set for Chapter 12.

At present, there are no ongoing or planned assistance projects for the activities covered by this ToR.

3. Description of the assignment:

3.2 Specific objectives

The specific objective of this assignment is to provide assistance to the Ministry of Health (MoH) and the Ministry of Agriculture, Forestry and Water Management (MAFWM) in order to align the national FCM legislation and enhance their proper implementation and enforcement in compliance with the Framework Regulation (EC) No 1935/2004 (as amended by Regulation (EU) 2019/1381 on the transparency and sustainability of the EU risk assessment in the food chain) GMP Regulation 2023/2006, Commission Regulation (EU) 2022/1616, and specific rules governing FCM treated with ionizing radiation.

In particular, the selected expert shall provide support to the MoH and MAFWM in assessing the state of play of compliance and drafting a revised text of the draft Rulebook on FCM and Procedures and checklists for official controls.

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

- Assisting the MoH and MAFWM and Expert Group established by the MoH in assessing the state of play of compliance of the draft Rulebook on FCM subject to the legislative changes at the EU level;
- Assisting the MoH and MAFWM and Expert Group established by the MoH in revising the text of the draft Rulebook on FCM, in drafting Procedures and checklists for official controls taking into account the applicable EU FCM requirements as well as their modifications

adopted at the EU level.

- Holding a workshop on the official control of FCM, and presenting the outputs of the assignment

3.3 Requested services

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

1. On the basis of the state of play assessment, advise the MoH, and its Expert Group in revising the draft Rulebook on FCM to bring the text in compliance with the relevant requirements of the Framework Regulation (EC) No 1935/2004 (as amended by Regulation (EU) 2019/1381 on the transparency and sustainability of the EU risk assessment in the food chain) GMP Regulation 2023/2006, Commission Regulation (EU) 2022/1616, and with specific rules governing FCM treated with ionizing radiation;
2. Assist the MoH and MAFWM in drafting:
 - a. the Procedures for official controls in compliance with the relevant EU FCM requirements;
 - b. the checklists for official control in compliance with the relevant EU FCM requirements.
3. Prepare and hold a Workshop and present the outputs of the assignment.

3.4 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Proposal of amendments to the draft Rulebook on the FCM drafted;
2. Procedures for official controls for the FCM drafted;
3. Checklists for official controls for FCM drafted;
4. Workshop held.

3.5 Reporting

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

- A Final Mission Report, no later than 1 week after the completion of tasks under this assignment. This report will include a 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: TL and/or KE2.

Submission of reports:

- A Final 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 a hard copy and electronic version to the Team Leader of the Project.

3.6 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.

For each of the short-term missions, the timing and duration shall be agreed upon with the Beneficiary and the PLAC III team prior to each planned mission.

3.7 Expert input

3.7.1 Total working days

15 working days (WDs) in total have been planned for Senior Non-Key Expert.

3.7.2 Period of the assignment and starting day

It is expected that the work will be performed through several missions during the period from January until September 2023. However, the starting date will be confirmed at a later stage.

3.7.3 Location/place of assignment

The SNKE must deliver 100% of the input in 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.

3.7.4 Working language

English

4. Experts' profile – Senior NKE (15 working days):

4.2 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, technology or similar, relevant to the assignment;
- Computer literacy;
- Proficiency in report drafting;
- Excellent communication and analytical skills;
- Proficiency in the English language;
- Independence and freedom from conflicts of interest in the undertaken responsibilities.

4.3 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, a candidate or a 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 implementing legislation in relation to EU *acquis* in the FCM;



- Knowledge of the 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 16 December 2022, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Food Safety, Veterinary, and Phytosanitary Policy, EU Negotiating Ch. 12 – establishing of food contact materials official controls”

References must be available on request. Only short-listed candidates will be contacted.

Pre-selected experts will be requested to sign a Statement of Availability (SoA) in which they acknowledge and confirm their 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 the Project Manager at DMI Associates Marion Bayard: mbayard@dmiassociates.com or Arianne Khani: akhani@dmiassociates.com.

6. Disclaimer

The implementation of the requested technical assistance and the start of the short-term assignment is subject to the signing and entry into force of the addendum to Service Contract No. (CRIS) 2018/404-529 between the Contracting Authority and the Contractor on the extension of the period of the implementation of the tasks of the Policy and Legal Advice Centre (PLAC III) project under IPA 2021 framework.