

Policy and Legal Advice Centre (PLAC III)

Terms of Reference (ToR) for a Short-Term assignment

Technical assistance requested:	2 (two) Senior Non-Key Experts in the area of Negotiating Ch. 15, Energy – energy performance of buildings (Directive 2010/31/EU)
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; Ministry of Construction, Transport and Infrastructure and Ministry of Mining and Energy
Budget Line/Expert Category:	Two Senior Non-Key Experts
Duration of the assignment:	50 working days from January 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 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 15, Energy - Energy Performance of Buildings

Energy efficiency in the building sector is one of the most challenging and complex EU acquis when it comes to harmonising national legislation and in particular when it comes to the implementation of adopted policy measures.

Collectively, buildings in the EU are responsible for 40% of our energy consumption and 36% of greenhouse gas emissions, which mainly stem from construction, usage, renovation and demolition.

To achieve a minimum of 55% greenhouse gas emissions reduction target by 2030 compared to 1990 levels, proposed by the European Commission on Sept. 2020, the EU must reduce buildings' greenhouse gas emissions by 60%, their energy consumption by 14%, and the energy consumption of heating and cooling by 18%.

The Government of Serbia submitted the negotiating position for Chapter 15 – Energy (Negotiating Position) to the European Commission (EC) on June 7th, 2021. Serbia opened negotiation in Cluster 4 –Green Agenda and Sustainable Connectivity on December 14th, 2021 and Ch. 15. is a part of it.

In order to progress in negotiations for Cluster 4, Serbia needs to make significant efforts to further align its legislation with the energy efficiency acquis in Ch. 15, especially to upgrade existing bylaws, create an Action Plan and implement building renovation programs.

In accordance with the main conclusions from the meeting of the Sub-Committee on Transport, Energy, Environment, Climate Change and Regional Development of the Stabilization and Association Agreement, held on December 9th, 2021 (Operational conclusions, p.1) Serbia was invited by the EC to announce if there are any concrete actions or plans such as a National Energy and Climate Plan and the Long-Term Building Renovation Strategy that IPA can contribute to.

While Serbia has achieved important progress in aligning with the EU acquis in the field of energy efficiency by adopting a new Law on Energy Efficiency (April 2021) the Country Progress Report of the EC for Serbia for 2022 (Serbia 2022 Progress Report, p. 120) states that it “still needs to adopt further primary and implementing legislation to achieve full alignment with [the Directive 2010/31/EU on the energy performance of buildings, define] the NZEB standard” and “to roll out consumption-based metering and billing in district heating, a precondition to attract large-scale investments in retrofitting the building stock.”

In order to implement Article 2a of the Directive 2010/31/EU (**EPBD**) Serbia adopted the Long-Term Renovation Strategy for Encouraging Investments in Renovation of the National Building Stock of the Republic of Serbia by 2050 (“Official Gazette of the RS”, No. 27/2022-05) in February 2022 (hereinafter referred to as the Building Renovation Strategy).

The Building Renovation Strategy clearly indicates the need for Serbia to set stricter levels of energy efficiency in buildings, i.e. new minimum energy performance requirements; to define nearly zero energy building level (nZEB); to use RES in a higher percentage; amending the Law on Planning and Construction to fortify a system of independent professional control and establishing penal provisions and sanctioning improper certification of the energy performance of buildings. This will ensure full alignment with the provisions of the EPBD.

The Building Renovation Strategy sets targets to renovate the existing public buildings stock by 2050, and indicates the importance of introducing the nearly zero energy buildings (**NZEB**) standards for all new public and commercial buildings and provides energy-saving goals with projections of investments until 2050.

At the same time, the Integrated National Energy and Climate Plan of the Republic of Serbia (hereinafter referred to as **INECP**) is being developed, by the Ministry of Mining and Energy in accordance with Art. 3 of the Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action.

The Building Renovation Strategy provides basic data, measures and indicators, and its implementation will have an impact on achieving the goals of the INECP's part dealing with energy efficiency in buildings.

The Strategy's goals shall be integrated in the future INECP strategic goals and reports on the realization of its objectives in accordance with the EPBD and Regulation (EU) 2018/1999. Therefore, reports on the attainment of the objectives of the Building Renovation Strategy must be compatible with INECP's reports on the realization of its goals.

Energy intensity in Serbia is nearly four times higher than the EU average. To achieve the long-term overall targets established in the Building Renovation Strategy and goals from the INECP, with projections until 2050 it will be necessary to minimise end-users' energy consumption in householders, reduce primary and final energy consumption in the building sector, as well as to prevent most energy-related emissions in the building sectors.

As a result, significant investments are expected to be mobilised in the building sector through the implementation of strategic measures developed in the Building Renovation Strategy. All the measures (regulatory, financial, non-financial, educational and informative) should be implemented simultaneously, which would significantly reduce energy consumption and CO₂ emissions and reach the savings goals defined by the Strategy.

Five possible renovation scenarios were considered in the Building Renovation Strategy. Scenario 4 was proposed as the basis for the Strategic Goal of the Republic of Serbia. In addition, the Building Renovation Strategy has developed a road map towards the goals.

In order to achieve effective implementation of the policy measures envisaged by the Building Renovation Strategy the technical support of selected experts' is required to develop an action plan for implementation of the Strategy as well as appropriate reporting tools for monitoring implementation progress in accordance with the adopted renovation scenario and INECP reporting requirements.

At present, there are no ongoing 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 Construction, Transport and Infrastructure (MoCTI) and the Negotiating Group for Ch. 15 in the implementation of the Building Renovation Strategy and in the attainment of the INECP strategic goals in the part dealing with energy efficiency in buildings in compliance with Directive 2010/31/EU on the energy performance of buildings (as amended by Directive (EU) 2018/844 and by Regulation (EU) 2018/1999) and Directive 2012/27/EU on energy efficiency (as amended by Directive (EU) 2018/844 and by Regulation (EU) 2018/1999).

In the scope of this objective, the selected experts shall assist the MoCTI in: collecting, identifying and analysing best practices (from at least three Member States) for cost-effective implementation of measures envisaged by the Building Renovation Strategy in compliance with the EPBD technical and financial requirements relevant to Serbia for the purposes of developing more detailed measures for Action Plan for Building Renovation Strategy; drafting Action Plan for the Implementation of the Building Renovation Strategy with detailed measures and financial

incentives developed; and drafting the annex to the Action Plan governing reporting on activities based on the selected Building Renovation Strategy Scenario aimed at achieving INECP goals in compliance with the relevant acquis.

The documents must be developed in accordance with the relevant legal framework (in particular taking into account Articles 2a and 10 of the EPBD 2010/31/EU, Directive 2012/27/EU on energy efficiency and Regulation (EU) 2018/1999) requirements.

At the end of the activity, to prepare and hold up to 3 workshops in order to present the outputs of the assignment, present the new legal framework, the advantages of the proposed solutions, as well as the manner of future implementation of draft documents and to discuss the proposed solutions with relevant institutions and stakeholders.

3.2 Requested services

The Senior NKE in the area of the energy performance of buildings (SNKE 1) is expected to provide the following services (25 WDs):

- a. Analysis of best practices for the cost-effective implementation of technical and reporting requirements of the EPBD for the improvement of the energy performance of buildings and for the NZEB transition;
- b. On the basis of the analyses under the previous item, to recommend and develop the detailed technical actions/measures/activities (hereinafter referred to as „measures“) for the improvement of the energy performance of buildings and for the NZEB transition adjusted to the Scenario of the Building Renovation Strategy to be proposed in the Action Plan for Implementation of the Building Renovation Strategy in compliance with the EPBD;
- c. Assist the MoCTI in drafting an Action Plan for the Implementation of the Building Renovation Strategy (hereinafter referred to as „Action Plan“) with a detailed description of individual technical measures adjusted to the Scenario of the Building Renovation Strategy implementing requirements for the improvement of the energy performance of buildings and for the NZEB transition in accordance with provisions of the EPBD and other relevant Union acquis defined up to the level and method sufficient for implementation (including implementation periods/milestones, indicators, implementing, monitoring and verification bodies and links to other related measures and goals from INECP identified) in collaboration with the SNKE for financial instruments;
- d. Assist the MoCTI in drafting an annex to the Action Plan governing reporting on the progress of the implementation of technical measures to achieve goals from the INECP in compliance with the EPBD and other relevant Union acquis;
- e. Prepare and hold 2 (two) workshops and present the outputs of the assignment in cooperation with the SNKE for financial instruments.

The Senior NKE in the area of financial instruments for energy performance of buildings (SNKE 2) is expected to provide the following services (25 WDs):

- a. Analysis of best practices for the implementation of cost-effective financial measures for financing the improvement of the energy performance of buildings and transition to NZEB in compliance with the EPBD;

- b. On the basis of the analysis, to recommend and develop appropriate financial measures for each of the technical measures to be proposed in the Action Plan defined in compliance with the EPBD;
- c. Assist the MoCTI in drafting an Action Plan with a description of appropriate financial measures (incentives, schemes and/or instruments) for the financing of the improvement of the energy performance of buildings and transition to NZEB adjusted to the Scenario of the Building Renovation Strategy in compliance with Article 10 of the EPBD, including the identification of required financial resources and methods of financing of each measure in the Action Plan proposed for the improvement of the energy performance of buildings and for the NZEB transition in collaboration with the SNKE 1;
- d. Prepare and hold 2 (two) Workshops and present the outputs of the assignment in cooperation with SNKE 1.

3.3 Outputs

SNKE 1 is expected to deliver the following outputs:

1. Analysis of best practices in the EU Member States for the implementation of technical and reporting requirements of the EPBD drafted;
2. Proposal of the measures for improvement of the energy performance of buildings and transition to the NZEB adjusted to the Scenario of the Building Renovation Strategy with reporting requirements to be integrated into the Action Plan and its annex drafted;
3. Action Plan for Implementation of the Building Renovation Strategy drafted (in collaboration with SNKE 2);
4. Annex to the Action Plan governing reporting on the measures and activities selected in accordance with the Scenario of the Building Renovation Strategy to achieve INECP goals drafted (in collaboration with SNKE 2);
5. Workshops held (in collaboration with SNKE 2).

The SNKE 2 is expected to deliver the following outputs:

1. Analysis of best practices in the EU Member States for financial instruments and measures for the implementation of the EPBD requirements for appropriate financing drafted;
2. Proposal of appropriate financial measures and instruments for financing measures for the improvement of the energy performance of buildings and transition to the NZEB to be integrated into the Action Plan drafted;
3. Action Plan for Implementation of the Building Renovation Strategy drafted (in collaboration with SNKE 1);
4. Workshops held (in collaboration with SNKE 1).

3.4 Reporting

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

50 SNKE working days (WDs) in total have been planned for this assignment (25 WDs for SNKE 1 and 25 WDs for SNKE 2).

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 January until October 2023. However, the starting date will be confirmed at a later stage.

3.6.3 Location/place of assignment

The NKEs 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 in the area of energy performance of buildings (25 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, economics, finance or engineering, 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 (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to the EU energy 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/or implementing legislation or policy documents in relation to EU acquis in the energy efficiency;

5. Experts' Profile – Senior NKE in the area of financial instruments for the energy performance of buildings (25 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 law, economics, finance or engineering, 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 8 (eight) years of general postgraduate professional experience related to the EU energy acquis gained in an EU Member State, a candidate or a potential candidate country.

5.3 Specific professional experience (50 points)

- At least 3 (three) preferably 5 (five) years postgraduate professional experience in drafting and/or implementing legislation or policy documents in relation to EU acquis in the energy efficiency
- Knowledge of the Serbian legal or financial 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 to akhani@dmiassociates.com no later than 10 January 2023, 17:00 hrs, titled:

“Application for the position – Senior NKEs in the area of Energy, Ch. 15, energy performance of buildings (Directive 2010/31/EU)”.

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 implementation of the tasks of the Policy and Legal Advice Centre (PLAC III) project under IPA 2021 framework.