



## 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>	2 (two) SNKEs and 1 (one) JNKE in the area of Negotiating Chapter 12 - Food Safety, Veterinary and Phytosanitary Policy, Strategy and Action Plan in Chapter 12
<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 for European Integration of the Republic of Serbia
<b>Target Beneficiaries:</b>	Negotiating Group 12; Ministry of Agriculture, Forestry and Water Management
<b>Budget Line/Expert Category:</b>	2 (two) Senior Non-Key Experts and 1 (one) Junior Non-Key Expert
<b>Duration of the assignment:</b>	60 working days (40 WDs for 2 SNKEs and 20 WDs for JNKE) from May until December 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 12 – Food Safety, Veterinary and Phytosanitary Policy**

Food Safety, Veterinary and Phytosanitary Policy and EU hygiene rules for foodstuff production ensure a high level of food safety. Animal health and welfare, and the safety of food of animal origin are safeguarded together with the quality of seeds, the plant protection material, the protection against harmful organisms and animal nutrition.

The acquis consists of a very large number of Regulations, Directives and Decisions. The acquis reflects the EU's integrated approach to a high level of food safety with farm-to-table measures together with requirements aimed at a high level of animal and plant health protection and adequate monitoring throughout the internal market.

For the implementation of food safety legislation and rules in the area of veterinary and phytosanitary policy, each Member State must have appropriate administrative structures in place, including appropriate laboratory capacity, to be able to carry out inspections and control of food products.

As a result, Chapter 12 is one of the most challenging and demanding policies in the Union acquis.

As an EU candidate country, Serbia must meet the Union's standards in these areas to ensure that its agricultural products and foodstuffs are safe for human consumption and compliant with EU legislation. To achieve this, Serbia needs to adopt and enforce appropriate regulations and measures that align with EU standards.

After the adoption of the Screening Report for Chapter 12, the EU Council informed the Republic of Serbia that it is not ready to open negotiations in this chapter and that it is necessary to meet three opening benchmarks in order to open negotiations.

The first opening benchmark (OB1) refers to the adoption of a legislative framework that is aligned with the Union acquis, the second opening benchmark is for the preparation of a comprehensive national strategy with an action plan with concrete deadlines, which will serve as a basis for the transposition, implementation and application of the Union acquis, including a contingency plan for classical swine fever (OB2), and the third opening benchmark is on the classification of all food establishments and all establishments handling animal by-products (OB3).

The Country Progress Report of the EC for Serbia for 2022 (SWD (2022) 338 final) in the coming year indicated that Serbia should adopt a comprehensive strategy and action plan for alignment, implementation, and enforcement of the Union acquis on Food Safety, Veterinary and Phytosanitary Policy (Country Progress Report, p. 125).

The Republic of Serbia prepared and submitted to the European Commission, on the 14<sup>th</sup> of March 2022 for comments, the Second draft Strategy with Action plan including a Contingency Plan for Classical Swine Fever (CSF) with the support of IPA 2015 TA project "Capacity building for the alignment with the acquis in the areas of Agriculture, Rural Development, Food Safety, Veterinary and Phytosanitary Policy".

The comments of the European Commission on the draft Strategy and Action plan with accompanying annexes were received on the 29<sup>th</sup> of March 2022, and these documents have been assessed as satisfactory at this stage.

However, considering the recent changes of EU legislation, it is necessary to update the draft Strategy with the Action Plan for Chapter 12 with Contingency Plan for CSF before initiating a formal procedure for their adoption by the Government of the Republic of



Serbia.

After its adoption, the revised draft Strategy with Action Plan and Contingency Plan for the control and eradication of CSF will operate as a planning document for further transposition, implementation and enforcement of the acquis in the field of Food Safety, Veterinary and Phytosanitary Policy in accordance with the OB2 requirements.

There are no ongoing or planned assistance projects regarding the revision of the draft Strategy with Action Plan as 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 Agriculture, Forestry and Water Management (MAFWM) and the Negotiating Group for Chapter 12 (NG 12) in bringing the existing draft Strategy with Action Plan and Contingency Plan for the control and eradication of CSF up-to-date with the European Commission's (EC) new updated List of Union legislation in Chapter 12 to meet the OB2 for Chapter 1.

Within the scope of the assignment the experts are expected to assist the MAFWM and NG 12 in the following:

- The development of the legal and institutional gap analysis of measures and plans envisaged by the draft Strategy with Action Plan for Chapter 12 taking into account the changes of the relevant Union acquis; and
- On the basis of the gap analysis, to assist the MAFWM and NG 12 in drafting the new updated version of the draft Strategy and Action Plan and of a detailed Contingency plan for the control and eradication of CSF that will cover measures for transposition, implementation and enforcement of new/changed Union acquis in Chapter 12 including measures for the development of relevant administrative capacities and financial estimates.

The updated Strategy with Action Plan for Chapter 12 and Contingency plan for CSF eradication shall meet the requirements of the OB2 for Chapter 12, and it will serve as a planning document for completing full harmonisation with the new acquis in the field of Food Safety, Veterinary and Phytosanitary Policy, once adopted.

The experts are expected to cooperate closely with the representatives of NG 12, in charge of the contents of certain chapters in the draft Strategy, Action Plan and Contingency plan for CSF eradication and to deliver a 2 to 3-day workshop with group work dedicated to the documents' development.

#### 3.2 Requested services

**The Senior NKE in the area of Food Safety and Veterinary Policy (SNKE 1) is expected to provide the following services:**

- a. Assist the MAFWM and NG 12 in preparing legal/policy and institutional gap analysis between the activities/measures/plans envisaged in the current draft of the Strategy with Action Plan for Chapter 12 and the requirements of the EC's new updated List of Union legislation in Chapter 12 related to the Food Safety and Veterinary Policy;
- b. On the basis of the gap analysis findings, to provide to the MAFWM and NG 12 a proposal of the activities/measures/interventions/plans and their combination to be integrated into the new updated draft Strategy with Action Plan for Chapter 12 as necessary steps to complete full harmonisation with the



Union acquis in the area of Food Safety and Veterinary Policy to meet OB2;

- c. Draft a new updated draft Strategy with Action Plan for Chapter 12 envisaging activities/measures/interventions/plans required to complete full harmonisation with the Union acquis in the area of Food Safety and Veterinary Policy to meet OB2;
- d. Prepare and hold a 2 to 3-day workshop for the members of NG 12, on which the documents are going to be elaborated through group work (in collaboration with SNKE 2 and the JNKE).

**The Senior NKE in the area of Phytosanitary Policy (SNKE 2) is expected to provide the following services:**

- a. Assist the MAFWM and NG 12 in preparing legal/policy and institutional gap analysis between the activities/measures/plans envisaged in the current draft of the Strategy with the Action Plan for Chapter 12 and the requirements of the new updated List of Union legislation in Chapter 12 related to Phytosanitary Policy,
- b. On the basis of the gap analysis findings, to provide the MAFWM and NG 12 a proposal of the activities/measures/interventions/plans and their combination to be integrated into the new updated draft of the Strategy with the Action Plan for Chapter 12 as necessary steps to complete full harmonisation with the Union acquis in the area of Phytosanitary Policy to meet OB2;
- c. Draft a new updated draft Strategy with Action Plan for Chapter 12 envisaging activities/measures/interventions/plans required to complete full harmonisation with the Union acquis in the area of Phytosanitary Policy to meet OB2;
- d. Prepare and hold a 2 to 3-day workshop for the members of NG 12, on which the documents are going to be elaborated through group work (in collaboration with SNKE 1 and the JNKE).

**The Junior NKE in the area of Veterinary Policy is expected to provide the following services:**

- a. Assist the MAFWM and NG 12 in the assessment of the current draft of the Contingency plan for the control and eradication of CSF taking into account the relevant Union acquis;
- b. Develop a proposal for updating the Contingency plan for the control and eradication of CSF on the basis of the assessment if required to meet OB2;
- c. Assist the MAFWM and NG 12 in drafting the updated Contingency plan for the control and eradication of CSF in line with the results of the assessment if required to meet OB2;
- d. Assist SNKE 1 and SNKE 2 in drafting the integrated version of the updated draft Strategy with Action Plan for Chapter 12;
- e. Prepare and hold a 2 to 3-day workshop for the members of NG 12, on which the documents are going to be elaborated through group work (in collaboration with SNKE 1 and SNKE 2).



### 3.3 Outputs

Senior NKE 1 is expected to deliver the following outputs:

1. Legal/policy and institutional gap analysis of the draft Strategy with Action Plan for Chapter 12 in the area of the Food Safety and Veterinary Policy, drafted;
2. The proposal of the activities/measures/interventions/plans to be integrated into the current draft Strategy with Action Plan for Chapter 12 related to the area of Food Safety and Veterinary Policy to meet OB2, drafted;
3. An updated draft Strategy with Action Plan for Chapter 12 related to the area of Food Safety and Veterinary Policy, drafted;
4. 2 to 3-day workshop, held.

Senior NKE 2 is expected to deliver the following outputs:

1. Legal/policy and institutional gap analysis of the draft Strategy with Action Plan for Chapter 12 in the area of the Phytosanitary Policy, drafted;
2. The proposal of the activities/measures/interventions/plans to be integrated into the current draft of the Strategy with Action Plan for Chapter 12 related to Phytosanitary Policy to meet OB2, drafted;
3. New updated draft of the Strategy with Action Plan for Chapter 12 related to Phytosanitary Policy, drafted;
4. 2 to 3-day workshop, held.

The Junior NKE is expected to deliver the following outputs:

1. The current draft Contingency plan for crisis management in case of an outbreak of classical fever in domestic pigs and wild boars analysed and proposals for updating of the Contingency plan if it is needed, developed.
2. Updated draft Contingency plan for CSF in line with the results of the analysis if it is needed, drafted;
3. 2 to 3-day workshop, held.

### 3.4 Reporting

The NKEs 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 NKEs 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 draft version of the 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 SNKEs 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 NKEs shall work under the guidance and follow the instructions of the Team Leader. The NKEs 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

60 working days (WDs) in total have been planned for this assignment (25 WDs for SNKE 1, 15 WDs for SNKE 2 and 20 WDs for JNKE).

#### 3.6.2 Period of the assignment and starting day

It is expected that the work will be performed throughout several missions during the period from May until December 2023. However, the starting date will be confirmed at a later stage.

#### 3.6.3 Location/place of assignment

The NKEs 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 1 (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 such as 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 Union acquis in the area of Food Safety, Veterinary and Phytosanitary Policy 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 and/or policy documents in relation to the Union acquis in the area of Food Safety and Veterinary Policy;
- Knowledge of the Serbian legislation will be an advantage.

### **5. Experts' profile – Senior NKE 2 (15 working days):**

#### **5.1 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 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.

#### **5.2 General professional experience (25 points)**

- At least 8 (eight) years of general postgraduate professional experience related to the Union acquis in the area of Food Safety, Veterinary and Phytosanitary Policy gained in an EU Member State, a candidate or a potential candidate country.

#### **5.3 Specific professional experience (50 points)**

- At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation and/or policy documents in relation to Union acquis in the area of Phytosanitary Policy;
- Knowledge of the Serbian legislation will be an advantage.

### **6. Experts' profile – Junior NKE (20 working days):**

#### **6.1 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 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.

## 6.2 General professional experience (25 points)

- At least 5 (five) years of general postgraduate professional experience related to the Union acquis in the area of Food Safety and Veterinary Policy gained in an EU Member State, a candidate or a potential candidate country.

## 6.3 Specific professional experience (50 points)

- At least 2 (two) preferably 3 (three) years of postgraduate professional experience in drafting and/or implementing legislation and/or policy documents in relation to the Union acquis in the area of Veterinary Policy;
- Knowledge of the Serbian legislation will be an advantage.

## 7. 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 26 May 2023, 17:00 hrs, titled:

**“Application for the position – 2 (two) SNKEs and 1 (one) JNKE in the area of Negotiating Chapter 12 - Food Safety, Veterinary and Phytosanitary Policy - Strategy and Action Plan in Chapter 12”.**

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