

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 Ch. 27, Environment and Climate Change – Registers for producers of electrical and electronic equipment, batteries and accumulators, and vehicles
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
Target Beneficiaries:	Negotiating Group Ch. 27; Ministry of Environmental Protection
Budget Line/Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 WD SNKE, from February until November 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. 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

Waste policy is recognised as one of the most challenging and complex of the Union acquis when it comes to harmonising national legislation with EU standards and norms. The application of legal norms in the environmental sector requires significant investments. Also, adequate and efficient institutional establishment and capacities at a national and local level are imperative for the application and implementation of the Union acquis in the field of environment.

The Government of Serbia submitted the negotiating position for Chapter 27 – environment and climate change (Negotiating Position) to the European Commission in January 2020. Serbia opened negotiations in Cluster 4 – Green Agenda and Sustainable Connectivity Green on 14 December 2021.

The country progress report of the European Commission (EC) for Serbia for 2022 (Serbia 2022 Progress Report SWD (2022) 338 final) states that Serbia has achieved *some level of preparation* in the field of environment and climate change. Regarding waste management, Serbia has a good level of alignment with the Union acquis, however, implementation remains at an early stage. In 2020 the recycling rate in Serbia was 15.5% and fewer than 2% of recyclables came from households (Serbia 2022 Progress Report, p. 121). Serbia should considerably step up its ambitions in closing non-compliant landfills and increasing investment in waste reduction, separation and recycling (Serbia 2022 Progress Report, p. 120).

The EU invites “Serbia to pursue work for the full alignment with the [...] Waste Electric and Electronic Equipment (WEEE), Restriction of Hazardous Substances, Batteries and End-of-Life Vehicles Directives, including the establishment and/or alignment with the EU requirements of the extended producer’s responsibility system needed for the creation and management of individual and collective schemes” (the EU Common Position, p. 7)

In accordance with WEEE Directive 2012/19/EU (as amended by Dir. 2018/849) and WBA Directive 2006/66/EC (as amended by Directive 2018/849) Member States are required to draw up a register of producers to ensure that each producer of EEE, batteries and accumulators is registered, including producers supplying EEE by means of distance communication. Registers facilitate monitoring of compliance with the requirements of the Directives by economic operators placing products on the market and cooperation between authorities, in particular by establishing an adequate flow of information and providing the Commission with data needed to assess the implementation of the Directives.

Identifying and tracking producers is the first step towards an effective producer responsibility (EPR) policy, that is proven as a solution to achieve the EU targets.

Serbia's National Waste Management Strategy, which includes a National Waste Management Plan for the years 2020–2025 developed through the now-completed IPA project "EU Support to Waste Management Policy" creates the policy foundation for introducing a national register of producers/importers of EEE, Batteries and accumulators, and other waste flows for which an EPR will be implemented within the Serbian waste management legal framework, among other measures and guidelines for the National Plan's implementation.

There are currently no provisions in the Serbian waste management legislation requiring the establishment of national registration systems for EEE, battery and accumulator producers equivalent to the WEE and WBA Directives’ requirements. That being said, the national legislation must transpose the WEEE and WBA Directives’ registration requirements for producers and importers and provide legal ground for the establishment of national registration

bodies in charge of implementing registration procedures.

While there is not an equivalent requirement under the relevant acquis, given the proximity between end-of-life vehicles (ELVs), WEEE and WBA management requirements, a similar approach could be adopted in relation to the ELVs too.

Indeed, under previous PLAC project assignments a follow-up recommendation was made to improve monitoring and reporting systems and data collection to meet EU registration and reporting requirements for waste streams of WEEE, WBA, and ELVs.

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 registration, information and reporting requirements for producers and importers of products subject to the WEEE, WBA and ELVs Directives.

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 MEP in transposing producer and importer registration, information and reporting requirements of the WEE Directive 2012/19/EU (as last time amended by Dir. 2018/849) and WBA Directive 2006/66/EC (as last time amended by Directive 2018/849) by updating the national waste management legislation through drafting by-laws governing the mandatory registration requirements, registration procedures and competences of registration bodies (further on referred as to “national registers”) for each of the mentioned waste streams.

In order to facilitate the implementation of reporting and information requirements of Directive 2000/53/EC on end-of-life vehicles (as last time amended by Commission Delegated Directive (EU) 2020/363) the assignment shall cover drafting by-laws establishing the national register, information and reporting requirements in relation to producers and importers of vehicles.

The formulation of legislation should be preceded by a case study report on best practices in EU Member States implementing the EU Directives’ registration, information and reporting requirements. The report will provide recommendations relevant to Serbian circumstances on the steps needed to introduce a compliant registration system and improve data quality, quality checks, and traceability for the products subject to the EU Directives’ registration, information and reporting requirements.

In the scope of this objective, the selected expert shall assist the MEP in providing the EU best practices report with the appropriate recommendations to achieve a fully compliant registration system, and in the drafting of the national legislative provisions and the by-laws transposing registration, information and reporting requirements of the WEEE, WBA and ELVs Directives. At the end of the activity, a workshop will be held to present the best practices report, as well as the new drafts of the legislation and how they will be implemented.

3.2 Requested services

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

1. Deliver a report on the best practices in the Member States for the establishment of national registers with the appropriate recommendations on steps and measures needed to implement a fully compliant registration and reporting system in Serbia in accordance with the WEEE, WBA and ELVs Directives;
2. Assist the MEP in the drafting of provisions of national legislation and by-laws establishing National Registers and fully transposing registration, information and reporting requirement of WEEE Directive 2012/19/EU (as last time amended by Dir. 2018/849), WBA Directive 2006/66/EC (as last time amended by Directive 2018/849) and Directive 2000/53/EC on ELVs (as last time amended by Commission Delegated Directive (EU) 2020/363)
3. Prepare and hold a workshop and present the outputs of the assignment.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. The report on the best practices in at least two Member States with the appropriate recommendations, drafted
2. Legal act/s establishing National Registers and transposing registration, information and reporting requirements of the WEEE, WBA and ELVs Directives, drafted;
3. 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 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.

3.6 Expert input

3.6.1 Total working days

20 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 during the period from February until November 2023. However, the starting date will be confirmed at a later stage.

3.6.3 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.

3.6.4 Working language

English

4. Experts' profile – Senior NKE (20 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, economic, natural, environmental, 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 undertaken responsibilities.

4.2 General professional experience (15 points)

- At least 8 (eight) 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)

- 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. 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 24 February 2023, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 27, Environment and Climate Change, Registers for producers of electrical and electronic equipment, batteries and accumulators, and vehicles”

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.