

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	1 (one) SNKE in the area of Negotiating Chapter 11, Agriculture and Rural Development, conversion of the FADN into a FSDN
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 11; Ministry of Agriculture, Forestry and Water Management
Budget Line/Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 working days (WD), from October 2023 to 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 11 – Agriculture and Rural Development

The Action Plan identified as one of the benchmarks for opening Chapter 11 has been prepared by Negotiating Group 11 which consists of 6 negotiating sub-groups: Direct Payments; Paying Agency, IACS and LPIS; Horizontal Policies and Structures (trade, FADN, state aid, statistics, and other horizontal issues); Common Market Organisation; Quality Policy, Organic Farming and Promotion; Rural Development.

The Sector for Agricultural Policy within the Ministry of Agriculture, Forestry and Water Management (MAFWM) is responsible for preparing, organising and implementing the establishment of the Farm Accountancy Data Network (FADN) in the Republic of Serbia. The establishment of this system is further supported by the Statistical Office of the Republic of Serbia, Secretariat for Agriculture Water Economy and Forestry of the Autonomous Province of Vojvodina, Institute for Science Application in Agriculture, Agricultural Extension Services and farmers.

At present, data collection and the FADN software within the FADN system are fully harmonised with the Commission Implementing Regulation (EU) 2015/220. Data collectors i.e. the extension officers from Agricultural Extension Services are collecting data from agricultural holdings and submitting them to the FADN database. 200 data collectors from all parts of Serbia collected data from 1735 agricultural holdings for the accounting year 2022. The sample size was expanded to 1420 farms in 2017, continuing with an increase in the number of holdings to 1655 farms in 2019, 1668 in 2020 and 1680 in 2021. For the accounting year 2022, the sample size will remain around as for the previous year (1735). According to the Agricultural Census 2012 and Farm Structure Survey 2018, the FADN sample in Serbia was planned to include 2000 farms.

The European Union needs harmonised farm-level data in the context of the Common Agricultural Policy (CAP) and the Green Deal, in order to have a solid evidence basis to assess the sustainability of farming practices across Member States, regions, farm types and farm sizes. This requires a uniform methodology, to ensure the comparability of the collected data. In 2021, in the Farm to Fork strategy, the European Commission (EC) announced its intention to convert the Farm Accountancy Data Network (FADN) into a Farm Sustainability Data Network (FSDN), with a view to collect farm-level data addressing the EU Green deal targets and other sustainability indicators. In June 2022, the Commission adopted the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1217/2009 as regards the conversion of the Farm Accountancy Data Network into a Farm Sustainability Data Network. The amendments proposed will expand the scope of the current network collecting data on EU farms to include data on their environmental and social practices. With this new data collection, it will be possible to benchmark farm performance and give farmers tailored advice and guidance. This will improve the sustainability of farmers, including their incomes, in line with the objectives of the CAP, the Green Deal and its farm-to-fork and biodiversity strategies.

In order to achieve the full compliance of the national legal framework of FADN with the Union acquis, the National Plan for the improvement of the FADN will be adopted by the end of 2025. By the time of the accession of the Republic of Serbia to the EU, the sample required will be gradually increased due to the conversion of the FADN into the FSDN. Also, the number of advisors involved in data collection will be increased and their training will be provided. The software for processing FADN data will require upgrading in order to achieve conversion into the FSDN as well.

To that end, expert support to the MAFWM and the Negotiating Group for Chapter 11 (NG 11) is needed in order to assess the level of changes to the new policy and proposed amendments

to Council Regulation (EC) No 1217/2009 will require, including the legal policy and institutional gap analysis and to develop an updated national plan to take into account the conversion of the Farm Accountancy Data Network (FADN) into a Farm Sustainability Data Network (FSDN).

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 assist the MAFWM, Sector for Agricultural Policy and NG 11 in developing a legal and institutional gap analysis related to the EC's Proposal of Regulation amending Council Regulation (EC) No 1217/2009 as regards the conversion of the Farm Accountancy Data Network into a Farm Sustainability Data Network (the "EC's Proposal") in order to grasp the degree of changes needed and plan for their possible introduction into an existing system.

Within the scope of the assignment the expert is expected to assist the beneficiary in:

- a. Developing of a legal/policy and institutional gap analysis of the current legislation, policy and institutional setup for the FADN against the EC's Proposal for conversion of the FADN into a FSDN;
- b. Preparing a proposal of modifications/legal interventions/actions/measures required for the conversion of the current legislation, policy and institutional setup for the conversion of the FADN into a FSDN in accordance with the EC's Proposal;
- c. Delivering the workshop/training for the MAFWM and representatives of relevant institutions/working groups in the Serbian FADN system discussing the proposal.

The expert will cooperate with the representatives of the relevant institutions and working groups in the Serbian FADN system, in charge of the implementation of the elements of the FADN system, individually, and during the workshop/training.

3.2 Requested services

The Senior NKE in the area of agriculture and rural development policies is expected to provide the following services:

1. Assist the MAFWM in:
 - a. Preparing the legal/policy and institutional gap analysis of current legal framework and institutional setup in accordance with the EC's Proposal for the conversion of the FADN into a FSDN;
 - b. Drafting the proposal of modifications/legal interventions/actions/measures required for the conversion of the FADN into a FSDN in accordance with the EC's Proposal; and
2. Preparing and delivering the workshop/training for the FADN National working group members, during which the proposal is going to be further discussed through group work.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Legal/policy and institutional gap analysis report, drafted;
2. The proposal of the modifications/legal interventions/actions/measures required for the conversion of the FADN into a FSDN, drafted;
3. Workshop/training 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 NKE 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 October 2023 to 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 (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 such as agriculture, law, economy 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 the Union acquis in the area of agriculture and rural development and the FADN system in an EU Member State, a candidate or a potential candidate country;
- Knowledge of the Serbian legislative in the field of FADN 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 20 October 2023, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of of Negotiating Chapter 11, Agriculture and Rural Development, conversion of the FADN into a FSDN”.

References must be available on request. Only short-listed candidates will be contacted.

Pre-selected expert 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.