

## Policy and Legal Advice Centre (PLAC IV)

### Terms of Reference (ToR) for a Short-Term assignment No. 5

<b>Technical assistance requested:</b>	1 (one) Senior Non-Key Expert in the area of Recognition of professional qualifications and freedom to provide services in the field of planning and construction - Negotiating Ch. 3
<b>Project Title:</b>	Policy and Legal Advice Centre (PLAC 4)
<b>Ref:</b>	NEAR/BEG/2023/EA-RP/0175
<b>Service Contract No:</b>	(CRIS) 2024/453-315
<b>Main beneficiary:</b>	The Ministry of European Integration (MEI)
<b>Direct beneficiary</b>	The Ministry of Construction, Transport and Infrastructure The Ministry of Education The Office for Dual Education and National Qualifications Framework The Agency for Qualifications
<b>Content of the assignment:</b>	Technical assistance to the Ministry of Construction, Transport and Infrastructure (MCTI) to fully harmonise the Law on Planning and Construction (LPC) and relevant bylaws with the Directive on Recognition of professional qualifications and the Directive on Services by drafting the new legislative framework regulating architects and engineering professions, professional and business activities of the natural and legal persons in the field of planning and construction, as well as organization, tasks, goals and field of work of the Chamber of Architects of Serbia and the Chamber of Engineers of Serbia.
<b>Budget Line/Expert category</b>	Non-Key Short-Term Senior Expert
<b>Duration of the assignment</b>	20 working days, from October 2024 until December 2024



## 1. Background information in relation to PLAC IV 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 project's purpose 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

In general, the project aims at fostering 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 institutions of the Republic of Serbia involved in the EU integration process. After completing the screening process in 2015, Serbian public administration entered a much more demanding and obliging exercise of accession negotiations, whereby each step and every decision should result in approaching actual membership in the EU. For this scenario to happen according to planned dynamics, preparedness and adequate institutional capacity of public administration with highly competent staff is crucial. In the core period of the negotiations, the PLAC 4 Project shall support national line institutions and the negotiating structures in the performance of quality operational work in relation to the harmonisation process and the effective coordination during various stages and phases in the process for different negotiation chapters.

Services and professional qualifications in the planning and construction sector are governed by the Law on Planning and Construction (Official Gazette of the RS, No. 72/2009, 81/2009-correction, 64/2010-decision of CC, 24/2011, 121/2012, 2/2013-decision of CC, 50/2013-decision of CC and 98/2013-decision of CC, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 – other law, 9/2020, 52/2021 and 62/2023) as well as by-laws issued on the basis of this law.

In order to harmonise with the EU acquis (Directive on Services 2006/123/EC and Directive on Mutual Recognition of Professional Qualifications 2013/55/EC amending Directive 2005/36/EC), new amendments and modifications to the Law on Planning and Construction were prepared during 2019. The Law on Amendments and Modifications to the Law on Planning and Construction ("Official Gazette of the Republic of Serbia", No. 9/2020) were adopted by the National Assembly on the 4th of February 2020. Draft Law has been made within the PLAC III Project expert support. The Law has been translated and, together with the Table of Concordance, submitted to the European Commission in April 2020.

Amendments to the Law were drafted to amend a whole series of articles pertaining to the profession of architects and other regulated professions in the field of planning and construction, their professional

title, professional training, professional examination, knowledge of languages and licensing of all regulated professions in the field of planning and construction. The Law has also been amended so the services can be provided by a natural person and a legal person, regardless of legal form.

The Law also contains a completely new section of articles regulating the conditions for foreign persons (both natural and legal) to access the services and to perform professional activities on a permanent or temporary basis, whether they are from the EU or other countries. Therefore, provisions regarding recognition of professional qualifications, specifically referred to EU citizens, are introduced.

Nevertheless, the conclusions and recommendations of the Final Mission Expert Report, which was drafted after completion of the assistance to the MCTI given through the Policy and Legal Advice Centre (PLAC III), Serbia, EuropeAid/139295/DH/SER/RS, Service contract No. (CRIS) 2018/404-529, pointed out the necessity of future alignment of the legislation in the planning and construction sector with the Directive on Services 2006/123/EC as well as further assistance to the MCTI. Regarding the noticeable system of licensing set by the Law, it is recommended to further,, consider the facilitation of the administrative procedures and diminishment of the requirements and burden” given the following shortcomings of the present law:

- a large number of different licenses for natural persons, which represents both a direct and hidden administrative obstacle;
- business activities in the planning and construction sector cannot be performed only with the “personal” license but only after obtaining a separate decision of the Ministry and inscription in the Register, which accordingly means that acquirement of the license is only an administrative requirement (a natural person, in addition to a personal licence must also obtain a license from the Ministry).
- in case of performing professional activities for different constructions and facilities for which a building permit is issued by the Ministry, a legal or natural person must meet various requirements depending on the type of construction or facility (as well as the kind of works) in order to obtain different licences before meeting requirements within the further tender procedures.

The European Commission commented on the adopted amendments to the Law on Planning and Construction regarding training requirements for architects and better clarifications and technical corrections of several provisions. These comments should be particularly considered during the expert service.

## **2. Description of the assignment**

### **a. Specific objectives**

The specific objective of this assignment is to assist the MCTI in the harmonisation of sectoral law (Law on Planning and Construction) and relevant bylaws with the Directive on Recognition of Professional Qualifications and the Directive on Services. The assistance will enhance full harmonisation with relevant EU regulations and proper implementation. By strengthening the administrative capacities of



the MCTI, crucial support will be provided in drafting the new legislative framework regulating architects and engineering professions, as well as the professional and business activities of natural and legal persons in the planning and construction field. The expert will assist the MCTI in drafting the Law on Planning and Construction Tasks and Activities and Chambers of Architects and Engineers to lay down rules on organization, tasks, goals and field of work of the Chamber of Architects of Serbia and the Chamber of Engineers of Serbia.

Expert support to MCTI is needed in drafting harmonised legislation in the planning and construction sector to fully harmonise it and accurately anticipate the implications of its implementation regarding the establishment and freedom to provide services in this field.

#### **b. Requested services**

The requested Senior NKE is expected to provide the following services:

- a) Review of the EU MS best practices (preferably Slovenia and Croatia);
- b) Gap analysis of the existing Law on Planning and Construction and relevant bylaws in relation to the Directive on Services and Directive on Recognition of Professional Qualifications;
- c) Drafting the new Law on Planning and Construction Tasks and Activities and Chambers of Architects and Engineers and preparation of Table of Concordance;
- d) Presentation of the Draft Law and Tables of Concordance and providing recommendations to the administration and professional bodies on the workshop.

#### **c. Outputs**

The outputs delivered by the NKE shall be as follows:

- Gap analysis prepared;
- Draft of the new Law on Planning and Construction Tasks and Activities and Chambers of Architects and Engineers, relevant bylaws and Table of Concordance prepared;
- Workshop held.

#### **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 Expert shall collaborate with the Project Technical Assistance Team to prepare and implement activities following this ToR. The NKE's activities and outputs mentioned above may be adjusted by the Team Leader at any stage in the Project's implementation, depending on the evolving needs of the Project and main beneficiary.

The Senior Expert shall ensure that outputs align with the requested service. The Senior Expert shall closely coordinate the activities with MCTI and others, as relevant, to ensure that aspects related to the 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	October 2024 – December 2024
Starting day	The work is expected to be performed from October 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

<b>Qualification and skills (25 points)</b>	<ul style="list-style-type: none"> <li>• Relevant university degree, preferably in fields related to law, architecture and engineering;</li> <li>• Excellent analytical, interpersonal and communication skills</li> <li>• Computer literacy (MS Office applications)</li> </ul>
<b>General professional experience (25 points)</b>	<ul style="list-style-type: none"> <li>• Minimum 8 (eight) years of relevant professional experience</li> <li>• Postgraduate professional experience in the field of</li> </ul>



	harmonisation of national legislation concerning EU acquis in the area of recognition of professional qualifications and freedom to provide services
<b>Specific professional experience (50 points)</b>	<ul style="list-style-type: none"><li>• At least 3 (three) preferably 5 (five) years of experience in the area of recognition of professional qualifications and freedom to provide services</li><li>• Professional experience in the field of planning and construction or regulation of the architect profession would be an advantage</li></ul>

## 5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to [domi@ibf.be](mailto:domi@ibf.be) with a copy to [bortolameazzi@ibf.be](mailto:bortolameazzi@ibf.be) than **17:00 hrs, 20th September 2024**, titled: "Application for the position – 1 (one) Senior Expert in the area of Recognition of professional qualifications and Freedom to provide services in the field of planning and construction, EU Negotiating Ch. 3".

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 the Project Director at IBF: [bortolameazzi@ibf.be](mailto:bortolameazzi@ibf.be).