

Terms of Reference (ToR) for a Short-Term assignment No. 6

Technical assistance requested:	1 (one) Senior and 1 (one) Junior Non-Key Expert in the area of Negotiating Ch. 28, Consumer and Health Protection; Tobacco Control
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)
Direct beneficiary:	Tobacco Administration
Content of the assignment:	Technical assistance for the implementation of regulations concerning tobacco-related products and an overview of good practices in EU countries
Budget Line/Expert category	One Senior and One Junior Non-Key Expert
Duration of the assignment	60 working days (WD), (40 WD SNKE and 20 WD JNKE), from October 2024 until June 2025

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

To harmonise the Law on Tobacco with the EU *acquis*, the Tobacco Administration received assistance from the PLAC III project. This type of assistance was of great importance to the Tobacco Administration. It resulted in the adoption of the Amendments to the Law on Tobacco, which significantly aligned it with the EU *acquis* (Directive 2014/40/EU). Among others, the Amendments to the Law on Tobacco regulated products with or without nicotine, which do not consist of tobacco but correspond to tobacco products in terms of other criteria ("related

products"). The mentioned products include electronic cigarettes and refill containers, herbal products for smoking or heating, nicotine pouches and water pipe products.

Expert support is needed in the implementation of regulations regarding related products, as well as an overview of good practices in EU countries.

2. Description of the assignment

a. Specific objectives

The specific objective of this assignment is to strengthen the capacity of the Ministry of Finance—Tobacco Administration and the capacity of other competent institutions regarding tobacco control.

Expert support is needed regarding regulating products with or without nicotine that do not consist of tobacco but correspond, in terms of other criteria, to tobacco products ("tobacco-related products"). These products include electronic cigarettes and refill containers, herbal products for smoking or heating, nicotine pouches, water pipe products, and similar products.

The support of relevant experts is needed to conduct a comparative analysis of domestic regulations with Directive 2014/40/EU, as well as regulations of EU countries that more closely regulated related products, to harmonise domestic regulations further and apply best practices, with special reference to regulations that include tobacco-related products in Italy and Denmark.

Through the training that would be organised with the assistance of PLAC 4, the capacities of the Tobacco Administration would be strengthened, and an effective harmonisation process would be ensured in the future. Also, exchanging experiences with EU member states would enable the Tobacco Administration to become familiar with potential problems and effective solutions for the negotiation process. Accordingly, it is necessary to organise training for the relevant institutions on work methods, required capacities and resources, as well as possible problems related to the trade of related products, which the competent EU institutions encounter in their work.

No ongoing or planned aid projects for the activities covered by this Terms of Reference exist.

b. Requested services

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

- a) Conduct an analysis of regulations regarding tobacco-related products in selected EU countries concerning:
 - The types of tobacco-related products;
 - Content and ingredients;
 - Production terms, import, distribution and export of tobacco-related products;
 - Terms for placement on the market;
 - Tax policies;
 - Restrictions on the use of tobacco-related products in public places;
- b) Comparative review of tobacco and related products market share in the last five years;
- c) Designing and implementing training for all relevant institutions to exchange good practices and implement regulations.

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

- a) Analysis of national regulations regarding tobacco-related products;
- b) In conjunction with Senior NKE, analyse regulations of related products in EU countries regarding:
 - The types of tobacco-related products;
 - Content and ingredients;
 - Production terms, import, distribution and export of tobacco-related products;
 - Terms for placement on the market;
 - Tax policies;
 - Restrictions on the use of tobacco-related products in public places;
- c) In conjunction with Senior NKE, design and implement training for all relevant institutions to exchange good practices and train the staff of competent institutions to implement regulations on tobacco-related products;

c. Outputs

The **outputs delivered by the Senior NKE** shall be as follows:

- review on types of tobacco-related products, composition and content, terms for production, import, distribution and export of tobacco-related products, terms for placement on the market, tax policy, restrictions on use in public places in EU countries and a comparative analysis of national regulations with recommendations for further harmonisation of domestic legislation with regulations of EU countries;
- comparative review of the share of tobacco-related products in relation to tobacco products on the market of EU countries in the last five years with a projection of the trend for the next five years;
- training(s) delivered for all relevant institutions to regulate and implement regulations concerning tobacco-related products, including examples of best practices in EU member states.

The **outputs delivered by the Junior NKE** shall be as follows:

- analysis of national regulations regarding tobacco-related products;
- review on types of tobacco-related products, composition and content, terms for production, import, distribution and export, terms for placement on the market, tax policy, restrictions on use in public places in EU countries and a comparative analysis of national regulations with recommendations for further harmonisation of domestic legislation with regulations of EU countries, in conjunction with Senior NKE;
- training(s) delivered for all relevant institutions to regulate and implement regulations concerning related products, including examples of best practices in EU member states.

d. Reporting

The **NKEs 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 with 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 NKEs shall collaborate with the Project Technical Assistance Team to prepare and implement the requested tasks.

The NKE 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 the main beneficiary.

The NKEs shall closely coordinate the activities with Beneficiary 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	60 working days (WDs) have been planned for this assignment – 40 WDs for NKE and 20 WD for NKE. 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 – June 2025
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 – Senior NKE:

Qualification and skills (25 points)	<ul style="list-style-type: none"> • Relevant university degree, preferably in fields related to law, economy, agriculture, health, financing and accounting, political science or similar • Proficiency in English language • Be proficient in report drafting • Excellent analytical, interpersonal and communication skills • Computer literacy (MS Office applications)
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 8 (eight) years of relevant professional experience in harmonising legislation with EU acquis or policy creation in a relevant field.
Specific professional experience (50 points)	<ul style="list-style-type: none"> • At least 3 (three) years of experience in the required area of tobacco control and drafting and implementing tobacco-related legislation

Expert's profile – Junior NKE:

Qualification and skills (25 points)	<ul style="list-style-type: none"> • Relevant university degree, preferably in fields related to law, economy, agriculture, health, financing and accounting, political science or similar • Be proficient in report drafting • Excellent analytical, interpersonal and communication skills • Computer literacy (MS Office applications) • Knowledge of the Serbian language will be an advantage
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 5 (five) years of relevant professional experience in harmonising legislation with EU acquis or policy creation.
Specific professional experience (50 points)	<ul style="list-style-type: none"> <input type="checkbox"/> Experience in conducting comparative analysis, legal drafting and/or delivery of training related to the regulation of retail trade of consumer products and protection of health <input type="checkbox"/> Postgraduate professional experience gained in the tobacco sector will be an advantage <input type="checkbox"/> Knowledge of the Serbian legal system will be an advantage

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 than **17:00 hrs; 14 October 2024**, titled: "Application for the position – **Senior or Junior NKE in the area of Consumer and Health Protection, Tobacco Control, Ch. 28) regarding tobacco sector and tobacco-related products**".

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.