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

Technical assistance requested:	One (1) Junior Non-Key Expert in the area of internal market - free movement of goods (PPE)
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 Ministry of European Integration and the Negotiating Team
Target Beneficiaries:	Representatives of the Ministry of Economy - Sector for Quality and Product Safety and Ministry of Trade, Tourism and Telecommunications
Content of the assignment:	Assistance in harmonisation of national legislation with Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment
Budget Line / Expert Category:	Junior Non-Key Expert
Duration of the assignment:	10 working days, spent during up to two missions in the period from June until (tentatively) September 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 1 – Free movement of Goods and related to PPE:

In the Screening Report for Chapter 1 – Free Movement of Goods it is recommended that this Chapter be opened for negotiations once the two benchmarks are met, one of them being presenting to the Commission a Strategy and an Action Plan with milestones for the implementation of the EU legislation in this Chapter, which should cover both the vertical (New Approach and Old Approach) and horizontal legislation (standardisation, accreditation, metrology and market surveillance).

Based on the Screening Report for Chapter 1 – Free Movement of Goods, the legal framework for conformity assessment (CA) in Serbia consists of the Law on Technical Requirements for Products and Conformity Assessment and 3 bylaws: 1) Regulation on Manner of Performing Conformity Assessment, Content of the Documents of Conformity, and Shape, Outline and Content of Mark of Conformity; 2) the Rulebook on the Manner of Affixing Marks of Conformity on Products, and Use of Marks of Conformity; 3) the Regulation on the Manner of Recognition of Foreign Documents of Conformity and Marks of Conformity.

Serbia stated that its regulatory framework for CA is partially aligned with the *acquis*.

With regard to the recognition of foreign CA results, Serbian legislation foresees a ministerial level decision on accepting foreign certificates if they a) provide at least equivalent level of protection as per Serbian legislation, and b) have been assessed by Conformity Assessment Bodies (CABs) that have equivalent level to Serbian one. In relation to the distinction between the authorisation and designation of Conformity Assessment Bodies, the Law allows the Serbian state to issue the conformity assessments in some areas, such as motor vehicles.

With regard to Conformity Marking, Serbian legislation provides that the Serbian conformity mark is in force, and that the “CE mark” will be applied on the date of accession or if prior to accession, Serbia signs an Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) with the EU. Serbia has not yet envisaged transitional provisions for products that will be placed on the market before an ACAA comes into force/before accession and it acknowledged that it will now have to consider transitional provisions in this regard. Serbia stated that under its current legislation the entity responsible for affixing the conformity mark is determined by the relevant technical legislation. Depending on the case, this is done by either the manufacturer or an authorised representative, or in exceptional cases the importer - Serbia acknowledged that the latter provision is not fully in line with the *acquis*. In case of incorrect conformity marking, the Market Surveillance Authority can require corrective actions, impose restrictions or prohibition of placing the product on the market or withdrawal of the product from the market.

Based on the Screening Report, as regards sectoral legislation on personal protective equipment, the Serbian Rulebook on Personal Protective Equipment (OG RS, No. 100/11) is aligned with the *acquis*, apart from the transitional conformity mark provisions which foresee that the use of the Serbian conformity mark is obligatory until the signing of an ACAA or Serbia’s accession to the EU.

In 2016, the Commission repealed Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment and adopted Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment.

2016 Report of the European Commission for Serbia states that in the coming period Serbia should among others, in particular “further align sectoral legislation and ensure better implementation of technical requirements and standards”. In the revised NPAA 2018-2021 (3.1.3.15.) that was adopted on 1st March 2018, the transposition of new Regulation (EU) 2016/425 is foreseen (at the level of the Government) by the end of 2018 (Q4) through adoption of (amendments to) the Rulebook on personal protective equipment.



2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is to provide assistance to the Ministry of Economy, Sector for Quality and Product Safety in harmonising the existing national legislation with the requirements of Regulation (EU) 2016/425, which has not been transposed into the Serbian legislation so far.

2.2 Requested services

The Junior NKE is expected to provide the following services:

- a) To explain differences between Directive 89/686/EEC on PPE and Regulation (EU) 2016/425 repealing the Directive 89/686/EEC on PPE from 21 April 2018;
- b) To perform compliance check of the existing Serbian legislation in the area of PPE, i.e. the Rulebook on PPE (OG RS, No. 100/11) with provisions of the Regulation (EU) 2016/425. Compliance check shall also include assessment in terms of categorisation of certain products, in particular PPE classified from Category II according to Directive 89/686/EEC to Category III according to Regulation (EU) 2016/425;
- c) For gaps identified, draft proposals on amendments to provisions of the Rulebook on PPE, in order to comply with the Regulation (EU) 2016/425 and provide advice on classification of PPE with due regard of the latest applicable categorisation of PPE as per new Regulation (EU) 2016/425.

2.3 Outputs

The Junior NKE is expected to deliver the following outputs:

- Presentation on differences between Directive 89/686/EEC on PPE and Regulation (EU) 2016/425 repealing the Directive 89/686/EEC on PPE from 21 April 2018, in a form of ppt and presented during internal technical meeting or workshop;
- Report on the assessment of compliance of the existing Serbian legislation, i.e. the Rulebook on PPE (OG RS, No. 100/11) with provisions of the Regulation (EU) 2016/425;
- Draft proposals on amendments to provisions of the Rulebook on PPE in relation to the gaps identified, in order to comply with the Regulation (EU) 2016/425 and recommendations on the latest applicable categorisation of PPE as per new Regulation (EU) 2016/425.

2.4 Reporting

The NKE 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 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.



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- 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 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 assistance planned under this assignment will partially respond to the benchmark for Chapter 1, covering its part related to PPE and contribute to achieving further alignment of the sectoral legislation of the Republic of Serbia with the EU acquis on the free movement of goods. More concretely, Serbian legislation will be harmonised with the Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment, through revision of the national Rulebook on personal protective equipment.

3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

June – (tentatively) September 2018

3.3 Starting day

It is expected that the work will be performed during up to two missions and starting, at the earliest, from 04 June 2018 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 at university or equivalent institution) in the field relevant to the assignment
- Proficiency in English language



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- Computer literacy (MS Office applications)

4.2 *General professional experience (25 points)*

- Minimum 5 years of postgraduate professional experience in EU integration in an EU Member State, candidate country or potential candidate country

4.3 *Specific professional experience (50 points)*

- Proven postgraduate professional experience in the field of harmonisation of legislation in relation to EU acquis related to free movement of goods;
- 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, **16 May 2018**, titled: **“Application for the position – JNKE in the area of internal market - free movement of goods (PPE) ”**.

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 395279.