

## Policy and Legal Advice Centre (PLAC III)

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

<b>Technical assistance requested:</b>	1 (one) Senior Non-Key Expert in the area of the European Union Accession Negotiations in the rule of law chapters
<b>Project Title:</b>	Policy and Legal Advice Centre (PLAC III), Serbia
<b>Ref:</b>	EuropeAid/139295/DH/SER/RS
<b>Service Contract No.:</b>	(CRIS) 2018/404-529
<b>Main beneficiary:</b>	The Ministry of European Integration of the Republic of Serbia
<b>Target Beneficiaries:</b>	The Ministry of European Integration of the Republic of Serbia
<b>Budget Line/Expert Category:</b>	One Senior Non-Key Expert
<b>Duration of the assignment:</b>	40 working days 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 Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security)**

The negotiations in Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security) were opened in July 2016 on the basis of action plans adopted by the Government of the Republic of Serbia. Action plans reflected the European Commission's guidance in the screening reports that set out tasks to be addressed in the action plans necessary for opening the chapters (EU Opening Statement for Accession Negotiations – General EU Position, para. 43).

Given the challenges faced and the long-term nature of the reforms in relation to the chapters, the Union laid down interim benchmarks closely linked to actions and milestones in the implementation of the action plans. Subsequently, it is expected that the EU will lay down closing benchmarks requiring solid track records of reform implementation.

Since the opening of Chapter 23, Serbia has reported twice a year to the European Commission on the progress in fulfilling the obligations from this chapter, which are defined in the action plan. The Action Plan was adopted in April 2016 and revised on July 10, 2020.

The Coordination Body for the Implementation of the Action Plan for Chapter 23: Justice and Fundamental Rights was established in January 2021 to better monitor both implemented and upcoming activities for the implementation of the revised Action Plan for Chapter 23. The Coordination Body is holding regular meetings. In addition, the Working Group for the expert and administrative-technical support to the Coordination Body was established in January 2021. The Group is responsible for the collection, analysis and consolidation of data on the implementation of the Action Plan for Chapter 23.

Negotiations in Chapter 24 were opened at the meeting of the Intergovernmental Conference on July 18, 2016. Since then, Serbia has been reporting to the European Commission about the progress in this chapter through the fulfilment of the action plan. The first Action Plan was adopted on March 1, 2016, and the revised Action Plan was adopted by the Government on July 23, 2020.

Negotiations in Chapters 23 and 24 of the Negotiation Cluster 1 – Fundamentals continued in accordance with the revised enlargement methodology (European Commission, Enhancing the accession process - A credible EU perspective for the Western Balkans, COM (2020) 57 final). At the Intergovernmental Conference held on June 22, 2021, the EU confirmed that Serbia's Cluster 1 is fully opened and that chapters of the fundamentals can be provisionally closed once all the interim benchmarks and benchmarks for provisional closure are met.

The revised enlargement methodology confirmed the principle that negotiations in the area of the fundamentals will be closed last, and that the progress in Cluster 1 will determine the overall pace of negotiations. In addition, the revised methodology provides that in case of serious or prolonged stagnation or even backsliding, the EU may put on hold negotiations, adjust the funding downward and withdraw the benefits of closer integration.

The revised methodology clustered chapters 23 and 24 in a single thematic area (rule of law and fundamental rights). The negotiations on the fundamentals "will be guided by a roadmap for the rule of law chapters equivalent to the previous action plans (emphasis added)" (COM (2020) 57 final, p. 3).

As a result, the approach modified by the revised methodology requires the unification of an existing system of monitoring and reporting models into a single model for the rule of law chapters enabling closer, clearer and more precise monitoring and reporting on the progress achieved in each.

Additionally, it is critical to develop a methodology for delivering the roadmap for the rule of law chapters, which will outline Serbia's general commitments with measures, clear timeframes, and milestones envisaged to meet the interim benchmarks in order to progress to the closing phase of negotiations.

The Ministry of European Integration is responsible for the coordination of the EU accession process, and the Minister of European Integration is the chief negotiator.

Expert support is needed to assist the Ministry of European Integration in the preparation of detailed institutional and implementation gap assessment of monitoring and reporting models on the implementation of the interim benchmarks in Chapters 23 and 24, respectively. On the basis of the gap assessment, the proposal for the new unified monitoring and reporting model for the rule of law chapters shall be delivered. Finally, assistance is required in order to develop the methodology for the preparation of the roadmap for the rule of law chapters in compliance with the revised enlargement methodology.

There are no ongoing or planned assistance projects regarding 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 European Integration (MEI) in the preparation of a detailed institutional and implementation gap assessment of the current monitoring and reporting models for chapters 23 and 24 taking into account the demands of the revised enlargement methodology (European Commission, Enhancing the accession process – A credible EU perspective for the Western Balkans, COM(2020) 57 final).

Based on the findings of the gap assessment, the selected expert shall develop a proposal of the new uniform monitoring and reporting model for the rule of law chapters fit for challenges of the remaining stages of the negotiating process in Cluster 1 containing measures, steps and/or modifications needed to deliver it.

Furthermore, the goal of this assignment is to assist the MEI in the development of the guidelines/methodology for the preparation of the roadmap for the rule of law chapters in compliance with the revised enlargement methodology. The guidelines/methodology shall reflect the need for the roadmap to outline Serbia's general commitments with key measures, a clear timeframe, and milestones in order to complete the interim benchmarks to progress to the closing phase of negotiations in Cluster 1.

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 outputs.

The expert shall hold a workshop/training presenting the results of the assignment and how they will contribute to the preparedness of Serbia for the remaining stages of the negotiating process in the rule of law chapters to representatives of the MEI and Negotiating Groups in the rule of law chapters.

#### **3.2 Requested services**

### **The Senior NKE in the area of the EU Accession Negotiations in Chapters 23 and 24:**

- Assist the MEI in the preparation of the detailed institutional and implementation gap assessment report on the current monitoring and reporting models in the area of chapters 23 and 24 taking into account demands of the revised enlargement methodology;
- Based on the gap assessment findings, assist the MEI in developing the proposal for the new uniform monitoring and reporting model for the rule of law chapters fit for challenges of remaining stages of the negotiating process in Cluster 1 containing measures, steps and/or modifications needed to deliver it;
- Assist the MEI in developing the guidelines/methodology for preparing a roadmap for the rule of law chapters in compliance with the revised enlargement methodology outlining Serbia's general commitments with key measures, a clear timeframe and milestones in order to meet the interim benchmarks to a sufficient extent in order to progress to the closing stage of negotiations in the rule of law chapters;
- Prepare and hold a workshop/training for the MEI presenting the outputs of the assignment to the representatives of the MEI and Negotiating Groups in the rule of law chapters.

### **3.3 Outputs**

The Senior NKE is expected to deliver the following outputs:

1. The institutional and implementation gap assessment report of the monitoring and reporting models in the area of chapters 23 and 24, drafted;
2. The proposal for the new uniform monitoring and reporting model for the rule of law chapters, drafted;
3. The guidelines/methodology for the preparation of the roadmap for the rule of law chapters, drafted;
4. 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

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 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 (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 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 Union acquis in the field of rule of law and fundamental rights and/or the accession negotiations gained in an EU Member State, or a 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 accession negotiation documents, policy documents and/or legislation in relation to Union acquis in the rule of law chapters.

### 5. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to [mbayard@dmiassociates.com](mailto:mbayard@dmiassociates.com) and [akhani@dmiassociates.com](mailto: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 in the rule of law chapters”**

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](mailto:mbayard@dmiassociates.com) or Arianne Khani: [akhani@dmiassociates.com](mailto:akhani@dmiassociates.com)