

## 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 EU Negotiating Ch. 12, Food safety, Veterinary and Phytosanitary Policy - the Law on Official Controls
<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. 12; Ministry of Agriculture, Forestry and Water Management and Ministry of Health
<b>Budget Line/Expert Category:</b>	One Senior Non-Key Expert
<b>Duration of the assignment:</b>	12 working days, from August 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 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 Law on Official Controls, which is aimed at alignment with the EU official control legislation is of particular importance. EU official control rules are a key element of the governance of the agri-food chain in Europe, recognised worldwide as an example of best practice.

Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (hereinafter - Official Controls Regulation) represents a harmonised framework for the performance of such official controls and activities along the entire agri-food chain. In particular, the Official Controls Regulation prescribes that competent authorities should perform official controls regularly, on a risk basis and with appropriate frequency, in all the sectors and in relation to all operators, activities, animals and goods governed by Union agri-food chain legislation.

Member States have an obligation to put in place a control system, which ensures that animals and goods, including plants, entering the European Union, as well as those commodities on the



market comply with the EU legislation aimed at preventing risks and at certain aspects of promotion of quality of production.

The MAFWM undertook various activities in order to prepare the draft Law on Official Controls. The first draft of the Law on Official Controls was prepared with the support of 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 project work on the Law on Official Controls text, continued in order to prepare the legislation for adoption under the national procedure, further fine-tuning of the provisions is needed.

The EU Official Controls Regulation is horizontal legislation interlinked with other acquis in Chapter 12, it is constantly updated, and contains a number of details and concepts in the field of official controls new to the Serbian legal system, making their adequate interpretation critical to enable the correct implementation and enforcement in the context of fulfilment of the OB1. Once adopted, the draft Law on Official Controls will be, therefore, a new horizontal legislation in the legal system of the Republic of Serbia to which legislative solutions in the other laws that make the legislative framework for the alignment with the Union acquis in Chapter 12 depend. As a result, the MAFWD and the Ministry of Health (MoH) need expert assistance for the final drafting and fine-tuning of the existing provisions of the draft of the Law on Official Controls in order to provide better clarity for the authorities competent for the acquis-compliant enforcement while respecting the methodological rules for drafting national legislation.

Taking into account the above, expert support to the MAFWM and the (MoH) for the fine-tuning of the proposed provisions to enable their proper understanding, implementation, and enforcement in compliance with the relevant acquis is needed.

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 controls 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 and MoH in the fine-tuning of the existing draft of the Law on Official Controls provisions and in the updating of the table of concordance in accordance with the EU Official Controls Regulation to improve the clarity of the provisions and to facilitate their acquis-compliant implementation and enforcement by the competent authority and the economic operators.

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

- a. Providing assistance to the MAFWM and MoH in the fine-tuning of the final provisions of the draft Law on Official Controls in compliance with the relevant acquis and applicable methodological rules for drafting national legislation;
- b. Updating the Table of Concordance for Official Controls Regulation taking into account the latest amendments to the Regulation.

### 3.2 Requested services

**The Senior NKE in the area of official controls is expected to provide the following services:**

1. Assist the MAFWM and MoH in the fine-tuning of provisions of the draft of the Law on Official Controls in compliance with the relevant acquis and the applicable methodological rules for drafting national legislation;
2. To provide support to the MAFWM and MoH in the updating of the Table of Concordance for Official Controls Regulation.

### 3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Provisions of the draft Law on Official Controls 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 August 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.

### **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](mailto:mbayard@dmiassociates.com) and [akhani@dmiassociates.com](mailto:akhani@dmiassociates.com) no later than 14 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 Law on Official Controls”**

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).