

## 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 Negotiating Ch, 3 Right of establishment and freedom to provide services, professional qualifications - nurses responsible for general care
<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>	Negotiating Group Ch. 3; Ministry of Education
<b>Budget Line/Expert Category:</b>	One Senior Non-Key Expert
<b>Duration of the assignment:</b>	20 working days SNKE, from July 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 a highly competent staff is 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 3 - right of establishment and freedom to provide services**

The Negotiation Chapter 3 - Right of establishment and freedom to provide services, contains rules in order to ensure that the right of establishment of EU nationals and legal persons in any Member State and the freedom to provide cross-border services as laid down in Articles 49 and 56 of the Treaty on the Functioning of the European Union is not hampered by national legislation.

The Ministry of Internal and Foreign Trade (MoIFT) leads the Negotiating Group for Chapter 3. Other ministries are also involved in the harmonisation of the Serbian legislation with the *acquis* under Chapter 3, including the Ministry of Education (MoE) and the Ministry of Health (MoH).

In March 2015, the Screening results were published, stating that Serbia has to submit to the EC a comprehensive and detailed strategy for alignment with the professional qualifications *acquis* to meet the opening benchmark (OB). In particular, the strategy must envisage any adjustments to the training of nurses responsible for general care needed to comply with the minimum training requirements outlined in Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications.

The Programme for the Harmonisation of Serbian Legislation with the Union *acquis* on Professional Qualifications and the Action Plan was adopted by the Serbian Government on November 1, 2017 and submitted to the European Commission. The Opening Benchmark Assessment Report (OBAR) was adopted on March 19, 2018 and stated that Serbia fulfilled the OB. The Negotiating Position was submitted to the EU Presidency on December 5, 2019.

The Directive 2005/36/EC on the mutual recognition of professional qualifications (the Directive) sets the rules concerning the recognition of diplomas and other qualifications between Member States to facilitate access to regulated professions. In accordance with Art. 31.3 for nurses responsible for general care (GCNs), a common minimum training requirements curriculum must be met in order for the qualification to be automatically recognised in an EU Member State. The training must comprise of at least three years of study, which may be expressed with the equivalent ECTS credits, and shall consist of at least 4 600 hours of theoretical and clinical training. The duration of the theoretical training must represent at least one-third, and the duration of the clinical training at least one-half of the minimum duration of the training. Training of GCNs must be given on a full-time basis, and shall include at least the programme described in Annex V, point 5.2.1. However, the admission to training for GCNs is contingent upon either completion of general education of 12 years or completion of general education of at least 10 years attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State.

According to the Serbia 2022 Country Progress Report (SWD(2022) 338 final), Serbia is moderately prepared in the area of Chapter 3 (p. 90). In the field of mutual recognition of professional qualifications, the Serbian Law on Regulated Professions and the Recognition of Professional Qualifications (“Official Gazette of RS”, No. 66), adopted in September 2019, is assessed as “largely aligned with the Union *acquis*” (p. 91), nevertheless, “further alignment is needed on the relevant sectoral legislation” (p. 91).

The Law on Regulated Professions and Recognition of Professional Qualification (the “Law”) regulates the general system of recognition and automatic system of recognition of qualifications including the minimum conditions of training in Serbia for access to and exercise of the profession of general care nurses and a system of recognition of professional qualifications for regulated professions for exercising the right of establishment and freedom to provide services.

The Law transposes Directive 2005/36/EC on the mutual recognition of professional qualifications, Directive 2013/55/EU amending Directive 2005/36/EC and Regulation 1024/2012 on administrative cooperation through the Internal Market Information System (“IMI Regulation”).

The Law on the National Framework of Qualifications of the Republic of Serbia (“Official Gazette of RS”, no. 27/2018, 6/2020 and 129/2021 - other laws) establishes the national framework of qualifications (NFQ) connected with the European Qualifications Framework and competent national bodies for development and application of the NFQ, including the Qualifications Agency and the Sector Skills Council for Health and Welfare. In accordance with the Law on the NFQ the qualification standard is the basis for the development of education programs for the acquisition of qualifications at all levels of education.

In 2020 the PLAC III project provided an analysis of curricula for the GCN and the draft curricula for the GCN in compliance with Art. 31 and Annex V of the Directive. However, the analysis indicated that the description of the competences required for GCNs under the applicable qualification standard based on the Law on the NFQ does not comply with the minimum requirements of the Directive. As a result, the project recommended that the existing Qualification Standards must be amended to include all the competencies of the GCNs required by the Directives.

Therefore, expert assistance is needed to assist the Negotiating Group in Ch. 3 (NG 3) and the Ministry of Education in assessing the legislation in force and revising the description of competences required for the GCNs under the qualification standard and preparing the necessary legal documents and acts in order to achieve full compliance with the requirements with Art. 31 and Annex V of the Directive.

### **3. Description of the assignment**

#### **3.1 Specific objectives**

The specific objective of this assignment is to provide assistance to NG 3 and the Ministry of Education (MoE) to align a qualification standard for the GCNs with the requirements of Art. 31 and Annex V, point 5.2.1. of Directive (EU) 2005/36 (as last time amended by Commission Delegated Decision (EU) 2021/2183).

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

- a. Assisting the MoE in developing a concise assessment of legislation in the area of education, training and professional qualifications for levels 3 – 7 within the International Standard Classification of Education (ISCED), detailed field 0913 Nursing and midwifery, identifying gaps against the requirements of Art. 31 and Annex V, point 5.2.1 of Directive (EU) 2005/36 (as last time amended by Commission Delegated Decision (EU) 2021/2183) and in providing expert advice to the Qualification Agency and members of Sector Skills Council for Health and Welfare on how to close the gap;

- b. Assisting the MoE, the Sector Skills Council for Health and Welfare and the Qualification Agency in developing a draft of an initiative with the elaboration justifying the developing and adopting of the qualifications standard for GCNs fully in compliance with the requirements of Art. 31 and Annex V, point 5.2.1. of Directive (EU) 2005/36 (as last time amended by Commission Delegated Decision (EU) 2021/2183);

To facilitate the provision of expert advice to the Qualifications Agency in consultation activities with members of the Sector Skills Council for Health and Welfare and relevant partners (Ministry of Health and relevant associations, etc.) the MoE shall prepare a brief summary of previous activities related to regulated professions of nursing as well as written conclusions of official meetings of the Sector Council.

### 3.2 Requested services

The Senior NKE in the area of mutual recognition of professional qualifications for the profession of nurses in general care is expected to provide the following services:

1. To develop the concise assessment of legislation in the area of education, training and professional qualifications for levels 3 – 7 within the International Standard Classification of Education (ISCED), detailed field 0913 nursing and midwifery, identifying gaps against the requirements of Art. 31 and Annex V, point 5.2.1 of Directive (EU) 2005/36 (as last time amended by Commission Delegated Decision (EU) 2021/2183) and providing expert advice on how to close the gap;
2. To develop the draft of an initiative with the elaboration justifying the development and adoption of the qualification standard for GCNs fully in compliance with the requirements of Art. 31 and Annex V, point 5.2.1. of Directive (EU) 2005/36 (as last time amended by Commission Delegated Decision (EU) 2021/2183);
3. Hold a workshop presenting the results of the activity.

### 3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Legal gap analysis with expert advice to close the gap, drafted;
2. The draft of the initiative with elaboration justifying the development and adoption of the qualification standard for GCNs fully in compliance with the Union acquis, drafted.
3. 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 July 2023 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 nursing, medicine, law 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 in the field of mutual recognition of qualifications gained in an EU member state or 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 implementation of Directive 2005/36/EC on Mutual Recognition of Professional Qualifications (as amended by Directive 2013/55/EC) related to the area of nurses responsible for general care;
- Knowledge of the Serbian legal system will be an advantage.

### 5. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to [mbayard@dmiasociates.com](mailto:mbayard@dmiasociates.com) and [akhani@dmiasociates.com](mailto:akhani@dmiasociates.com) no later than 17 July 2023, 17:00 hrs, titled:

**“Application for the position – Senior NKE in the area of Negotiating Chapter 3, Right of Establishment and Freedom to Provide Services, professional qualifications - nurses responsible for general care”**

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