

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 Chapter 11, Agriculture and Rural Development – the fruit and vegetables school aid scheme
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:	Ministry of Agriculture, Forestry and Water Management, members of the Negotiating Group 11 in charge of the fruit and vegetables sector
Budget Line/Expert Category:	Senior Non-Key Expert
Duration of the assignment:	25 working days, in the period from April 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 11 – Agriculture and Rural Development

The acquis on agriculture and rural development covers a large number of binding rules, many of which are directly applicable. Upon Serbia's accession to the EU, the application and enforcement of the acquis on agriculture and rural development will need to be ensured. This will in particular require that Serbia ensures the implementation of the common market organisation for various agricultural products.

In particular, to be able to apply the complete set of market mechanisms of the acquis upon accession including intervention, Serbia “will need to be able to apply the complete set of market mechanisms of the acquis upon accession, including interventions. Serbia will also have to establish all required trade measures” (the European Commission, Screening Report for Ch. 11, Part III.b).

Regulation (EU) No 1308/2013 establishing the common organisation of the markets in agricultural products, governs aid schemes intended to improve the distribution of agricultural products and improve children's eating habits. It is aimed at children who regularly attend nurseries, preschools or primary or secondary-level educational establishments which are administered or recognised by the competent authorities of Member States.

Regulation (EU) 2016/791 amended Regulations (EU) No. 1308/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments. Commission Delegated Regulation (EU) 2017/40 lays down rules supplementing Regulation (EU) No 1308/2013 as regards Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetable products ('school fruit and vegetables').

As a result, the Union aid may be granted for the supply of school fruit and vegetables and school milk, and to finance accompanying educational measures and related costs (Regulation (EU) No 1308/2013, Art. 22). As a condition for its participation in the school scheme, a Member State must draw up a strategy for the implementation of the scheme at a national or regional level (Regulation (EU) No 1308/2013, Art. 28.8).

Serbia adopted the Law on Organisation of Agricultural and Food Products Market (the "Official Gazette of the RS", No. 67/2021) in July 2021. The Law's aim is to create conditions for the adoption of selected measures of market regulation and gradual alignment with EU Regulation (EU) No 1308/2013 establishing the common organisation of the markets in agricultural products.

Serbia has yet to align its national legislation with the school fruit and vegetable scheme prescribed by Regulation (EU) 2016/791 and Commission Delegated Regulation (EU) 2017/40.

The Law on Food Safety (the "Official Gazette of the RS" Nos. 41/2009 and 17/2019) regulates general food and feed safety requirements in all stages of production, processing and trade.

The Rulebook on the Quality of Fruits, Vegetables and Mushrooms (the "Official Journal of the SFRJ" Nos. 29/79, 53/87, "Official Journal of the SCG" Nos. 31/03, 56/o3) prescribes the minimum quality requirements that must be met for their consumptions in the fresh state, which have yet to be aligned with the applicable Common Market Organisation acquis.

The Ministry of Agriculture, Forestry and Water Management (MAFWM) is the competent authority for defining policy and proposing new legislation regulating the market in all sectors of

agricultural products. The Sector for Agricultural Policy of the MAFWM is in charge of the preparation of proposals for the distribution of budget funds for incentives in the area of the food industry, agricultural production and rural development. The Ministry of Education (ME) performs state administration tasks related to research, planning and development of preschool, primary, secondary and higher education, and participates in the construction, equipping and maintenance of preschool, primary, secondary and higher education facilities and development of student standards. The Ministry of Health (MH) is in charge of official controls of food safety in the phase of retail trade of all food in kitchens in preschool and school facilities, facilities of pupil and student standards, health care and social care.

The revised National Programme for Adoption of the Acquis for 2022-2025 and Action Plan for 2022-2025 envisages the MAFWM as an authority in charge of the preparation of the Decree on establishing the program/strategy for support of improving eating habits of children and youth in the sector of fresh fruit and vegetables and the adoption of the Rulebook on the implementation of a school fruit and vegetables scheme with an aim to align the legislation with Regulation (EU) 2016/791 and Commission Delegated Regulation (EU) 2017/40.

To that end, expert assistance is needed for the purpose of aiding the MAFWM and the Negotiating Group for Ch. 11 (NG 11) in the assessment of legal and institutional gaps for the implementation of the relevant Union acquis. Furthermore, assistance is required for drafting a national strategy for the implementation of the school scheme in the fruit and vegetable sector and the relevant by-law for the implementation of the scheme in accordance with Articles 22, 23 and 23a of the Regulation (EU) No 1308/2013 (as amended by Regulation (EU) 2016/791 and Regulation (EU) 2021/2117) and Commission Delegated Regulation (EU) 2017/40.

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 assistance to the MAFWM and NG 11 in the development of the legal and institutional gap assessment for implementation of the relevant Union acquis applicable to the school aid scheme in the fruit and vegetable sector and in drafting a national strategy and the relevant by-law for the implementation of the school scheme in the fruit and vegetable sector in compliance with the criteria set in Arts. 22, 23, 23a of Regulation (EU) No 1308/2013 (as amended by Regulation (EU) 2016/791 and Regulation (EU) 2021/2117) and Commission Delegated Regulation (EU) 2017/40.

In the scope of this objective, the following activities are foreseen:

- a. Development of the legal and institutional gap assessments with recommendations based on its findings on how to implement the Union acquis applicable to the aid for a school scheme in the fruit and vegetable sector including minimum quality requirements in compliance with Arts. 22, 23 and 23a of Regulation (EU) No 1308/2013 (as amended by Regulation (EU) 2016/791 and Regulation (EU) 2021/2117) and Commission Delegated Regulation (EU) 2017/40;
- b. Drafting the national strategy for the implementation of an aid scheme for the supply of schools with fruit, vegetables and fresh products of the banana sector in accordance with the requirements of Arts. 22, 23 and 23a of Regulation (EU) No 1308/2013 (as amended by Regulation (EU) 2016/791 and Regulation (EU) 2021/2117) and Commission Delegated Regulation (EU) 2017/40;
- c. Drafting the Rulebook on the implementation of a school fruit and vegetables aid scheme

with aid application forms annexed compatible with the requirements of Arts. 22, 23 and 23a of Regulation (EU) No 1308/2013 (as amended by Regulation (EU) 2016/791 and Regulation (EU) 2021/2117), Commission Delegated Regulation (EU) 2017/40 and with the other applicable Union acquis;

- d. Holding a workshop/training to present the results of the assignment to the representatives of the MAFWM, NG 11, ME and MH.

Within the scope of the assignment the selected expert is expected to cooperate with the MAFWM and relevant representatives of the ME, MH and NG 11.

The selected expert shall, in particular, recommend the appropriate nutritional values of fruits and vegetables to be applied in the school scheme (for all target groups within the meaning of Art. 22 of the Regulation (EU) No 1308/2013) adjusted to the age of the children and the frequency of distribution of snacks in nurseries, preschools, primary or secondary-level educational establishments. The expert shall then assist in defining eligible aid applicants, eligible costs and other conditions for granting aid under the scheme in compliance with the relevant acquis.

3.2 Requested services

The Senior NKE is expected to provide the following services:

1. Development of a legal and institutional gap assessment with recommendations for implementing school aid schemes, including minimum nutritional requirements for school fruit and vegetables in accordance with Arts. 22, 23 and 23a of Regulation (EU) No 1308/2013 (as amended by Regulation (EU) 2016/791 and Regulation (EU) 2021/2117) and Commission Delegated Regulation (EU) 2017/40 laying down detailed rules for the application of Council Regulation (EC) No 1308/2013 as regards the aid scheme for the supply of fruit and vegetables in educational establishments;
2. Drafting of the National strategy for the implementation of an aid scheme for the supply of schools with fruit and vegetables, in accordance with the requirements of Arts. 22, 23 and 23a of Regulation (EU) No 1308/2013 (as amended by Regulation (EU) 2016/791 and Regulation (EU) 2021/2117) and Commission Delegated Regulation (EU) 2017/40;
3. Drafting of the Rulebook on the implementation of an aid scheme for the supply of schools with fruit and vegetables with aid application forms annexed incompatible with the requirements Arts. 22, 23 and 23a of Regulation (EU) No 1308/2013 (as amended by Regulation (EU) 2016/791 and Regulation (EU) 2021/2117), Commission Delegated Regulation (EU) 2017/40 and with the applicable Union acquis;
4. To prepare and hold a workshop/training and present the outputs of the assignment.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. A legal and institutional gap assessment report with recommendations, drafted;
2. The national strategy for the implementation of the aid scheme for the supply of schools with fruit and vegetables, drafted;
3. A rulebook on the implementation of the aid scheme for the supply of schools with fruit and vegetables with aid application forms annexed, drafted;

4. A workshop/training 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

25 working days (WDs) in total have been planned for Senior Non-Key Expert.

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 April 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 (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 in agriculture, law, economy 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 (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to the field of agricultural policy, gained in an EU Member State, candidate or potential candidate country.

4.3 Specific professional experience (50 points)

- Proven professional experience in the harmonisation of legislation in the field of Common Agricultural Policy and related to common market organisation gained in EU Member State or candidate country;
- Previous professional experience in drafting legislation and/or implementing activities in the field of the Union acquis related to fresh fruit and vegetables would be an asset;
- Previous professional experience, and/or knowledge of the legislation, of the Republic of Serbia in the respective area would 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 28 April 2023, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 11, Agriculture and Rural Development – the fruit and vegetables school aid scheme”

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.