



Project funded by the European Union
Projekat finansira Evropska unija



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

Technical assistance requested:	One (1) Senior Non-Key Experts in the area of Postal services
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:	Members of the Negotiating Group for Chapter 3 involved in harmonisation of the Law on Postal Services and drafting of relevant by-laws, representatives of the Ministry of Trade, Tourism and Telecommunications and other relevant stakeholders involved in the postal market in the Republic of Serbia
Content of the assignment:	Assistance in preparing for selected implementation aspects of the new Law on Postal Services, including drafting of relevant by-laws and acquainting the beneficiaries with state aid rules in the area of postal services
Budget Line / Expert Category:	Senior NKE
Duration of the assignment:	15 WDs in total, spent during up to three missions in the period from November 2017 until (tentatively) March 2018

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 3 – Right of Establishment and Freedom to Provide Services - Postal Services:

Serbia 2016 Report of the European Commission states: “In the coming period, Serbia should in particular: ... reinforce the capacity and independence of the postal services inspectors and regulator... Concerning postal services, the legislation further aligning Serbia with the Second and Third Postal Directives remains to be adopted. The capacity of the postal regulator, whose staff was reduced from 16 to 6, and of the inspection of postal services remains inadequate. The public postal operator has yet to be turned into a corporate company”.

The Ministry of Trade, Tourism and Telecommunications (MTTT) prepared the new Law on Postal Services, which is planned to be adopted by the end of 2017. The new Law on Postal Services has been aligned with the First and Second Postal Directive, and with most of the provisions of the Third Postal Directive. After the adoption of the Law on Postal Services, relevant by-laws such as Regulation on conditions for maintaining and improving the provision of universal postal services, Regulation on conditions for the start of performing activities of postal services and Regulation on conditions for the provision of the universal postal service shall be drafted and adopted (tentatively) until October 2018.

A new Strategy on Postal Services for the period 2017-2020 shall be adopted by the end of June 2017, as a key document defining future strategic developments in the Republic of Serbia in relation to postal services and postal market. By finalising and adopting the new 2017-2020 Strategy on Postal Services, Serbia will fully align its policy framework with the European one in the area of Postal services and provide for further steps in the process of gradual opening of postal market.

2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is to assist the MTTT in drafting by-law(s) accompanying the new Law on Postal Services and in performing the assessment of the institutional framework for the implementation of the new legal framework in the area of Postal services. Additionally, comparative analysis of mechanisms for financing of the universal postal service should be carried out and complemented by training in state aid rules in the area of postal services.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- a) To assess the institutional framework for the implementation of the new legal framework in the area of Postal services, namely the Strategy on Postal Services and the new Law on Postal Services, and provide recommendations for its improvements, where relevant;
- b) To draft proposals of the main provisions of by-laws accompanying the new Law on Postal Services, namely the Regulation on conditions for maintaining and improving the provision of universal postal service, the Regulation on conditions for the start of performing activities of postal services and the Regulation on conditions for the provision of the universal postal service;
- c) To present examples of mechanism(s) for financing of the universal postal service used in some EU Member State(s) and assess the strengths and weaknesses and the potential use of such mechanism(s) in Serbia;
- d) To deliver training to the beneficiaries, at a workshop, in state aid rules in the area of postal services.



2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- A report on the assessment of the existing institutional framework for the implementation of the new legal framework in the area of Postal services, namely the Strategy on Postal Services and the new Law on Postal Services, including recommendations for improvements, where relevant;
- Proposals on the main provisions of by-laws accompanying the new Law on Postal Services, namely the Regulation on conditions for maintaining and improving the provision of universal postal service, the Regulation on conditions for the start of performing activities of postal services and the Regulation on conditions for the provision of the universal postal service;
- An overview with examples of mechanism(s) for financing of the universal postal service used in some EU Member State(s), with an assessment of strengths and weaknesses and the potential use of such mechanism(s) in Serbia;
- Training material that is suitable and practical for training of beneficiaries, in state aid rules in the area of postal services.

2.4 Reporting

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

- Brief Mission Report with description of activities and outputs provided, at the end of each mission, during which tasks under this assignment have been carried out.
- 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 the NKE in the context of this assignment.

Submission of reports:

- Draft Mission Report 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 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 NKE and the Team Leader responsible for endorsing the Report.
- The Report and all prepared documents shall be submitted in hard copy and in electronic version to the Team Leader of the Project.

2.5 Specifics

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

The NKE's 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

The new 2017-2020 Strategy on Postal Services provides for strategic framework until the end of negotiations and beyond. As such, this Strategy takes on board all changes necessary to be made in the Serbian legal system, in order to comply with the EU *acquis* in the area of postal services over the coming years. It will contribute, together with the aligned Law on Postal Services to freedom in future providing postal services within the EU, being one of the four fundamental freedoms in the EU. Some aspects of this assignment (assessment of the existing institutional framework, analysis of mechanisms for financing of universal postal service, training on state aid rules in the area of postal services) will help Serbian administration to prepare for the actual implementation of the postal services *acquis*.

3. Expert input

3.1 Total working days

15 working days (WDs) in total have been planned for this assignment.

3.2 Period of the assignment

November 2017 until (tentatively) March 2018

3.3 Starting day

It is expected that the work will be performed during up to three missions and starting, at the earliest from 06 November 2017 onwards. However, exact starting date will be agreed at a later stage.

3.4 Location/Place of assignment

The NKE has to deliver 100% of the input in Belgrade, Serbia.

3.5 Working language

English

4. Expert Profile

4.1 Qualifications and skills (25 points)

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

4.2 General professional experience (25 points)

- Minimum 10 years of postgraduate professional experience in the field of Postal services gained in an EU Member State, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- Proven professional experience in drafting and/or implementing legislation in the field of postal services and related to harmonisation with Chapter 3 *acquis*
- Previous professional experience, and/or knowledge of the legislation of the Republic of Serbia in the respective area would be an advantage.



Project funded by the European Union
Projekat finansira Evropska unija

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, **10 August 2017**, titled: **“Application for the position – Senior NKE in the area of Postal services”**.

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