

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 Negotiating Ch. 27, Environment and Climate Change, Waste Management – further implementation of Regulation (EC) No 1013/2006 on shipments of waste
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 Waste Management, Transboundary Movements of Wastes Unit
Budget Line/Expert Category:	One Senior Non-Key Expert
Duration of the Assignment:	15 working days from October 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 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 27 – Environment and Climate Change (Waste management, Shipments of Wastes)

The EU promotes strong climate action, sustainable development and protection of the environment. The EU law contains provisions addressing climate change, water and air quality, waste management, nature protection, industrial pollution, chemicals, noise and civil protection. Regarding waste management, Serbia has a good level of alignment with the Union acquis; however, implementation remains at an early stage (Serbia 2022 Progress Report, SWD (2022) 338 final, p. 121).

Regulation (EC) No 1013/2006 on shipments of waste establishes procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination. The Regulation applies to shipments of waste: (a) between Member States, within the European Union or with transit through third countries; (b) imported into the EU from third countries; (c) exported from the EU to third countries; (d) in transit through the EU, on the way from and to third countries.

The Republic of Serbia is a Party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. As a result, the majority of Regulation (EC) No 1013/2006 - Shipments of Waste Requirements, have been implemented through enforcement of the Basel Convention. Furthermore, national procedures, stipulated in the Law on Waste Management ("Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010, 14/2016 - 95/2018-other Law and 35/2023) and by-laws relating to the transfrontier shipment of waste, were additionally aligned with the Regulation (EC) No 1013/2006 and the Union acquis. In particular, in 2022 the legal framework was aligned with the EU Regulation through the adoption of Regulation on lists of waste for transboundary movement, the content and appearance of documents accompanying the transboundary movement of waste with instructions for their completion ("Official Gazette of RS", No. 34/2022). Additional harmonisation was carried out in April 2023 by the Law on Amendments to the Law on Waste Management ("Official Gazette of RS", No. 35/2023), particularly in relation to the changes to Article 72 and Article 72a. Nevertheless, the Serbian legislation has yet to be aligned with the Commission Delegated Regulation (EU) 2020/2174 of 19 October 2020 amended Annexes IC, III, IIIA, IV, V, VII and VIII to Regulation (EC) No 1013/2006 in the area governing the import and export of plastic waste. Furthermore, the EU has a specific system of rules governing the supervision and control of shipments of waste within the EU (Title II) and shipments to third countries (Title IV), including non-OECD Decision countries (Art. 36). The EU has also introduced specific rules on the export, import and intra-EU shipment of plastic waste as well as the specific "fast-track" procedure for shipment of certain waste to pre-consented recovery facilities (Art. 14).

The Ministry of Environment Protection is the competent authority for carrying out the alignment of the legislation with the Union acquis in the area of the transfrontier shipment of waste (TFS). The Division for Transboundary Movement of Waste of the Ministry's Sector of Waste and Water Management is currently preparing the drafts of national legislation aimed at the alignment with the new EU rules on the import and export of plastic waste and "fast-track" procedures for the shipment of certain waste to pre-consented recovery facilities.

To accomplish the above, the assistance of experts is required to help the Ministry of Environmental Protection (MEP) in the assessment of the legal gaps against Regulation (EC) No 1013/2006 as amended by Commission Delegated Regulation (EU) 2020/2174 and in drafting bylaws in compliance with the Union acquis in the area of the TFS of waste.

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 Waste Management, Transboundary Movement Division in further alignment of the Serbian legislation with the Union acquis in the area of the TFS of waste.

In the scope of this objective, the selected expert shall assist the MEP in:

- a. Conducting a legal gap analysis of the Serbian legislation against the Union acquis in the area of the TFS of waste, including recommendations for implementing the export prohibition in relation to the non-OCED Decision countries;
- b. Drafting the bylaws implementing Regulation (EC) No 1013/2006 as amended by Commission Delegated Regulation (EU) 2020/2174 requirements governing the TFS of plastic waste;
- c. Drafting the rulebook implementing “fast-track” procedures for shipment of certain waste to pre-consented recovery facilities in accordance with Article 14 of Regulation (EC) No 1013/2006.

3.2 Requested services

The Senior NKE in the area of Waste Management, Transboundary Movements of Waste is expected to provide the following services:

Assist the MEP in:

- a. Performing a legal gap analysis of the Serbian legislation related to the Union acquis in the area of the TFS of waste and providing recommendations for implementing the exports prohibition in relation to the non-OCED Decision countries;
- b. Drafting bylaws that are necessary to implement requirements of Regulation (EC) No 1013/2006 as amended by Commission Delegated Regulation (EU) 2020/2174 governing the TFS of plastic waste (to be agreed on with the Beneficiary on the basis of the legal gap analysis report);
- c. Drafting the rulebook implementing “fast-track” procedures for shipment of certain waste to pre-consented recovery facilities in accordance with Article 14 of Regulation (EC) No 1013/2006.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Legal gap analysis report with recommendations, drafted;
2. bylaws implementing requirements governing the TFS of plastic waste, drafted (the number of bylaws to be agreed on with the Beneficiary on the basis of the legal gap analysis report);
3. A rulebook implementing “fast-track” procedures for shipment of certain waste to pre-consented recovery facilities, 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

15 working days (WDs) in total have been planned for the Senior 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 October 2023 until February 2024. 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 (15 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 8 (eight) 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 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation and/or strategies and policies in relation to the Union acquis in the area of transboundary shipment of waste;
- 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 12 October 2023, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 27, Environment and Climate Change, Waste Management – further implementation of Regulation (EC) No 1013/2006 on shipments of waste”

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.