

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 and 1 (one) Junior Non-Key Expert in the area of Negotiating Ch. 27, Environment and Climate Change – construction and demolition waste management
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. 27; Ministry of Environmental Protection
Budget Line/Expert Category:	One Senior and one Junior Non-Key Expert
Duration of the assignment:	45 working days (35 WD SNKE and 10 WD for JNKE), from February until December 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 27 – Environment and Climate Change

The EU core legislation governing waste management is Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste (hereinafter referred to as the “Waste Framework Directive”). The goal of the Waste Framework Directive is to set up a comprehensive system of waste avoidance, waste recycling and waste disposal taking into account the precautionary principle as well as the polluter pays principle.

The Waste Framework Directive (**WFD**) was amended by Directive (EU) 2018/851 which introduced new requirements on management of ‘construction and demolition waste’, that is the waste generated by construction and demolition activities (hereinafter referred to as the “C&D waste”). In particular, Member States are required to take measures to prevent waste generation in relation to construction and demolition, taking into account the best available techniques or to promote preparing for re-use activities.

Member States are required to take measures to promote selective demolition in order to enable removal and safe handling of hazardous substances and facilitate re-use and high-quality recycling by selective removal of materials, and to ensure the establishment of sorting systems for construction and demolition waste at least for wood, mineral fractions (concrete, bricks, tiles and ceramics, stones), metal, glass, plastic and plaster.

To move to a European circular economy with a high level of resource efficiency the WFD required an increase by 2020 to a minimum of 70 % by weight preparing of waste for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials of non-hazardous C&D waste. It is expected that these targets shall be revised by the end of 2024 by the European Commission.

Regarding waste management, Serbia has a good level of alignment with the EU acquis; however, implementation remains at an early stage (Serbia 2022 Progress Report, p. 121).

The Law on Waste Management (“Official Gazette of the RS” Nos 36/2009, 88/2010, 14/2016 and 95/2018) transposed most of the WFD. The law, inter alia, fixes the competences for licensing and control of waste management facilities, prescribes types and classification of waste, and requires the adoption of the waste management plans at a state level, and at a level of an autonomous province and the local self-governments within their competences, respectively. The Law on Waste Management, in addition, provides general guidelines and a basis for the adoption of more detailed rules for the treatment, recovery and disposal of specific waste streams, including the management of non-hazardous and hazardous C&D waste.

In early 2022, Serbia adopted the National Waste Management Programme 2022-2031 (“Official Gazette of the RS”, No.12/2022) and the Action Plan of the Waste Management Programme for 2022-2024. In addition, the Action plan for the management of construction and demolition waste in the city of Belgrade for the period 2022-2030 („Official Gazette of the City of Belgrade“, No. 5/2022) has been adopted.

Establishing legislative provisions related to the management of C&D waste has been envisaged as one of the regulatory measures/instruments for implementing the national plan in the above-mentioned strategic documents.

Recycling construction and demolition (C&D) waste is important for reducing the demand for

virgin materials, diverting waste from landfills, salvaging valuable resources, and preventing illegal dumping. In addition, measures enabling selective demolition and removal and safe handling of hazardous substances must be introduced. In particular, due to its wide use in the past, asbestos-containing waste can be found in construction waste, and in various products (such as asbestos-cement roof coverings, walls plastered with a cement-asbestos mixture, etc.) pose a particular health risk that needs appropriate legal intervention.

That being said, the national legislation must transpose the new WFD's provisions governing the management of C&D waste and selective demolition and removal and safe handling of hazardous substances.

As a result, the specific objective of this assignment is to provide assistance to the Ministry of Environmental Protection (MEP) to enhance harmonisation with the Union acquis governing the C&D waste management followed by proper implementation.

Construction and demolition waste management has not been covered by any previous assignments supported by the PLAC I-III projects.

At present, there are no ongoing 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 (MEP) in transposing requirements of the WFD on C&D waste management by updating the Law on Waste Management and drafting by-laws governing the management of the non-hazardous and hazardous C&D waste and asbestos-containing C&D waste. The formulation of by-laws should be preceded by an analysis of technological and chemical processes that have to be done when C&D waste is treated in the process of preparation for re-use, especially hazardous and asbestos-containing C&D waste. Also, the C&D should also be classified based on the technological processes for its treatment. Such an approach may result in the development of various by-laws, for the specific types of C&D waste.

The newly aligned regulatory framework shall cover in particular:

- rules on the reduction of C&D waste generation;
- rules governing the preparation of non-hazardous C&D waste for re-use, recycling and other material recovery, including backfilling operations;
- options for re-using hazardous and asbestos-containing C&D waste. Analyses of possible options should be based, among other parameters, on the approximation of quantities of different types of C&D waste available; its location; chemical substances (e.g. emulsions) to be used for enabling the re-use of C&D waste etc.
- on-site source separation and selective demolition in order to separate hazardous components during deconstruction works to enable the removal and safe handling of hazardous substances and facilitate re-use and high-quality recycling by selective removal of materials;
- establishment of sorting systems for construction and demolition waste at least for wood, mineral fractions (concrete, bricks, tiles and ceramics, stones), metal, glass, plastic and plaster;

- minimum requirements for transport, storage and treatment of hazardous and non-hazardous C&D waste, respectively, in order to ensure proper pre-treatment;
- minimum technical requirements construction companies should satisfy to re-use the C&D waste;
- establishment of the rules governing the final disposal and ban of illegal dumping of the C&D waste.

In the scope of this objective, the selected experts shall assist the MEP in conducting the legal gap assessment of the Serbian legal framework on the C&D management with measures proposed to reach full compliance with the WFD, development of a report on the C&D waste management in the Republic of Serbia including on asbestos waste management, drafting of the amendments to the Law on Waste Management and the by-laws governing C&D waste management in accordance with the WFD requirements. At the end of the activity, a workshop presenting the legal gap assessment, new drafts of the legislation and their implementation shall be held.

3.2 Requested services

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

1. Perform a legal gap analysis of the Serbian legal framework on C&D waste management with measures proposed to reach full compliance with the Waste Framework Directive's provisions on C&D waste management as amended by Directive (EU) 2018/851;
2. Assist the Ministry of Environmental Protection in drafting:
 - a. amendments to the Law on Waste Management transposing the C&D waste management requirements of the Waste Framework Directive (as amended by Directive (EU) 2018/851);
 - b. a by-law on C&D waste management transposing remaining requirements of the Waste Framework Directive (as amended by Directive (EU) 2018/851);
 - c. a by-law on asbestos-containing waste management in compliance with the Waste Framework Directive (as amended by Directive (EU) 2018/851).
3. Prepare and hold a Workshop and present the outputs of the assignment.

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

1. Prepare a report on the Republic of Serbia's institutional set-up, legislation, programmes and plans governing the management of construction and demolition waste, including asbestos-containing C&D waste. The Report shall contain information on the ownership structure of different types of C&D waste. Starting from the ownership structure, an institutional set-up for the re-use of specific types of C&D waste shall be presented in the Report;
2. Prepare and hold a WS and present the outputs of the assignment.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Legal gap analysis report with proposed measures drafted;
2. The amendments to the Law on Waste Management drafted;
3. The by-law on C&D waste management drafted;
4. The by-law on asbestos-containing waste management drafted;
5. Workshop held.

The Junior NKE is expected to deliver the following outputs:

1. Report on the Republic of Serbia's institutional set-up, mapping of all stakeholders involved in C&D matter, analysis of technological and chemical processes, legislation and policies governing the management of construction and demolition waste, including asbestos-containing C&D waste, drafted;
2. Workshop held.

3.4 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.

3.5 Specifics

The NKEs shall work under the guidance and follow the instructions of the Team Leader. The NKEs 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.

3.6 Expert input

3.6.1 Total working days

35 working days (WDs) in total have been planned for the Senior Non-Key Expert and 10 working days (WDs) for the Junior 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 through several missions during the period from February until December 2023. However, the starting date will be confirmed at a later stage.

3.6.3 Location/place of assignment

The SNKE and the JNKE 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.

3.6.4 Working language

English

4. Experts' profile – Senior NKE (35 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, 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.

4.2 General professional experience (15 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;
- Knowledge of the Serbian legal system will be an advantage.

5. Experts' Profile – Junior NKE (10 working days):

5.1 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 or technical sciences 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 responsibilities they take on.

5.2 General professional experience (25 points)

- At least 5 (five) years of general postgraduate professional experience related to Union acquis gained in an EU Member State, candidate or potential candidate country.

5.3 Specific professional experience (50 points)

- Postgraduate professional experience in the waste management sector preferably i.e. in developing waste management plans, waste characterization and/or morphology;
- Postgraduate professional experience in performing reviews of institutional and/or legal framework related to the environmental sector will be an advantage;
- Knowledge of the Serbian legal system will be an advantage.

6. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to mbayard@dmiassociates.com and akhani@dmiassociates.com no later than 10 January 2023, 17:00 hrs, titled:

“Application for the position – Senior or Junior NKE in the area of Ch. 27, Environment and Climate Change, construction and demolition waste”.

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.

7. 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.