

Development of the System for the Management of Cohesion Policy

Terms of Reference for Assignment of Junior Non-Key Expert on Institutional Building

Result 1: Legal and institutional framework for the implementation of EU Cohesion Policy in place

1. Background

This assignment is to be carried out within the framework of the project titled “Development of the System for the Management of Cohesion Policy” financed by the European Union under IPA, having as Project Partner and Main Beneficiary the Ministry of European Integration.

The Project started on 11 July 2019 and will last 36 months.

The Contracting Authority for above-mentioned project is the **EU Delegation to Serbia**.

The Service Contractor is **GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, in Consortium with Mott MacDonald, Archidata and Ismeri**.

The overall objective is to prepare the Serbian public administration for the effective implementation of the EU Cohesion Policy in the Republic of Serbia. The purpose of the contract is to set up and enhance the capacities of all relevant stakeholders for timely and efficient preparation, implementation, monitoring and evaluation of programmes and projects supported by European Structural and Investment Funds (ESIF).

The results to be achieved by the Contractor are as follows:

Result 1: Legal and institutional framework for the implementation of EU Cohesion Policy in place.

Result 2: Relevant planning and programming documents for EU Cohesion Policy prepared.

Result 3: Capacities of institutions and bodies nominated for the implementation of Cohesion Policy, as well as partners and potential beneficiaries at national and sub-national level, increased via Capacity Building programmes.

The assignment of the Junior Non-Key Expert on Institutional Building shall be framed within the first project component focusing on the preparation of the legal and institutional framework for the implementation of EU Cohesion Policy in Serbia and is **strongly connected with the assignment of the Senior Non-Key Expert on Institutional Building** who has been already mobilised. It has to be noted also that the results of the work of both Experts will also have an impact on the preparatory phase of the **third project component** dedicated to capacity building activities for the preparation and implementation of programmes and projects implemented within the Cohesion Policy programmes. In their work, the Experts shall take into account the requirements related to the preparation of planning and programming documents for EU Cohesion Policy being the subject of the **second project component**.

In reference to the **first project component** titled “Support in establishing the legal and institutional framework for implementation of the Cohesion Policy”, the Terms of Reference for the overall project state that:

“Preparation for an effective and functioning management and control system for cohesion policy implementation represents the first project component. Although the decision on the institutional framework for implementation of cohesion policy has still not been made, the approach to be followed is selected and defined as follows: a Centralized system with a strongly mandated co-ordination body, concentrated, sectoral and aligned administrative system. **The basis for the implementation of activities planned under this component and the key milestone is the nomination of institutions to be responsible for respective tasks in the context of the preparation for the implementation of cohesion policy in Serbia, following the defined approach.** The formal act nominating the institutions and specifying their roles and responsibilities is planned to be adopted in 2019¹.

For those nominated institutions, *Organizational Development Strategies (ODS)* should be developed streamlining their preparation for future role through **definition of institutional and organizational forms and structures, staffing and training plans** necessary for management of certain Operational Programme. ODS will represent an important element in preparation of the relevant bodies for the effective implementation of cohesion policy in order to ensure at least adequate institutional and organizational forms and structures, staffing and training plans. Regarding the sustainability of institutional capacities, the options for an innovative and performance-oriented management of human resources should be explored and addressed in a specific organizational development strategy/ies.

Special attention should be provided to the preparation of relevant institutions for the *establishment of a sound management and control system* and for the formal *designation of responsible bodies*. In that sense, under this first component *detailed rules, procedures, operating manuals, working arrangements and templates*, covering all aspects necessary for programme preparation, implementation, monitoring and evaluation shall also be prepared, as well as all the *necessary legal acts* that will allow for the formalization of the established system. The emphasis should also be put on the preparation of the *overall strategic and methodological framework* for establishment of effective monitoring and evaluation system

While preparing relevant documents, it will be necessary to take into consideration experiences and best practice from the EU Member States, as well as to closely follow and take into account the developments under the chapters 32 - Financial control, 5 - Public Procurement and 8 - Competition, as well as for management of IPA. Consequently, the Contractor will be asked to carry out various studies/analysis in the course of implementation of this set of activities”.

In reference to **the third project component** titled ‘**Capacity Building Activities**’, the Terms of Reference for the Project state that: “For the timely planning of capacity building activities of the administration, beneficiaries and partners, a first pilot Capacity Building (CB) Programme was developed in 2017. It covers institutions and bodies that will be involved in the implementation of cohesion policy, partners, potential beneficiaries and general public at national and sub-national level. In addition, two general modules (i.e. Introduction to the EU cohesion policy and Planning and Programming for EU Cohesion Policy) are already prepared and rolled out in 2017. CB Programmes should be revised annually and modules developed in a timely manner in order to follow the dynamics of accession negotiations and emerging needs”.

¹ However, the relevant institutions and bodies have not yet been formally proposed.

2. Approach

The Junior Non-Key Expert on Institutional Building shall execute this assignment by working with the Senior Non-Key Expert on Institutional Building and under the coordination of the Team Leader. He/she shall prepare brief monthly reports which describe the work conducted, its results, and put forward recommendations that can be made to the Beneficiary from the expert's perspective. Monthly reports prepared by using the project template shall be submitted to the Senior Expert on Institutional Building for acceptance before presenting them to the Team Leader.

All Documents prepared under the assignment (as described in the next section) shall be first of all discussed with the Senior Non-Key Expert on Institutional Building and, in cooperation with the above mentioned Expert, with Beneficiary and other Stakeholders suggested by the Beneficiary, and revised based on comments received and any further inputs, before final submission.

3. Description of assignment

The assignment shall focus on three major blocks of tasks related to the following topics:

- Establishment of the system for implementing EU Cohesion Policy,
- Preparation of rules, procedures and manuals for bodies involved in Cohesion Policy management and control system,
- Preparation of Organisational Development Strategies for bodies involved in the Cohesion Policy management and control system

I. Establishment of the system for implementing EU Cohesion Policy

The relevant activity in the Project's Terms of Reference is **Activity 1.1.2. 'Preparation of legal acts and other documents necessary for introduction of the Cohesion Policy in Serbia and formal establishment of the institutional framework for OPs management'**. In the Project **work plan** included within the **Inception Report**, the following two sub-activities are foreseen: **Sub-Activity 1.1.2.10. 'Support on mapping of selected institutions to be part of the system for implementing EU Cohesion Policy'** and **Sub-Activity 1.1.2.11. 'Recommendations on the institutional set up for Cohesion Policy'**.

The above Activity stipulated by the Project's Terms of Reference is also envisaged under a relevant measure in the Action Plan for Chapter 22²: **Measure 2.1. Institutions and bodies for implementation of Cohesion Policy nominated.**

The Junior Non-Key Expert on Institutional Building will support the work of the Senior Non-Key Expert on Institutional Building. The main focus of the Junior Expert's work shall be on preparing together with the Senior Expert on Institutional Building the methodology for identification of institutions and bodies to implement the Cohesion Policy in Serbia. Based on this methodology, the Junior Non-Key Expert will prepare the table of potential institutions which might be responsible for implementation of the CP in the specific policy objectives' fields, which shall also include their functions and the competencies necessary for implementation of the Cohesion

² Action Plan for meeting the EU Cohesion Policy requirements Chapter 22 – Regional Policy and Coordination of Structural Instruments, adopted by the Government in April 2019.

Policy. The table will then be filled in through desk research of available studies and analyses, data gathered from questionnaires filled in by selected institutions, and – when necessary – through interviews with the relevant institutions and bodies in order to review their institutional and legal basis and policy mandates with reference to the fields of Cohesion Policy interventions. As a result, the mapping of all institutions and bodies that could potentially deliver the Cohesion Policy related functions will be developed (in tabular form) – for each of the bodies envisaged under the new Regulation for 2021-2027 (Coordinating Body, Managing Authority/Authorities, Intermediate Body/Bodies, Accounting (former Certifying) function, Audit Authority), including the analysis of capacities of these institutions, against the requirements of Cohesion Policy under:

- The European Regional Development Fund and the Cohesion Fund.
- The European Social Fund,

with special focus on the policy objectives listed for each of the Funds. It will also support further work on further work on improvement policy delivery, legal compliance and preparation of the Organisational Development Strategies. The mapping will cover also structures responsible for management of CBC IPA-IPA programmes.

The institutions included in the analysis will be selected among those currently involved in the delivery of EU and other Donor-funded programmes and projects and/or the delivery of national development and investment policies.

On the basis of the identified gaps, suitable actions to fill those gaps shall be identified as well as recommendations formulated on tasks and responsibilities of various bodies in the management and control system for Cohesion Policy/ESIF delivery, for consideration by the Ministry of European Integration in the context of the negotiation position under Chapter 22.

This activity shall be concluded with submission of the following documents by May 2020:

Document 1: Methodology for the identification of bodies to be proposed for the delivery of all tasks and responsibilities associated to Cohesion Policy/ESIF delivery, including tasks and responsibilities of different bodies in the management and control system for Cohesion Policy. The document will be prepared in cooperation with the Senior Expert on Institutional Building.

Document 2: Mapping of the institutions and bodies to be proposed for the delivery of Cohesion Policy/ESIF tasks according to the prepared methodology (Document 1) on the basis of available studies and analyses, data gathered from questionnaires filled in by selected institutions, and, when necessary, of interviews with relevant institutions and bodies. The mapping (in tabular form) shall be prepared by the Junior Non-Key Expert under the close supervision of the Senior Expert on Institutional Building.

Document 3: Report on conducted mapping of institutions containing, among others, the following elements:

- description of current state in terms of functions performed by Serbian authorities and linkage to the Cohesion Policy investment priorities,
- identification of gaps with recommendations how to fulfil them,
- identification of competencies that have to be established,
- recommendations for Capacity Building activities.

The Junior Non-Key Expert shall support the Senior Non-Key Expert on Institutional Building in preparation of the Report.

Document 4: Recommendations for establishing and description of detailed institutional structure for management and control system for Cohesion Policy/ESIF delivery in the Republic of Serbia, upon its accession to the European Union. The Junior Non-Key Expert shall support the Senior Non-Key Expert on Institutional Building in development of the Recommendations.

II. Preparation of rules, procedures and manuals for bodies involved in Cohesion Policy management and control system

The ToR for the Project envisage **Activity 1.1.3. 'Preparation of rules, procedures, operating manuals/handbooks and templates, covering all aspects necessary for the programme preparation, implementation (including the prevention, detection and correction of irregularities, fraud and the recovery), monitoring and evaluation'** which is reflected in the Project Work Plan **Sub-Activities 1.1.3.1. 'Assistance with preparation of methodology for developing procedures for managing Cohesion Programmes'** and **1.1.3.2. 'Support to development of national guidelines or rules'**.

The relevant measure in the Action Plan on Chapter 22 is **Measure 2.3. 'Draft procedures and working arrangements for Operational Programmes management prepared'**. It is observed that this activity under the Action Plan is narrower in scope than the ToR requirements, since procedures are to be prepared for the overall Cohesion Policy system rather than for 'managing the Operational Programmes'.

Under ToR Activity 1.1.3, support to development of the Concept Paper/Note for the preparation of Manuals of Procedures shall be provided in cooperation with the Senior Non-Key Expert on Institutional Building. On the basis of best practice in EU Member States, and also taking into consideration new proposals for simplification and the avoidance of gold plating practices. In particular, the Concept shall propose a suitable structure and contents of national rules as well as a suitable structure and contents of the Manuals of Procedures for each category of bodies, including the bodies engaged in implementation of the second Cohesion Policy goal.

The outcome of this activity shall be presented to the Cohesion Policy stakeholders through a workshop, and comments taken on board before the submission of the final Concept Document.

This activity shall be completed by October 2020 through preparation of the following documents:

Document 5: Concept Paper/Note on methodology for the preparation of national rules/guidance and Manuals of Procedures for managing the Operational Programme(s) funded under ESIF (Cohesion Policy). The concept shall present MS experiences regarding the contents of procedures, EC regulation requirements and other relevant documents, a preliminary proposal of the structure of the process and the approach recommended for drafting the procedures. The Junior Non-Key Expert shall support Senior Non-Key Expert on Institutional Building in preparing the Concept through collection of necessary data, meetings with relevant counterparts and other tasks agreed with the Senior Expert. **This document shall be finalised by July 2020.**

Document 6: Report on workshop on the Concept for the preparation of Manuals of Procedures to manage the Operational Programme(s) funded under ESIF (Cohesion Policy) – **to be finalised by September 2020.** The Junior Non-Key Expert shall support the Senior Non-Key Expert on Institutional Building in the organisation of the workshop and the preparation of the Report.

Document 7: Workplan for development of National Rules and Manual of Procedures of all institutions involved in Cohesion Policy delivery, including the detailed structure of the national rules – **to be finalised by October 2020.** The Junior Non-Key expert shall support the Senior Non-Key Expert in collecting the feedback from the relevant institutions after the Workshop and preparing the Workplan for development of national rules and their detailed structure.

III. Preparation of Organisational Development Strategies for bodies involved in the Cohesion Policy management and control system

The relevant Project ToR activity is '**Activity 1.1.1. Preparation of Organisational Development Strategies (ODS) for bodies involved in the OPs management and control system**' which is reflected in the Project Work Plan **Sub-Activities 1.1.1.1. 'Support to preparation of methodology with work plan for development of organisational development strategies'** and **1.1.1.2. 'Support to review of ODSs - first draft prepared by the relevant bodies'**. In the Action Plan for Chapter 22 the corresponding measure is **Measure 2.2: Organisational development strategies for bodies involved in the OPs management prepared**.

In order to implement the above-mentioned Activity and Sub-Activities, the Junior Non-Key Expert shall work in close cooperation with the Senior Non-Key Expert on Institutional Building. He/she shall support the Senior Non-Key Expert in preparation of the methodology with work plan for development of the Organisational Development Strategies (ODS). The methodology shall include the templates and guidelines for the ODS and its attachments, particularly the workload analysis by functions, tasks, organisational units, and individuals, for each year under consideration, and a 3-year Action Plan for ODS implementation including the recommendations for training plan. The methodology shall be revised based on discussion with MEI. The workplan for the preparation of the ODSs shall be outlined including key activities, organisation of the process and milestones, identification of participants in the process, their roles and expected inputs.

This Activity shall be completed by December 2020 through preparation of the following documents:

Document 8: Methodology for the preparation of Organisational Development Strategies with templates and guidelines and including the workload analysis by functions, tasks, organisational units as well as the 3-year Action Plan for ODS implementation. The document shall be prepared jointly by the Senior and Junior Non-Key Experts on Institutional Building. The role of the Junior Non-Key Expert shall be, first of all but not exclusively, supporting the Senior Non-Key Expert in the collection and revision of information related to the functions and tasks of the relevant institutions, their internal organisation, and any other relevant information as well as in the preparation of the relevant templates and forms. The document in subject shall be properly consulted with the Beneficiary and the other relevant Stakeholders, including the workshops.

Document 9: Workplan for preparation of the Organisation Development Strategies, including key activities, organisation of the process and milestones, participants of the process and their roles and expected inputs. The Junior Non-Key Expert shall support the Senior Non-Key Expert in the preparation of the document and consultation of the document with the Beneficiary and other relevant Stakeholders.

4. Expert profile

JUNIOR NON-KEY EXPERT on INSTITUTIONAL BUILDING

Required Qualifications and Skills

University Degree in economics, management, or other social sciences.
Fluency in both written and spoken English.

Knowledge of the Serbian language.
Computer literacy (MS Office including Excel, PowerPoint, Internet).
Very good organisational, communication, coordination and reporting skills.

General Professional Experience

Min. 5 years relevant professional experience in the field of management of EU programs and/or projects.

Knowledge of EU internal control framework for managing pre-accession assistance under indirect management with the Beneficiary country.

Previous experience in Serbia would be an asset.

Specific Professional Experience

Min. 3 years of specific experience in setting up or further development of management and control systems and/or institutional development plans and/or other preparations for compliance assessment/entrustment for managing pre-accession funds in Candidate Countries or EU Structural and Investment Funds in EU Member States.

Min. 1-year specific experience in preparation of capacity building programmes for EU pre-accession funds management or European Structural and Investment Funds.

5. Location, duration, (provisional) start/end date

Location: the expert will be working in Belgrade, Serbia, at Project Office and other locations in Belgrade,

Starting/ending date: March 2020/December 2020.

Total number of working days: up to 80.

Elaborated by: Danuta Jablonska

Date: 03/02/2020, Version: 1; 06/02/2020 Version 2; 20/02/2020, Version 3.

6. Submission of curricula vitae by interested Candidates

Curricula vitae are to be submitted in English to:

Nikola Bajski, GIZ RS <nikola.bajski@giz.de>

By using the European Commission PRAG Practical Guide format³

³ <http://ec.europa.eu/europeaid/prag/> Annex B8h