

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 Ch.15 - Energy; Energy Efficiency, eco-design requirements for energy-related 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 for European Integration of the Republic of Serbia
Target Beneficiaries:	Negotiating Group Ch. 15; Serbian Ministry of Mining and Energy
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	42 working days (WD), from January 2023 until October 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 Union *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. After the completion of the screening process in 2015, 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 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.

In accordance with the new EU methodology for accession negotiations, Chapter 15 is a part of Cluster 4 – Green Agenda and Sustainable Connectivity.

The Republic of Serbia met the opening benchmarks for Chapter 15 and opened negotiations in Cluster 4 with the EU on December 2021.

The country progress report of the European Commission (EC) for Serbia for 2022 (Serbia 2022 Progress Report) states that, in the coming period, Serbia should finalise and implement the National Energy and Climate Plan (NECP) and Energy Sector Development Strategy in accordance with the Green Agenda for the Western Balkans and to strengthen the capacity to manage larger energy efficiency programmes.

In addition, the Serbia 2022 Progress Report states that “Serbia continued to progress in aligning with the EU acquis on energy efficiency by adopting the implementing legislation under the new Law on Energy Efficiency and Rational Use of Energy” and that, in the coming period, it needs to strengthen the capacity to manage larger energy efficiency programmes.

The Law on Energy Efficiency and Rationale Use of Energy (“Official Gazette of RS” no. 40/21) is a legal basis for the adoption of all technical by-laws transposing the relevant Union acquis in the area of energy labelling and eco-design.

In particular, Serbia has transposed Directive 2009/125/EC establishing a framework for the setting of eco-design requirements for energy-related products as amended by Directive 2012/27/EU (Directive on eco-design), through the Government’s Decree on eco-design requirements in December 2021 that was proposed by the Ministry of Mining and Energy (**MoME**) and its Department for Energy Efficiency.

The National Programme for the Adoption of the Acquis (**NPAA**) 2022-2025 envisages the adoption of rulebooks by the end of 2023 to align further with the relevant European Commission’s regulations implementing the Directive on eco-design and laying down eco-design requirements for particular products (NPAA, section 3.15.2. - Energy efficiency and renewable energy sources).

There are around 30 delegated acts, for different product groups, covered by the Directive on eco-design and EC’s implementing regulations to be adopted by the MoME in the next 2 years. Adoption of delegated acts, which are covered by the Directive on eco-design and the EC’s implementing measures, is underway.

The PLAC projects assisted the Ministry from 2014 - 2020 in drafting secondary regulations. As a result, most of the 30 eco-design delegated acts have already been drafted and subjected to ongoing minor technical correction procedures in accordance with the requirements of the Serbian Secretariat for Legal Affairs.

However, the MoME has to prepare 6 (six) remaining delegated acts which will enable the aligning of the legislation further with the EC’s regulations laying down eco-design requirements in accordance with Directive 2009/125/EC for specific product groups:



Commission Regulation (EU) 2015/1095, Commission Regulation (EU) 2019/1783, Commission Regulation (EU) 2019/1782, Commission Regulation (EU) 2019/424, Commission Regulation (EU) 2019/1781 and Commission Regulation (EU) 2019/1784.

Adoption of these acts is, as well, needed in order to eliminate the barriers to the free movement of goods in accordance with the rules governing the internal market.

At present, there are no ongoing 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 MoME in full alignment with the European Commission's regulations, implementing Directive 2009/125/EC with regard to eco-design of specific product groups, in particular:

- Commission Regulation (EU) 2015/1095 implementing Directive 2009/125/EC with regard to the ecodesign requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers;
- Commission Regulation (EU) 2019/1781 laying down eco-design requirements for electric motors and variable speed drives pursuant to Directive 2009/125/EC of the European amending Regulation (EC) No 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products and repealing Commission Regulation (EC) No 640/2009;
- Commission Regulation (EU) 2019/1782 laying down ecodesign requirements for external power supplies pursuant to Directive 2009/125/EC;
- Commission Regulation (EU) 2019/1783 amending Regulation (EU) No 548/2014 on implementing Directive 2009/125/EC with regard to small, medium and large power transformers;
- Commission Regulation (EU) 2019/1784 of 1 October 2019 laying down ecodesign requirements for welding equipment pursuant to Directive 2009/125/EC;
- Commission Regulation (EU) 2019/424 laying down eco-design requirements for servers and data storage products pursuant to Directive 2009/125/EC and amending Commission Regulation (EU) No 617/2013 (Text with EEA relevance.).

In order to successfully complete harmonisation the selected PLAC expert will support the Ministry in drafting rulebooks in full compliance with the above EC's regulations with the technical terms and definitions fully aligned with the relevant acquis and in line with the national legal framework and methodology applicable for drafting legal acts in Serbia.

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 drafting:

- a. Rulebook fully aligned with Commission Regulation (EU) 2015/1095



- b. Rulebook fully aligned with Commission Regulation (EU) 2019/178
- c. Rulebook fully aligned with Commission Regulation (EU) 2019/424
- d. Rulebook fully aligned with Commission Regulation (EU) 2019/178
- e. Rulebook fully aligned with Commission Regulation (EU) 2019/1784, and
- f. Amendments to an existing draft of the Rulebook fully aligned with Commission Regulation (EU) 2019/1783 amending Commission Regulation (EU) No 548/2014

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- 5 (five) Rulebooks fully in compliance with the Commission Regulation (EU) 2015/1095, Commission Regulation (EU) 2019/1782, Commission Regulation (EU) 2019/424, Commission Regulation (EU) 2019/1781 and Commission Regulation (EU) 2019/1784, respectively, drafted.
- amendments to the existing draft of the Rulebook on eco-design requirements for transformers, by transposition of Commission's Regulation (EU) 2019/1783 amending Commission Regulation (EU) No 548/2014,

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 a 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:

- 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.

3.5 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.

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

3.6 Expert input

3.6.1 Total working days



42 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 day

It is expected that the work will be performed in the period from January 2023 until October 2023. However, the exact starting date will be agreed upon at a 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). 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. Experts' Profile – Senior NKE (42 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 attested by a diploma such as Electrical Engineering, Mechanical Engineering or similar, relevant to the assignment
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- Proficiency in the 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 5 (five) years of general postgraduate professional experience related to the Union acquis gained in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- Postgraduate professional experience in the transposition and/or implementation of Union acquis in the field of Chapter 15 related to energy efficiency
- Postgraduate professional experience and/or knowledge of the Union legislation related to energy labelling and eco-design, would be an advantage
- 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 9 December 2022, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 15 – Energy Efficiency, eco-design requirements for energy-related products”

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@dmassociates.com or Arianne Khani: akhani@dmassociates.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.