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

Technical assistance requested:	One (1) Senior Non-Key Expert (legal expert) and one (1) Junior Non-Key Expert (technical expert) in the area of waste management
Project Title:	Policy and Legal Advice Centre (PLAC II), Serbia
Ref:	EuropeAid/137065/DH/SER/RS
Service Contract No.:	(CRIS) 2016/375-724
Main beneficiary:	The European Integration Office of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Representatives of the Ministry of Agriculture and Environmental Protection, Department for Waste Management
Content of the assignment:	Assistance in drafting of annexes to by-laws in the area of waste management and provisions in relation to special waste streams for the new Law on Waste Management, for transposition of Directive 2008/98/EC into the national legislation
Budget Line / Expert Category:	Senior Non-Key Expert and Junior Non-Key Expert
Duration of the assignment:	15 WDs for SNKE and 30 WDs for JNKE, spent in the period from July 2017 until December 2017

1. Relevant background information

Background information in relation to PLAC II project:

The scope of PLAC II 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 II 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 Serbia by supporting the effective alignment of national legislation with the acquis and its implementation and by further building the capacities of involved carriers of the EU integration process in 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 II 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.



Background information in relation to Chapter 27 – Environment and climate change and related to industrial pollution sector:

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and Climate Change. 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 *acquis* comprises of more than 200 major legal acts covering horizontal legislation relevant for the environment sector in general, as well as a sub-sector organized legal acts (e.g. water and air quality, waste management, nature protection, industrial pollution control, chemicals, noise and climate change). Environmental protection is recognised as one of the most challenging and complex chapter when it comes to harmonization of national legislation with the EU standards and norms. Moreover, implementation of legislative norms in environment sector requires significant investments. In addition, institutional set up and developed capacities at national and local level is the imperative for the application and enforcement of the environmental *acquis*.

In line with the results of explanatory and bilateral screening for Chapter 27, National Programme for Integration of the Republic of Serbia into the EU, Post screening document and other relevant documents, Serbia needs to finalise the alignment with the *acquis* and conduct necessary reforms so as to demonstrate that it will be fully prepared for the implementation and the enforcement of the EU requirements at the date of accession. Full transposition is planned by the end of 2018. In this connection, in the area of waste management, further alignment of national legislation with the *acquis* is necessary.

The Law on Waste Management (LWM) was adopted in 2009, as well as a large number of by-laws. In 2016, new amendments of the LWM were adopted, by which a large number of provision of Directive 2008/98/EC (Waste Framework Directive; WFD) have been transposed in the national law. Some provisions of WFD still have to be transposed in the next period through new by-laws, based on in 2016 adopted amendments of LWM. In this connection, national standards containing technical requirements for waste categories and components shall be defined and the content of the application for permits aligned with the provisions laid down in the relating Rulebook.

In addition, for full transposition of WFD into the Serbian national legislation, a new Law on waste management will be prepared and its adoption has been planned for 2018. In connection with the new draft LWM, in 2017, MoAEP elaborated draft of the new Law and the only aspect not covered so far are the spatial waste streams.

2. Description of the assignment:

2.1 Specific objectives

The specific objective of this assignment is to assist MAEP in further harmonisation of national legislation in the area of waste management. For harmonisation with WFD, supplementary to the existing secondary legislation national standards for waste categories and components shall be defined and content of the application for permits in the area of waste harmonised with the provisions of the respective by-law.

As regards the new LWM, provisions of WFD related to special waste streams (end of life vehicles, waste batteries and accumulators, construction and demolition waste, waste of electric and electronic equipment, Persistent Organic Pollutants Waste and other streams) have not yet been transposed into draft of the new Law planned for adoption in 2018.



2.2 Requested services

The **Senior NKE (legal expert)** and the **JNKE (technical expert)** are expected to provide the following services:

- a) To assist the staff of MAEP, Department for Waste management and respective Legal Service at MAEP to develop and finalise the list of national standards containing technical requirements for waste categories and components, serving as an annex to the Rulebook on Categories, Testing and Classification of Waste, whereby taking account of the input provided by technical expert in relation to both national standards and recovery operations;
- b) To finalise a correlation table (similar to ToC) regarding national standards containing technical requirements for waste categories and components, providing an overview of the level of concordance of the existing Serbian legislation provisions and provisions proposed in the new national by-law with EU provisions, whereby taking account of the input provided by technical expert;
- c) To assist the staff of MAEP, Department for Waste management and respective Legal Service at MAEP to develop and finalise the template of the application for permits in the area of waste, serving as an annex to the Rulebook on the Form of Application for a Permit for the Storage, Treatment and Disposal of Waste, whereby taking account of the input provided by technical expert;
- d) To finalise a correlation table (similar to ToC) regarding the application for permit and relating requirements to be addressed, providing an overview of the level of concordance of the existing Serbian legislation provisions and provisions proposed in the new national by-law with EU provisions, whereby taking account of the input provided by technical expert;
- e) To assist the staff of MAEP, Department for Waste management and respective Legal Service at MAEP in drafting provisions of the new LWM in relation to special waste streams (ELVs, B&A, C&D waste, E-waste, POPs waste and others streams), whereby taking account of the input provided by technical expert and finalise the corresponding ToC.

2.3 Outputs

The **NKEs** are expected to deliver the following outputs:

- Proposal of the List of national standards containing technical requirements for waste categories and components, serving as an annex to the Rulebook on Categories, Testing and Classification of Waste, complemented by a correlation table (similar to ToC), providing an overview of the level of concordance of the existing Serbian legislation provisions and provisions proposed in the new national by-law with EU provisions;
- Proposal of the template of the application for permits in the area of waste, serving as an annex to the Rulebook on the Form of Application for a Permit for the Storage, Treatment and Disposal of Waste, complemented by a correlation table (similar to ToC), providing an overview of the level of concordance of the existing Serbian legislation provisions and provisions proposed in the new national by-law with EU provisions;
- Draft provisions in relation to special waste streams (ELVs, B&A, C&D waste, E-waste, POPs waste and others streams) of the new LWM and the corresponding ToC.

2.4 Reporting



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

- Brief Mission Reports with description of activities and outputs provided, at the end of each mission under this assignment,
- Final Mission Report, no later than 1 week after completion of tasks under this assignment. This report will include description of all activities and outputs provided by two NKEs in the context of this assignment.

Submission of reports:

- Draft mission reports shall be submitted to the Team Leader of the Project for review and comments at the end of the mission.
- Final version of the mission report reports prepared in the relevant quality shall be submitted to the Team Leader of the Project for review, comments and final approval. The reports shall be signed by the NKEs 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.

2.5 Specifics

The NKEs shall work under the guidance and follow the instructions of the Team Leader. The NKEs shall collaborate with the project team, other experts involved and representatives of beneficiary institutions and national structures, as relevant.

The NKEs' activities and outputs mentioned above may be adjusted by the Team Leader at any stage in the implementation of the Project, depending on the evolving needs of the Project and main beneficiaries. Each of the short-term mission, its timing and duration shall be agreed with the Team Leader prior to each mission.

2.6 Final use of intervention and perspectives for the future

Assistance in drafting of national standards in relation to waste categories and the application of permits, both supplementing the national secondary legislation, and pending provisions on special waste streams in draft new LWM will contribute to further harmonisation of national legislation with the *acquis* in the area of waste management sector, as well as to the adoption of national legal acts within set time frame.

3. Expert input

3.1 Total working days

45 working days (WDs) in total have been planned for this assignment (30 JNKE and 15 SNKE WDs).

3.2 Period of the assignment

July 2017 – (tentatively) December 2017.

Two NKEs shall, at some point, work in parallel. Details regarding the most relevant timing of their missions shall be agreed at a later stage.



3.3 Starting day

It is expected that the work will be performed during several short-term missions in the period from July 2017 – (tentatively) December 2017 and starting with the input in relation to the draft new LWM and its provisions relating to specific waste stream (mentioned under point 2.2.e.) at the earliest from 10 July, 2017 onwards. However, exact starting dates will be agreed at a later stage.

3.4 Location/Place of assignment

The NKEs have to deliver 100% of the input in Belgrade, Serbia.

3.5 Working language

English

4. Expert Profile

4.1 The Senior NKE in the area of waste management (legal expert)

4.1.1 Qualifications and skills (25 points)

- University degree (where a university degree has been awarded on completion of three years' study in a university or equivalent institution) in Law, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

4.1.2 General professional experience (25 points)

- Minimum 10 years of postgraduate professional experience in the field of environmental protection, related to EU policies or EU integration gained in an EU Member State or candidate country in accession process

4.1.3 Specific professional experience (50 points)

- Proven professional experience in drafting of national legal acts relating to the acquis in the area of waste management
- Proven professional experience in drafting of national legal acts in direct relation with Waste Framework Directive would be an asset
- Previous professional experience, and/or knowledge of the legislation, of the Republic of Serbia in the respective area would be an advantage.

4.2 The Junior NKE in the area of waste management (technical expert)

4.2.1 Qualifications and skills (25 points)

- University degree (where a university degree has been awarded on completion of three years' study in a university or equivalent institution) in Natural or Technical Sciences or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

4.2.2 General professional experience (25 points)



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- Minimum 5 years of postgraduate professional experience in the field of environment protection gained in an EU member state, candidate or potential candidate country

4.2.3 *Specific professional experience (50 points)*

- Proven professional experience in planning and/or implementation of measures in scope of EU acquis relating to waste management
- Proven professional experience in planning and/or implementation of measures in direct relation with WFD 2008/98 and its provisions that are subject of this ToR
- Previous professional experience, and/or knowledge of the legislation, of the Republic of Serbia in the respective area would be an advantage.

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to SEPLAC@altairasesores.es no later than 17:00 hrs, **30 June 2017**, titled: **“Application for the position – Senior NKE (legal expert) in the area of waste management”** or **“Application for the position – Junior NKE (technical expert) in the area of waste management”**.

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

The Project is an equal opportunity employer.
All applications will be considered strictly confidential.

Advertised post is 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 Altair Asesores S.L.: m.garcia@altairasesores.es / Tel. +34 91 3952798