



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 – Extended producer responsibility for waste management
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 and the Negotiating Team
Target Beneficiaries:	Negotiating Group Ch. 27; Ministry of Environmental Protection
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	25 working days (WD), from February until May 2022

1. Relevant background information

Background information in relation to PLAC III project:

The scope of PLAC III project is to provide support to relevant national institutions in charge of alignment of national legal acts with the EU *acquis* and to contribute to further building of capacities of relevant national structures for 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 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 involved carriers of the EU integration process in the Republic of Serbia. After completion of screening process in 2015, Serbian public administration has entered into 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 in accordance with planned dynamics, preparedness, adequate institutional capacity of public administration with highly competent staff is of crucial importance. In the core period of the negotiations, PLAC III Project shall support domestic line institutions and the negotiating structures both in performance of quality operational work in relation to 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

The EU environmental policy is based on preventive action; the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of environmental protection into other EU policies. The European Union's Circular Economy Package sets ambitious measures, which includes revised legislative proposals on waste to stimulate Europe's transition towards a circular economy. The actions proposed in the EU Action Plan for the Circular Economy (the "EU Action Plan") shall contribute to "closing the loop" of product lifecycles through greater recycling and re-use, and bring benefits for both the environment and the economy.

In 2018, as part of a package of measures on the circular economy, Directive (EU) 2018/851 was adopted amending Directive 2008/98/EC of the European Parliament and of the Council on waste (Waste Framework Directive). Furthermore, Directives governing the certain waste streams were amended in accordance with the EU Action Plan. In particular, the Directive (EU) 2018/852 amended the Directive 94/62/EC on packaging and packaging waste (PPW Directive), while Directive (EU) 2018/849 amended Directive 2012/19/EU on waste electrical and electronic equipment (WEEE Directive), Directive 2000/53/EC on end-of-life vehicles (ELVs Directive) and Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (WBA Directive), respectively.

As a result, a new *general minimum operating requirements for extended producer-responsibility* (EPR) schemes were introduced expanding further financial and organisational responsibility of producers for the management of the waste stage of a product's life cycle. In addition, a new, more stringent, reuse and recycling targets for EU Member States have been set, while the EPR system has been promoted as a pillar to achieve these targets.

According to the country progress report of the European Commission (EC) for Serbia for 2021 (Serbia 2021 Progress Report) Serbia has *a good level of alignment* with the EU *acquis* in waste management area. However, "implementation remains at an early stage." (Serbia 2021 Progress Report, p. 115). Only 3% of municipal waste is recycled placing the proportion of recycled waste in overall waste management is well below relevant EU targets. Additional economic instruments for special waste streams are required (Ibid.).

The Government of Serbia has submitted the negotiating position for Chapter 27 – environment and climate change (Negotiating Position) to the European Commission in January 2020. Serbia opened negotiation in Cluster 4 – Green Agenda and Sustainable Connectivity on 14 December 2021.

In accordance with the Negotiating Position full transposition, implementation and enforcement of the EU Directives governing specific waste streams, in particular, packaging and packaging waste (PPW), waste electrical and electronic equipment (WEEE), waste batteries and accumulators (WBA) or end-of-life vehicles (ELVs) is set as a priority. In addition, Serbia has established a working group charged with a task to improve PPW management system and to introduce a deposit return system for beverage compliant with PPW Directive as amended by the Directive 2018/852.

PPW Directive is partially transposed by the Law on Packaging and Packaging Waste ("Official Gazette of the Republic of Serbia", No. 36/09) and relevant bylaws. Likewise, WEEE Directive, WBA Directive and ELVs Directive are transposed partially through the Law on Waste Management ("Official Gazette of the Republic of Serbia", Nos. 36/2009, 88/2010, 14/2016 and 95/2018) and implementing bylaws. The EPR scheme in Serbia has been implemented only partially for the packaging producers, while it has yet to be introduced for WEEE, WBA and ELVs.

As a result of previously provided PLAC III technical assistance a set of follow-up recommendations were developed for packaging and packaging waste, WEEE, WBA and

ELVs reflecting the need for further actions to implement and enforce minimum operating requirements for EPR schemes for each waste stream in accordance with the new EU Circular Economy Package.

In particular, in order to effectively implement Art. 8 and 8a of the Waste Framework Directive Serbia must define a sustainable EPR model and appropriate mix of legal and policy measures to set up affordable EPR schemes for relevant waste management streams taking into account the roles and responsibilities of all relevant actors involved (including producers, organisations implementing extended producer responsibility obligations on their behalf, and/or private or public waste operators).

As a result, to achieve sustainable transposition and the implementation of the European Union's Circular Economy Package, further technical assistance is needed in order to set up and implement EPR schemes and to streamline, accordingly, general minimum operating requirements for EPR schemes in all pieces of legal acts in a single process.

At present, there is no on-going and/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 Ministry of Environmental Protection to set up, align and implement the EPR schemes in accordance with the European Union's Circular Economy Package, in particular:

- to achieve effective and sustainable transposition and implementation of the extended producer responsibility schemes in accordance with general minimum operating requirements (Arts. 8 and 8a of Directive 2008/98/EC as amended by Directive (EU) 2018/851) and in compliance with Directive (EU) 2018/852 amending the Directive 94/62/EC on packaging and packaging waste (PPW), and Directive (EU) 2018/849 amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE), the Directive 2000/53/EC on end-of-life vehicles and the Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (WBA);
- to establish legal requirements to set up deposit return system for beverages compliant with the Directive 94/62/EC on packaging and packaging waste (PPW) as amended by Directive (EU) 2018/852.

3.2 Requested services

The Senior NKE in the area of waste management is expected to provide the following services:

- Prepare a comparative analysis of the EPR schemes implemented in the EU Member States for each waste stream (PPW, WEEE, ELVs and WBA), including the description of the clearing house system implemented in practice, accompanied with case studies from at least two MSs, with operational recommendations on implementation of affordable and cost-effective EPR options for Serbia;
- Prepare implementation gap assessment analysis with operational recommendations to the Ministry of Environmental Protection on how to streamline in national legislation and implement general minimum requirements for extended producer responsibility

schemes for PPW, WEE, ELVs and WBA waste streams in accordance with Directive (EU) 2018/851, Directive (EU) 2018/852 and Directive (EU) 2018/849;

- Prepare a comparative analysis of deposit return system for beverages implemented in the EU Member States, including case studies from at least two MSs with operational recommendations on implementation of affordable and cost-effective solutions in Serbia;
- Assist the MoEP in drafting new/amending legal act(s)¹ necessary for setting up the general-conditions for operation of the deposit return system for beverages and of the related producer responsibilities in compliance with the PPW Directive as amended by Directive (EU) 2018/852;
- Hold a workshop to present the results of the assignment, including presentation of operational recommendations for implementing EU EPR requirements in Serbia for relevant waste streams and a legal act(s) amending or recasting the relevant national legislation in force necessary for setting up an EU compliant deposit return system for beverages.

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

1. A comparative analysis of the EPR schemes implemented in the EU Member States for each waste stream (PPW, WEEE, ELVs, and WBA) with operational recommendations on implementation of affordable and cost-effective EPR options for Serbia, drafted;
2. An implementation gap assessment analysis with operational recommendations on streamlining and implementing general minimum requirements for EPR schemes for relevant waste streams in national legislation in accordance with Directive (EU) 2018/851/EU, Directive (EU) 2018/852 and Directive (EU) 2018/849, drafted;
3. A comparative analysis of deposit return system for beverages implemented in the EU Member States with operational recommendations on implementation of affordable and cost-effective solutions in Serbia, drafted;
4. A new/amending legal act(s)² necessary for setting up the deposit return system for beverages, drafted;
5. Workshop held.

3.4 Reporting

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

- Final Mission Report, not later than one week after the completion of tasks under this assignment. This report will include the 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: the TL and/or KE2

¹ The exact number and type of legal act(s) to be decided during the initial period of the implementation of the assignment

² The exact number and type of legal act(s) to be decided during the initial period of the implementation of the assignment.

Submission of reports:

- A draft mission report shall be submitted to the Team Leader of the Project for review and comments by the end of the mission.
- The final version of the 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 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.

Each of the short-term missions, the timing and duration shall be agreed with the Beneficiary and the PLAC team prior to each planned mission.

3.6 Expert input

3.6.1 Total working days

25 working days (WDs) in total have been planned for Senior Non-Key Expert.

3.6.2 Period of the assignment and starting day

It is expected that the work will be performed during several missions in the period from February until May 2022. However, the starting date will be confirmed at the later stage.

3.6.3 Location/Place of assignment

The SNKE has to deliver 100% of the input in Belgrade, Serbia, unless otherwise agreed due to extraordinary circumstances (i.e. COVID-19). Home-based days are subject to a prior approval by the EU Delegation Project Manager responsible for PLAC III project.

3.6.4 Working language

English.

4. Experts' Profile – Senior NKE (25 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 law, economy, natural, environmental, or technical sciences or similar, relevant to the assignment
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills

- Proficiency in English language
- Be independent and free 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 harmonisation with the Ch. 27 EU *acquis* gained in an EU Member State, candidate or 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 the waste management sector, gained in an EU Member State, candidate or potential candidate country.
- Knowledge of 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 mail to akhani@dmiassociates.com no later than 4 February 2022, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 27, Environment and Climate Change, Waste Management – Extended producer responsibility for waste management.”

References must be available on request. Only short-listed candidates will be contacted. Pre-selected experts will be requested to sign Statement of Availability (SoA) in which they acknowledge and confirm the 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 Project Manager at DMI Associates Marion Bayard: mail to mbayard@dmiassociates.com or Arianne Khani mail to akhani@dmiassociates.com.