

Policy and Legal Advice Centre (PLAC III)

Terms of Reference (ToR) for a Short-Term assignment

| | |
|--|--|
| Technical assistance requested: | 1 (one) Junior Non-Key Expert in the area of Negotiating Ch. 27, Environment and Climate Change – Water Protection, further transposition of EQS Directive 2008/105/EC |
| 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 Environmental Protection of the Republic of Serbia |
| Target Beneficiaries: | Department for Water Protection from Pollution |
| Budget Line/Expert Category: | One Junior Non-Key Expert |
| Duration of the assignment: | 25 working days from September 2023 until February 2024 |

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 27 – Environment and Climate Change (Water Quality)

The level of alignment with the Union acquis on water quality is moderate (European Commission's Country Progress Report 2022, p. 122). Non-compliance with water quality standards remains a big concern in some areas (Ibid.). Serbia needs to step up its efforts to further align its legislation with the Union acquis in the area of water quality and to strengthen administrative capacity, in particular for monitoring, enforcement and inter-institutional coordination (Ibid.).

In July 2021, Serbia adopted its action plan for implementing the water management strategy. In addition, the implementation of the WFD is significantly enhanced by the adoption of the 1st River Basin Management Plan (RBMP) for the territory of the Republic of Serbia until 2027 ("Official Gazette of the Republic of Serbia", no 33/2023). Full transposition is expected to be accomplished after the adoption of the new Law on Waters together with the relevant bylaws.

The Water Framework Directive (WFD) is partially transposed through the Law on Waters ("Official Gazette of the Republic of Serbia", No. 30/2010, 93/12, 101/16, 95/2018 and 95/2018 – other law) and bylaws.

Directive 2008/105/EC on environmental quality standards in the field of water policy (EQSD) is partially transposed into national legislation. The Law on Waters provides legal framework and the basis for further transposition of EQSD into secondary legislation. The majority of requirements of the Directive, in particular EQS for priority and certain other pollutants in inland waters, are transposed in the Decree on limit values of priority and priority hazardous substances polluting surface water and deadlines for the reaching of the values ("Official Gazette of the Republic of Serbia", No. 24/2014). All EQS for water, except standards for "other surface waters" which are not relevant for Serbia, have been transposed. Provisions on inventory on emissions, discharges and losses, reporting and reviewing, have not been transposed thus far. In addition, EQS for biota, provisions regarding long-term trend analyses, watch list and some provisions on the content of RBMPs regarding priority substances, are provided in the Law on Waters, however, their full transposition is expected through bylaws.

The drafting of a new Law on Waters is on-going. The aim is that the text of the new law provides sufficient legal basis to complete the transposition of the Union water acquis, including EQSD, by means of implementing by-laws. In addition, the Proposal of a Multiannual Water Monitoring Program (MWMP) is being prepared, on the basis of guidelines given through the first RBMP. The proposal of the MWMP envisages biota monitoring in line with requirements of the EQSD. As a result, expert assistance to the Ministry of Environmental Protection (MEP) is needed to identify the remaining legal gaps in the Decree on limit values for priority and priority hazardous surface water pollutants and deadlines for the achievement thereof, against the requirements of the EQSD (as amended by Directive 2013/39/EU). In addition, it is necessary to provide appropriate legal framework to introduce biota monitoring within the Decree on limit values of priority and priority hazardous substances polluting surface water and deadlines for the reaching of the values in accordance with the EQSD.

Furthermore, in October 2022, the European Commission issued a Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy (COM/2022/540



final). Therefore, to make timely plans for their transposition, expert support to the MEP is needed to assess the impact of changes put forward by the Proposal amending WFD, EQSD and Groundwater Directive on the level of alignment of the national law and relevant by-laws with the *acquis*. In particular, the expert will assist the MEP in assessing whether it will be required to introduce provisions relevant to EQSD into the new draft law enabling further transposition of directives through by-laws in accordance with the Proposal.

At present, there are no ongoing or planned assistance projects for the activities covered by this ToR.

3. Description of the assignment:

3.1 Specific objectives

The specific objective of this assignment is to provide assistance to the Ministry of Environmental Protection (MEP) – Department for Water Protection from Pollution in order to further align Serbian legislation with the Union water protection *acquis*.

In the scope of this objective, the selected expert shall assist the MEP in conducting a legal gap analysis of the Decree on limit values for priority and priority hazardous surface water pollutants and deadlines for the achievement thereof (Official Gazette of RS, no. 24/14) and draft amendments to the Decrees needed to achieve full compliance with EQS Directive (as amended by Directive 2013/39/EU).

The expert shall also assist the MEP in conducting a legal gap assessment of the Serbian water protection legal framework against provisions of the European Commission's Proposal for a Directive amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy (COM/2022/540 final) identifying gaps regarding EQSD and provide recommendations for close them.

3.2 Requested services

The Junior NKE in the area of water protection is expected to provide the following services:

1. Assist the MEP by drafting:
 - a. Legal gap analysis of the Decree on limit values for priority and priority hazardous surface water pollutants and deadlines for the achievement thereof (Official Gazette of RS, no. 24/2014) with recommendations on amendments needed to close the remaining gap in transposition of the EQSD (as amended by Directive 2013/39/EU).
 - b. Draft amendments to the Decree on limit values for priority and priority hazardous surface water pollutants and deadlines for the achievement thereof (Official Gazette of RS, no. 24/14) fully transposing the EQSD (as amended by Directive 2013/39/EU);
 - c. Perform a legal gap analysis of Serbian water protection legal framework compliance with the Proposal for a Directive amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy

(COM/2022/540 final) regarding provisions relevant to EQSD, with recommendations for their transposition.

3.3 Outputs

The Junior NKE is expected to deliver the following outputs:

1. Legal gap analysis report with recommendations, drafted;
2. Amendments to the Decree on limit values for priority and priority hazardous surface water pollutants and deadlines for the achievement thereof (Official Gazette of RS, no. 24/14), drafted;
3. Legal gap analysis on compliance of the Serbian water protection legal framework with the Proposal for a Directive (COM/2022/540 final) regarding provisions relevant to EQSD with recommendations for further transposition, drafted.

3.4 Reporting

The Junior 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 JNKE 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 JNKE 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 JNKE shall work under the guidance and follow the instructions of the Team Leader. The JNKE 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

25 working days (WDs) in total have been planned for Junior NKE for this assignment.

3.6.2 Period of the assignment and starting day



It is expected that the work will be performed within several missions during the period from September 2023 until February 2024. However, the starting date will be confirmed at a later stage.

3.6.3 Location/place of assignment

The JNKE must deliver 100% of the input in Serbia.

3.6.4 Working language

English

4. Experts' profile – Junior NKE (25 working days):

4.1 Qualifications and skills (25 points)

- A level of education which corresponds to completed university studies of at least 4 years, attested by a diploma such as law, environmental law or similar, relevant to the assignment, an advanced degree is preferable;
- Computer literacy;
- Proficiency in report drafting;
- Excellent communication and analytical skills;
- Proficiency in the English language;
- Knowledge of the Serbian language will be an advantage;
- Independence and freedom from conflicts of interest in the undertaken responsibilities.

4.2 General professional experience (25 points)

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

4.3 Specific professional experience (50 points)

- At least 1 (one) year of postgraduate professional experience in relation to Union acquis in the area of water protection;
- 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@dmiassociates.com and akhani@dmiassociates.com no later than 5 September 2023, 17:00 hrs, titled:

“Application for the position - Junior Non-Key Expert in the area of Negotiating Ch. 27, Environment and Climate Change – Water Protection, further transposition of EQS Directive 2008/105/EC”

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.