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

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of fisheries sector
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:	Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Representatives of the Ministry of Agriculture, Forestry and Water Management
Content of the assignment:	Assistance in drafting new Rulebook on Inspection and Control to ensure compliance with the Community control system rules of the Common fisheries policy and in preparing Correlation Table for that Rulebook
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	15 working days, spent in the period from March 2018 until (tentatively) June 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 13 – Fisheries:

As per Screening Report for Chapter 13 – Fisheries (Part IV: Conclusions and recommendations), the Republic of Serbia can be considered to be sufficiently prepared for negotiations on this Chapter.

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Therefore, the Commission recommended the opening of accession negotiations with Serbia on Chapter 13 – Fisheries.

Serbia does not have access to the sea and does not have any maritime fisheries activities. In regard with the assessment of the degree of alignment and implementing capacity, substantial parts of the *acquis* within Chapter 13 - Fisheries will not require particular implementation efforts. However, national legislation has to be adapted in some cases and certain measures need to be implemented in order to ensure correct application of the *acquis*. The necessary administrative capacity needs to be in place upon accession. In this connection, Serbia needs to improve inspection and control in the field of fisheries that is consistent with the system of control in the EU.

The Ministry of Agriculture, Forestry and Water Management (MAFWM) has recognised the importance of adopting rules related to market organisation in fisheries sector. For the implementation of the law regulating the support and the market organisation in fisheries sector that aims at creating conditions for activating selected measures of market regulation, it is necessary to gradually transpose key EU legislation in this area, in particular the *Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy amending Regulations (...)* and other linked regulations.

In the revised 2016-2018 National Plan for the Adoption of the Acquis, the adoption of the new draft Law on the structural support and market organisation in fisheries, harmonised with the relevant EU *acquis*, has been planned for Q4 of 2017.

In order to prepare for the establishment of the adequate European control system and the implementation of the new Law on the structural support and market organisation in fisheries, assistance is needed in drafting the Rulebook on Inspection and Control, harmonised with the relevant EU *acquis* and in preparing the related Correlation Table (similar to Table of Concordance).

In the second half of 2018, the implementation has been planned of a TW light project linked with catch certification and marketing standards and aimed at establishing the basis for national catch certification scheme in accordance with EU requirements, introducing the system for control and prevention of IUU fishery activities, fishery products marketing standards and strengthened control of fishery products on the market. The assistance requested in this ToR and further twinning activities should complement each other and therefore, the planned twinning (light) project in this area should be taken into consideration by the selected expert.

2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is assistance in drafting of the new Rulebook on Inspection and Control, with specific emphasis given to the development of the control system, measures and procedures in fisheries sector to be in line with provisions of the Regulation (EC) No 1224/2009 *establishing a Community control system for ensuring compliance with the rules of the Common fisheries policy* and in finalising the relating Correlation Table (similar to Table of Concordance).

2.2 Requested services

The **Senior NKE** is expected to provide the following services:

- a) To analyse the existing legislation of the Republic of Serbia related to control in the fisheries sector;



- b) To develop draft proposals for control system measures and procedures to be prescribed by the new Rulebook on Inspection and Control, in consideration of the beneficiary's agreement on the proposed;
- c) To deliver training on the Community control system rules of the Common fisheries policy and present the findings and proposals related to the harmonisation of the national system with Regulation (EC) 1224/2009 to beneficiary at 1-day workshop;
- d) To draft new Rulebook on Inspection and Control ensuring compliance with Regulation (EC) 1224/2009 establishing a Community control system rules of the Common fisheries policy and incorporating the proposals agreed with the beneficiary;
- e) To develop a Correlation Table (similar to Table of Concordance) on the level of compliance of the draft Rulebook on Inspection and Control with Regulation (EC) 1224/2009.

2.3 Outputs

The **Senior NKE** is expected to deliver the following outputs:

- Draft proposals for control system measures and procedures to be prescribed by the new Rulebook on Inspection and Control, whereby considering also the existing legislation of the Republic of Serbia related to control in the fisheries sector;
- Draft of the new Rulebook on Inspection and Control ensuring compliance with Regulation (EC) 1224/2009 establishing a Community control system rules of the Common fisheries policy and incorporating the proposals agreed with the beneficiary;
- Training material suitable and practical for presenting Community control system rules of the Common fisheries policy and the findings and proposals related to the harmonisation of the national system with Regulation (EC) 1224/2009 to beneficiary at 1-day workshop;
- A Correlation Table (similar to Table of Concordance) on the level of compliance of the draft Rulebook on Inspection and Control with Regulation (EC) 1224/2009.

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 the 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 electronic version to the Team Leader of the Project.



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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

By 2016-2018 NPAA, the adoption of the new draft Law on the structural support and market organisation in fisheries has been envisaged in Q4 of 2017. By providing assistance in drafting the new Rulebook on Inspection and Control and in finalising the relating Correlation Table, further progress in the process of harmonisation of the national legislation with the relevant EU acquis will be facilitated in view of setting up of the control system in fisheries sector that will comply with the respective EU Common fisheries policy and common market organisation principles. In order to avoid overlapping and ensure complementarity, additional assistance planned under TW light project mentioned below will be taken into consideration during implementation of PLAC II assistance under this assignment.

In relation to other technical assistance in the area concerned, TW light project "Development of the Legislative and Institutional Framework for the Effective Alignment and Implementation of the Acquis in the Area of Fisheries in the Republic of Serbia" has been planned by the MAFWM. This project is linked with catch certification and marketing standards and aimed at establishing the basis for national catch certification scheme in accordance with EU requirements, introducing the system for control and prevention of IUU fishery activities, fishery products marketing standards and strengthened control of fishery products on the market. The project is in the approval phase and its implementation has been planned for during second half of 2018.

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

March – (tentatively) June 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 12 March 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.



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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, Natural Sciences, Agriculture or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

4.2 General professional experience (25 points)

- Minimum 10 preferably 12 years of postgraduate professional experience in the field of fishery, gained in an EU Member State, candidate country or potential candidate country

4.3 Specific professional experience (50 points)

- Proven professional experience in harmonisation of legislation in relation to EU *acquis* related to Chapter 13, gained in an EU Member State or candidate country
- Proven professional experience in developing procedures and measures in fisheries sector in line with the Community/EU Common fisheries policy.

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, 22 December 2017, titled: **“Application for the position – Senior NKE in the area of fisheries sector”**.

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