

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 EU Negotiating Ch. 12, Food safety, Veterinary and Phytosanitary Policy – the EU Animal Health Law
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:	Negotiating Group Ch. 12; Ministry of Agriculture, Forestry and Water Management
Budget Line/Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	12 working days, from September 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

Chapter 12: Food safety, veterinary and phytosanitary policy governs food safety, veterinary and phytosanitary policy and EU hygiene rules for foodstuff production to 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 EU considers that the opening negotiations in Chapter 12 could be envisaged once, among other things, it is agreed by the EU that Serbia has adopted the framework legislation that complies with the *acquis*, enables full transposition of the *acquis* in this chapter and makes provisions for a clear assignment of responsibilities, in particular for control bodies (OB1) and Serbia has adopted a comprehensive national strategy, including an action plan with concrete timelines, which will serve as a basis for transposition, implementation and enforcement of the Union *acquis* for food safety, veterinary and phytosanitary policy, including plans for the development of the relevant administrative capacities and an estimation of the financial resources required (OB2).

The Country Progress Report of the European Commission (EC) for Serbia for 2022 (Serbia 2022 Progress Report) states that Serbia is *moderately prepared* in the area of food safety, veterinary and phytosanitary policy. The Commission expects that in the coming year, Serbia:

- Adopts a comprehensive strategy for transposition, implementation and enforcement of the *acquis* on food safety, veterinary and phytosanitary policy,
- Continues strengthening the capacities of the line Directorates and inspection services (Veterinary, Agricultural, Phytosanitary and National Reference Laboratories); and
- Improves the risk-based approach to official controls.

The Ministry of Agriculture, Forestry and Water Management (MAFWM) and Negotiation Group 12 (NG12) are intensively working on meeting OB1 and OB2. Two benchmarks are closely linked since the adoption of the legislative framework under OB1 will contain the legal basis for the full transposition of the relevant *acquis* through implementing bylaws which are tied to the Strategy with the AP for CH12 plans and deadlines for their adoption.

As a part of OB1, the adoption of the new Law on Animal Health/Law on Veterinary Matters (further on referred to as "Law on Animal Health") is of particular importance.

The EU adopted Regulation (EU) 2016/429 on transmissible animal diseases ("Animal Health Law") in March 2016. Regulation (EU) 2016/429 (the „EU Animal Health Regulation“) has been in force since 21 April 2021. The EU Animal Health Regulation regulates animal diseases that can be passed on from animal to animal or from animals to humans. It provides principles and rules for the prevention and control of diseases in animals kept by humans, wild animals and certain animal products. These rules consist of requirements for disease prevention, awareness, surveillance, control and eradication; biosecurity; traceability of animals and animal products; movements within the EU and entry into the EU of animals and animal products; as well as emergency measures. The rules' scope covers diseases listed in the Regulation as well as emerging diseases. Overall, the Regulation is the single comprehensive legal instrument that supports the EU livestock sector in its quest towards competitiveness and a safe and smooth EU market of animals and of their products, leading to growth and jobs in this important sector.

In addition, the operation of the Regulation is closely linked to Regulation (EU) 2017/625 ("Official Controls Regulation"). In particular, the EC adopted Delegated Regulation (EU)

2022/671 and Implementing Regulation (EU) 2022/160 to cover some specificities of official controls on the animal health area.

The MAFWM undertook various activities in order to prepare the draft Law on Animal Health. The first draft of the Law on Animal Health was prepared with the support of the project „Reinforcement of Animal Health and Welfare“ and the IPA 2015 project "Capacity Building for the Alignment with the Acquis in the Area of Agriculture, Rural Development, Food Safety, Veterinary and Phytosanitary Policy".

After the completion of the mentioned projects, work on the Law on Animal Health continued, however, in order to prepare the legislation for adoption under the national procedure further fine-tuning of the provisions is needed. Namely, the EU Animal Health Regulation contains a number of details and concepts in the field of animal health new to the Serbian legal system, making their adequate interpretation critical to enable the correct implementation and enforcement in the context of the fulfilment of OB1. Therefore, the MAFWD needs expert assistance for the final drafting and fine-tuning of the existing draft of the Animal Health Law in order to provide better clarity of provisions for the authorities competent for the acquis-compliant enforcement while respecting the methodological rules for drafting national legislation.

There is an ongoing activity under the PLAC III project developing a guidance on the inspection controls of food businesses implementing the risk-based approach to controls in compliance with the EU Food Law and the Official Controls Regulation. In addition, in 2019-2020, the PLAC III project provided support to the MAFWM and MoH in drafting national regulations related to official control of food and the preparation of a suitable system of authorisation and coordination of official laboratories for food testing, including the designation of reference laboratories all in line with relevant provisions of the Official Controls Regulation. The outputs of these PLAC III activities are complementary to 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 MAFWM in the fine-tuning of the existing draft of the Law on Animal Health provisions and updating of the table of concordance in accordance with the EU Animal Health Regulation to improve the clarity of the provisions and facilitate their acquis-compliant implementation and enforcement by the competent authority and understanding by the operators.

In particular, within the scope of the assignment, the following services are expected:

- a. Fine-tuning of the provisions of the draft Law on Animal Health in compliance with the relevant acquis with explanatory notes adjusted to the applicable methodological rules for drafting national legislation;
- b. Drafting and updating of the Table of Concordance for the EU Animal Health Regulation taking into account its latest updates.

3.2 Requested services

The Senior NKE in the area of animal health is expected to provide the following services:

1. Assist the MAFWM in fine-tuning of final provisions of the draft Law on Animal Health and explanatory notes in compliance with the relevant acquis and the applicable methodological rules for drafting national legislation;



2. To provide support in drafting and updating the Table of Concordance for Regulation (EU) 2016/429.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Provisions of the draft Law on Animal Health requiring fine-tuning with explanatory notes, drafted;
2. An updated Table of Concordance, drafted.

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

12 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 September 2023 until December 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.

3.6.4 Working language

English

4. Experts' profile – Senior NKE (12 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, economics, agriculture, food technology 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, 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 in relation to Union acquis in food safety and official control;
- Knowledge of the Serbian legal system would be an advantage

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 14th August 2023, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 12, Food safety, Veterinary and Phytosanitary Policy – the EU Animal Health Law”

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 or Arianne Khani: akhani@dmiassociates.com.