

Policy and Legal Advice Centre (PLAC IV)

Terms of Reference (ToR) for a Short-Term assignment No. 2

Technical assistance requested:	Senior Non-Key Expert in the area of Negotiation Chapter 1 - Free movement of goods - drafting the Negotiation Position
Project Title:	Policy and Legal Advice Centre (PLAC 4)
Ref:	NEAR/BEG/2023/EA-RP/0175
Service Contract No:	(CRIS) 2024/453-315
Main beneficiary:	The Ministry of European Integration (MEI)
Content of the assignment:	Technical assistance in finalising the Draft Negotiation Position within the Republic of Serbia's negotiation process with the European Commission in Chapter 1 – Free Movement of Goods.
Budget Line/Expert category	Non-Key Short-Term Senior Expert
Duration of the assignment	20 working days

1. Background information in relation to the PLAC 4 project

The overall objective of the PLAC 4 is for the Serbian administration to effectively conduct accession negotiations and successfully manage overall EU integration and pre-accession assistance geared towards EU membership.

The purpose of the project is: "to achieve a high level of effective alignment of national legislation with the Union acquis and its implementation".

PLAC 4 should achieve two results:

- R1: Enhanced compatibility of national legislation with EU legislation and its effective implementation.
- R2: Enhanced capacities of relevant national structures for successful carrying out of accession negotiations



The free movement of goods is one of the four fundamental freedoms of the European Union's single market. It ensures that products can be placed on a single market and traded freely across the EU based on common rules and procedures. Harmonising technical regulations removes barriers to trade while ensuring a high level of safety of life and health, environmental protection, consumer protection, etc.

Where products are governed by national rules, i.e. absent the harmonised rules at the EU level, the principle of the free movement of goods prevents these creating unjustified barriers to trade.

The harmonised European product legislation, which needs to be transposed by each Member State, represents the largest part of the *acquis* under this chapter. It is based on the “old approach” (imposing precise product specifications) and the “new and global approach” (imposing general product requirements).

The Law on Technical Requirements for Products and Conformity Assessment makes the general legal basis for adopting technical regulations in the Republic of Serbia.

In accordance with Article 77 of the Stabilisation and Association Agreement (SAA), the Republic of Serbia undertook an obligation to take the necessary measures to gradually achieve conformity with Community technical regulations and European standardisation, metrology, accreditation, and conformity assessment procedures.

Regarding the process of negotiations within Chapter 1 – Free movement of goods, the Republic of Serbia is obliged to fulfil two benchmarks to open negotiations in this chapter. After explanatory and bilateral meetings held in June and September 2014, the European Commission submitted a report on a screening performed for Chapter 1 - Free movement of goods. The opening of this chapter could be envisaged once the following benchmarks are met:

- Benchmark 1: Serbia shall provide the Commission with an action plan for compliance with Articles 34-36 TFEU, including milestones for the internal screening of domestic legislation and administrative practices, for the introduction of mutual recognition clauses, and the necessary subsequent amendments or changes;
- Benchmark 2: Serbia shall present to the Commission a strategy and an action plan with milestones for implementing the EU legislation in this chapter. These should cover both the vertical (New Approach and Old Approach) and horizontal legislation and the relevant horizontal institutions (standardisation, accreditation, metrology, and market surveillance). They should also set out how and by when Serbia will remove barriers to trade regarding products covered by this chapter, notably additional border controls. They should define clear responsibilities for introducing and effectively implementing legislative measures and ensuring administrative capacity.

The latest versions of the abovementioned strategic documents have been provided to the Commission in November 2022. The Commission provided a positive opinion in January 2023.

The Government of the Republic of Serbia is currently adopting the strategic documents, and the deadline for their adoption is Q IV 2024.



Expert support is needed to assist the Ministry of Economy (MoE) in preparing the final version of the Negotiation Position (NP), which represents the next step in the negotiating process. MoE has already prepared the first Draft of the NP.

2. Description of the assignment

a. Specific objectives

The specific objective of this assignment is to provide assistance to the ME in finalising the Negotiation Position.

b. Requested services

The requested NKE is expected to provide the following services:

- Assistance in finalising the Negotiation Position

c. Outputs

The outputs delivered by the NKE shall be as follows:

- Final Draft of the Negotiation Position

d. Reporting

The NKE shall provide the following reports by using the templates of the Project:

- Brief Mission Report with a description of activities and outputs provided at the end of each month, in which tasks under this assignment have been carried out,
- Final Mission Report, no later than one week after completing tasks under this assignment. This report will include a description of all activities and outputs provided by the NKE in the context of this assignment.

Submission of reports:

- All reports prepared in the relevant quality shall be submitted to the Project Team Leader for review, comments, and final approval. The reports shall be signed by the NKE and the Team Leader responsible for endorsing them.
- The reports and all prepared documents shall be submitted to the Project Team Leader in hard copy and electronic form.

e. Specifics

The Senior NKE shall collaborate with the Project Technical Assistance Team to prepare and implement the assigned tasks. The Team Leader may adjust the NKE's activities and outputs mentioned above at any stage in the project's implementation, depending on the evolving needs of the Project and the main

beneficiary.

The Senior NKE shall ensure that the draft Negotiation Position is aligned with the EU best practices. The Senior NKE shall closely coordinate the activities with the Ministry of Economy and others, as relevant, to ensure that aspects related to implications of EU integration for Serbia are incorporated into all activities carried out by the Project.

3. Expert's input

Total working days	20 working days (WDs) have been planned for this assignment. An additional number of WDs may be allocated for this ToR should the needs of the main beneficiary require an extension for the activity areas mentioned in this ToR.
Period of the assignment	September 2024 – January 2025
Starting day	The work is expected to be performed from September 2024 onwards. However, the exact starting date will be agreed upon later.
Location/place of assignment	The base of operation will be in Belgrade, Serbia, and the Project will provide office facilities.
Working language	English

4. Expert's profile

Qualification and skills (25 points)	<ul style="list-style-type: none"> • Relevant university degree, preferably in the field of law, economy or similar • Excellent analytical and reporting skills • Working knowledge of the English language • Computer literacy (MS Office applications)
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 8 (eight) years of relevant professional experience • Minimum (3) three years of experience in the EU accession negotiation process
Specific professional experience (50 points)	<ul style="list-style-type: none"> • Experience in harmonising national legislation with EU acquis related to Negotiation Chapter 1



	<ul style="list-style-type: none">• Experience in legal drafting• Experience in drafting negotiation positions will be considered an advantage• Knowledge of the Serbian legal system and/or Serbian language will be considered an advantage
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5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to domi@ibf.be with a copy to bortolameazzi@ibf.be by **17:00 hrs; 20th September 2024**, titled: "Application for the position – Senior Non-Key Expert in the area of Negotiation Chapter 1 - Free movement of goods - drafting the Negotiation Position "

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

The Project is an equal-opportunity employer that encourages applications from women and minorities. All applications will be considered strictly confidential.

The advertised post is not available to civil servants or other public administration officials in Serbia, the beneficiary country.

For more information, please contact Project Director at IBF: bortolameazzi@ibf.be .

