

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 – CO2 emission performance standards for new passenger cars and for new light commercial 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; Road Traffic Safety Agency
Budget Line/Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	40 working days from February 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. 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

Climate change policy is recognised as one of the most challenging and complex part of the Union *acquis* when it comes to harmonising national legislation with EU standards and norms.

The Government of Serbia submitted the negotiating position for Chapter 27 – Environment and Climate Change 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 Report 2022), states that Serbia has achieved some level of preparation in the area of environment and climate change (Serbia 2022 Progress Report, p. 122). To progress in negotiations for Cluster 4 Serbia needs to make significant efforts to further align its legislation with the climate change *acquis* in Ch. 27.

The European Union Common Position invites “Serbia to ensure that [...] climate action requirements are integrated into the definition and implementation of other sectoral policies and that resource efficient, low emissions and climate-resilient development is promoted.”

In particular, “the EU encourages Serbia to start work to transpose Regulation (EU) 2019/631 on CO₂ emission performance standards for new passenger cars and for new light commercial vehicles and recalls the obligation to put in place a monitoring and reporting system for newly registered vehicles” (the EU Common Position, p. 15).

In 2017, road transport contributed 21% of the EU's total emissions of carbon dioxide (CO₂). Passenger cars and vans ('light commercial vehicles') are responsible for around 12% and 2.5% of total EU emissions of CO₂, respectively. Hence, this sector was recognized as one of the most important ones to transform in order to achieve climate goals.

Therefore, Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles was adopted.

Regulation (EU) 2019/631 provides a clear pathway for CO₂ emissions reductions from the road transport sector and helps accelerate the transformation of the entire transport sector towards zero emissions. As the new target started applying in 2020, the average CO₂ emissions from new passenger cars registered in Europe have decreased by 12% compared to the previous year and the share of electric cars tripled.

Regulation (EU) 2019/631 is not listed in the NPAA 2022-2025. However Regulations (EC) No 443/2009 (new passenger cars) and (EU) No 510/2011 (light commercial vehicles), which were repealed by the 2019 Regulation were contained in the previous version of the National Programme for Adoption of Acquis (NPAA) 2018-2021.

Furthermore, as indicated in the EU Common Position in Ch. 27 Serbia needs to continue its alignment with the *acquis* in the climate change area and to transpose this Regulation in order to progress in negotiations.

Since vehicles are major carbon emitters, reporting and monitoring of CO₂ emission performance standards from new cars and vans is important in order to make sure these vehicles fulfil the requirements, satisfy and comply with further reduced CO₂ emissions targets.

The draft Rulebook on reporting of CO₂-Emission from new passenger cars and light commercial vehicles (RPLCV) was drafted through the PLAC project in 2016. During this assignment, a compatibility check of the existing Serbian legislation and institutional responsibilities necessary to comply with Regulations (EC) No 443/2009 and No 510/2011 and

its amending EU legal acts was carried out. In addition, a gap analysis with recommendations for fulfilling the gaps was elaborated.

However, new Regulation (EU) 2019/631 introduced a number of changes compared to Regulations (EC) No 443/2009 and No 510/2011. In addition, Serbia adopted the Law on Climate Change (“Official Gazette of the Republic of Serbia” no. 26/2021) in 2021, yet, the new law does not provide an explicit legal basis for adopting a by-law which would implement the new EU Regulation in Serbia.

As a result, a new legal gap analysis with operational recommendations for introducing an enabling clause and identifying institutional responsibilities for the implementation of the new EU Regulation is needed, including, an option to amend the Law on Climate Change with new provisions to govern reporting and monitoring of CO₂ emission performance standards from new cars and light commercial vehicles.

The specific objective of this assignment is to provide assistance to the Road Traffic Safety Agency (RTSA) and the Negotiating Group for Ch. 27 (NG 27) in the development of a new analysis of Regulation (EU) 2019/631 providing a legal gap assessment with regards to Serbian laws in force and the draft Rulebook (i.e. the status of compliance of Serbian legislation with the Regulation identifying transposition and institutional gaps and provide recommendations for fulfilling the gaps and appropriate institutional set-up). The assessment should also contain best practice analysis from EU countries, with recommendations for establishing the database and monitoring/reporting system. Based on the collected information and analysis, a selected expert shall assist RTSA and NG 27 in drafting amendments to the Law on Climate Change and the by-law transposing Regulation (EU) 2019/631 in line with the EU Common Position to contribute to the progress in the accession negotiations in Cluster 4 and Ch. 27.

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 provide assistance to the Road Traffic Safety Agency and the Negotiating Group Ch. 27 in order to fully align Serbian legislation with Regulation (EU) 2019/631 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles and to ensure its proper implementation in compliance with the European Union Common Position in Ch. 27.

In the scope of this objective, the selected expert shall assist RTSA and NG 27 in conducting an analysis with a legal and institutional gap assessment and drafting amendments to the Law on Climate Change and relevant by-laws in full compliance with Regulation (EU) 2019/631.

Within the legal and institutional gap assessment the expert shall identify gaps and provide recommendations for fulfilling them, identify responsible institutions and their obligations for implementation and enforcement of all relevant requirements of the EU Regulation, as well as draft an updated Table of Concordance for Regulation (EU) 2019/631. The gap assessment should also contain best practice examples from EU countries, with recommendations on establishing the institutional set-up and best system for monitoring and reporting in compliance with Regulation (EU) 2019/631.

On the basis of the gap assessment, relevant amendments to the Law on Climate Change and by-laws shall be drafted, fully transposing Regulation (EU) 2019/631 in compliance with the

European Union Common Position in Ch. 27. At the end of the activity, a workshop should be organized to present the outputs of the assignment.

3.2 Requested services

The Senior NKE in the area of CO2 emission performance standards is expected to provide the following services:

1. Assist the RTSA and NG 27 by drafting:
 - a. Legal and institutional gap analysis with recommendations for fulfilling the gaps supplemented with best practice examples from selected EU countries, recommendations for establishing the institutional set-up in charge of implementing requirements of the EU Regulation and setting a monitoring and reporting system of average emissions from new passenger cars and light commercial vehicles;
 - b. the Table of Concordance having regard to the provisions of the Regulation (EU) 2019/631;
 - c. Amendments to the Law on Climate Change to establish competences and legal basis for full implementation of Regulation (EU) 2019/631;
 - d. By-law transposing Regulation (EU) 2019/631.
2. 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. Legal and institutional gap analysis with best practices from selected EU countries and recommendations for fulfilling the gaps, establishing institutional set-up and the system for monitoring and reporting of average emissions drafted;
2. Table of Concordance for Regulation (EU) 2019/631 drafted;
3. Draft amendments to the Law on Climate Change drafted
4. The by-law transposing Regulation (EU) 2019/631 drafted;
5. 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

40 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 during several missions during the period from February until October 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 (40 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, environmental engineering, traffic engineering or similar, relevant to the assignment, an advanced degree is preferable;
- 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 Union *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 in relation to the Union *acquis* in the climate change or traffic/transport sector, preferably relating to vehicles;
- 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, CO2 emission performance standards for new passenger cars and for new light commercial 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