

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 Negotiation Cluster 1, Fundamentals - the functioning of the democratic institutions
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 the European Integration of the Republic of Serbia
Budget Line/Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 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 the Functioning of Democratic Institutions

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 Minister of European Integration is the chief negotiator. The MEI 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.

In February 2020, the European Commission presented a proposal of the revised enlargement methodology (Enhancing the accession process - A credible EU perspective for the Western Balkans, COM(2020) 57 final) in order to strengthen the EU accession process. The Council endorsed the new methodology with the aim to make the accession process more credible, predictable and subject to stronger political steer.

According to the revised methodology, "credibility should be reinforced through an even stronger focus on the fundamental reforms essential for success on the EU path" (COM(2020) 57 final, p. 2).

Cluster 1 – Fundamentals (Cluster 1) is the first cluster to be opened at the start of the accession process, remaining open until the very end. This makes Cluster 1 the longest to negotiate. The cluster includes Chapters 23 and 24 (the rule of law chapters), Chapters 5 (Public procurement), 18 (Statistics) and 32 (Financial control). Moreover, the new approach in the accession negotiations process, brings inside Cluster 1 additional thematic areas: functioning of democratic institutions, public administration reform and economic criteria.

The rule of law chapters remain central in the accession negotiations, with a stronger focus added on the fundamentals of the functioning of democratic institutions, public administration reform and supporting economic reforms. As a result, the overall pace of negotiations in Cluster 1 (the Fundamentals) depends on the fundamental reforms in the rule of law chapters (Chapters 23 and 24) and in other the thematic areas of the Fundamentals

In addition, as defined by the new methodology, negotiations on the fundamentals in the area of the democracy will be guided by a roadmap on the functioning of democratic institutions and public administration reform.

The functioning of democratic institutions refers to stable institutions that guarantee the rule of law, democracy, human rights and respect and protection of minorities. The definition of a roadmap for the functioning of democratic institutions in compliance with the revised enlargement methodology that will be developed through a transparent process of consultation with all relevant stakeholders, including civil society, would significantly contribute to fulfilling the obligations from the negotiation process in Cluster 1.

Expert support is needed to assist the Ministry of European Integration in the preparation of the roadmap for the functioning of democratic institutions that will set out the general commitments of the Republic of Serbia for reforms in the respective areas with a clear timetable and the key steps envisaged. Implementation of the roadmap will be constantly monitored and regularly addressed throughout the process within the communication on the progress achieved.

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 objective of this assignment is to assist the Ministry of European Integration (MEI) in the development of guidelines/methodology for the preparation of the roadmap for the functioning of democratic institutions in compliance with the new revised enlargement methodology (European Commission, COM(2020) 57 final), which will outline the country's general commitments for reforms in the respective areas, along with a timetable and key steps.

The guidelines/methodology shall also provide details on the methods of reporting and monitoring the progress/track record in the implementation of the roadmap.

The selected expert shall take into account the screenings that the European Commission has conducted with candidate states in Cluster 1 by employing the revised enlargement methodology for the EU accession, including any data, reports, and results thereof provided by the MEI (if available).

The expert will use data that is publicly available and data and information provided by the beneficiary and cooperate with the representatives of the MEI in the development of the guidelines/methodology.

The expert shall hold a workshop presenting the results of the assignment and how they will contribute to the preparation and monitoring of the implementation of the roadmap for the functioning of democratic institutions to the representatives of the MEI and other relevant institutions.

3.2 Requested services

The Senior NKE in the area of Functioning of Democratic Institutions:

1. Assist the MEI in the development of guidelines/methodology for the preparation of the roadmap for the functioning of democratic institutions that will set out the general commitments of the country for reforms in the respective areas in compliance with the new revised enlargement methodology (European Commission, COM(2020) 57 final) and taking into account the screenings of Fundamentals that have been conducted by the European Commission in accordance with the revised methodology. The guidelines/methodology shall as well propose methods for monitoring and reporting the progress/track-record in the implementation of the roadmap for the functioning of democratic institutions;
2. Prepare and hold a workshop presenting the results of the assignment and how they will contribute to the preparation of the roadmap for the functioning of democratic institutions and to the monitoring and reporting on the progress/track-record of its implementation to the representatives of the MEI and other relevant institutions.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. The guidelines/methodology on the preparation of the roadmap for the functioning of democratic institutions with methods for monitoring and reporting the progress/track-record in implementation of the roadmap, drafted
2. 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 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 (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 Accession Negotiations in the area of functioning of the democratic institutions, 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 the membership criteria in the area functioning of the democratic institutions.

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 Negotiation Cluster 1, Fundamentals - the functioning of the democratic institutions”

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