

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 the European Union Accession Negotiations
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:	The Ministry of European Integration
Budget Line/Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 working days from April 2023 until September 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 the relevant national structure for accession negotiations

The Ministry of European Integration (MEI) is the competent authority in charge of the coordination of accession negotiations with the European Union and the coordination of operations of bodies established for the purpose of negotiations. The MEI directs the work of the Negotiating Team for Accession of the Republic of Serbia to the EU and issues mandatory instructions, in accordance with the policy of the Government and monitors the fulfilment of obligations of the ministries and special organisations that have undertaken the framework of accession negotiations.

In addition, the MEI is in charge of coordinating the preparation of the strategic documents in regards to the process of accession to the European Union, including the National Programme for the Adoption of the Acquis.

The Ministry started operating on 27 June 2017, when the European Integration Office of the Government of the Republic of Serbia ceased to exist.

In the period from 2006-2009, Serbia set up a comprehensive structure appropriate for the Stabilisation and Association Process (SAP), the basic objective of which was to ensure the framework for both the process of harmonisation of the national legislation with the acquis and for its application.

The core institutional structure was comprised of:

- a. the system of the bodies for the coordination of the process of the association to the European Union – Coordination Body, Coordination Body Expert Group and 35 sub-groups;
- b. the member of the Government in charge of European Integration;
- c. the Serbian European Integration Office; and
- d. the Permanent Republic of Serbia Mission to the European Union – Ministry of Foreign Affairs.

On 12 October 2011, the European Commission presented its annual Enlargement Package in which it recommended that Serbia be given the status of a candidate for membership in the EU. On 1 March 2012, the European Council granted Serbia membership candidate status. On 22 April 2013, the EC recommended the start of accession talks with Serbia.

During these stages of integration, the structure established for the purpose of the SAP has been assessed by the European Commission and other EU institutions as adequate. As a result, the institutional structure established under the SAP was used to model a core negotiating structure necessary for conducting accession negotiations with the EU and to add missing elements.

On 28 June 2013, at the meeting in Brussels, the European Council decided to open accession negotiations with Serbia in January 2014.

Consequently, on 23 September 2013, the Government of the Republic of Serbia adopted the necessary acts establishing a national structure for the accession negotiations, including the Decision on Establishment of the Coordination Body for the Process of Accession of the Republic of Serbia to the European Union. In accordance with the Decision, the Coordination Body Council and 35 negotiating groups were established. In addition, the Government named the Chief of the Negotiation Team responsible for conducting the negotiations on accession in all chapters and in all phases of the negotiations on the accession of Serbia to the EU.



Following the endorsement of the revised enlargement methodology of EU accession by the Council of the EU in March 2020, the national framework has been modified by the Government Decision ("Official Gazette of RS", no. 41 of April 23, 2021) with an aim to adjust the national negotiating structure to the principle of the stronger political steer and to the thematic division of chapters into six clusters – thematic units. In accordance with the amended structure, the function of the chief negotiator and coordination of accession negotiations have been merged at the level of the Minister of European Integration with the Negotiation Support Team (NST) assisting the chief negotiator. In addition, to facilitate coordination under a new more dynamic process set by the revised methodology, the negotiating groups have been grouped into six negotiating thematic clusters with coordinators named for each cluster who are at the same time members of the NST.

In order to further improve and adapt the national negotiating structure to the upcoming stages of the accession negotiations and to the challenges of the EU enlargement process, a detailed institutional assessment with a comprehensive analysis and operational recommendations is needed.

In particular, the operational recommendations should assist the MEI in proposing appropriate measures to further improve the effectiveness of the institutional framework and procedures for coordination and conducting the negotiations, improving accountability, better steering, streamlining and prioritizing reforms, including monitoring the implementation of commitments and roadmaps for closing negotiations in thematic clusters.

Therefore, expert assistance is required to assist the MEI in preparing a detailed assessment of national negotiating structures and procedures with an analysis of the national structures for coordination and conducting negotiations, and in developing operative recommendations to improve the institutional negotiating framework and monitoring the timely implementation of commitments for the successful closing of the negotiations.

There are no ongoing or planned assistance projects regarding the activity covered by this ToR.

3. Description of the assignment:

3.1 Specific objectives

The specific goal of this assignment is to assist the Ministry of European Integration in the preparation of a detailed assessment of the national structure and procedures for coordination and conducting of the accession negotiations with analysis in order to improve its effectiveness in the upcoming stages of the accession negotiations and to enhance accountability and monitoring of the timely implementation of commitments made by Serbia for the successful closing of the negotiations.

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

- a. Development of the detailed assessment of the current national structure and procedures for coordination and conducting of the accession negotiations
- b. On the basis of findings of the assessment and analysis, deliver detailed operational recommendations on practical steps, measures and/or policy proposals aimed at improving the effectiveness of national structure and procedures for negotiations
- c. Holding a workshop/training presenting the results of the assignment to the MEI and how they will contribute to the possible improvement of the effectiveness of the national structure and procedures for conducting the accession negotiations

The expert will use data that is publicly available and data and information provided by the beneficiary and cooperate with the representatives of the Ministry of European Integration in the development of the reports.

3.2 Requested services

The Senior NKE in the area of the accession negotiations is expected to provide the following services:

1. To deliver an assessment report with an analysis of national structures and procedures for coordination and conducting the accession negotiations;
2. To deliver detailed operational recommendations on practical steps, measures and/or policy proposals aimed at improving the effectiveness of national structure and procedures for negotiations;
3. Prepare and hold a workshop/training for the representatives of the MEI to present the results of the assignment.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. The assessment report with analysis, drafted;
2. Operational recommendations, drafted;
3. 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

20 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 through several missions during the period from April 2023 until September 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 in fields such as law, economy, management 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 Negotiating Process, gained in an EU Member State or country negotiating accession to the EU.

4.3 Specific professional experience (50 points)

- At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing documents related to the Accession Negotiations;



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 18 April 2023, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of the European Union Accession Negotiations”

References must be available on request. Only short-listed candidates will be contacted.

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.

Please note that pre-selected experts are 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 (if any) and within the number of working days requested.

For more information, please contact the Project Manager at DMI Associates Marion Bayard: mbayard@dmiassociates.com or Arianne Khani: akhani@dmiassociates.com