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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 Gothenburg Protocol and its implementation
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:	Ministry of Environmental Protection
Content of the assignment:	Assistance in revising 2010 National Action Plan relevant for the implementation and ratification of the Gothenburg Protocol
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	10 working days, spent during up to two missions in the period from April until (tentatively) July 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 27 Environment and Climate Change and related to Air Quality:

The Executive Body of the Convention on Long-range Transboundary Air Pollution (Convention) adopted the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Protocol) on 30 November 1999 in Gothenburg, in Sweden. The Protocol sets national emission ceilings for 2010 up to 2020 for



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four pollutants: sulphur-dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOCs) and ammonia (NH₃). The Protocol was amended in 2012 by Executive Body Decisions 2012/1 and 2012/2 to include national emission reduction commitments to be achieved by 2020 and beyond.

Several of the Protocol's technical annexes were revised with updated sets of emission limit values for both key stationary sources and mobile sources. The revised/amended Protocol is also the first binding agreement to include emission reduction commitments for fine particulate matter. Also for the first time, the Parties have broken new ground in international air pollution policy by specifically including the short-lived climate pollutant black carbon (or soot) as a component of particular matter. Another novelty of the revised Protocol is a flexibility mechanism that allows Parties to propose adjustments to their emission inventories or emission reduction commitments. The revised Protocol also introduced flexibilities to facilitate the accession to the Protocol of new Parties, mainly countries in Eastern and South-Eastern Europe, the Caucasus and Central Asia.

The Republic of Serbia is a Party to the Convention and three of eight Convention protocols: on Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), on Persistent Organic Pollutants (POPs) and on Heavy Metals. The original 1999 Gothenburg Protocol as well as the amendments have not yet been ratified by Serbia.

At the EU level, a new National Emissions Ceilings (NEC) Directive 2016/2284/EU entered into force on 31 December 2016, replacing earlier legislation (Directive 2001/81/EC). The new NEC Directive sets 2020 and 2030 emission reduction commitments for five main air pollutants, same as Gothenburg Protocol. It also ensures that the emission ceilings for 2010 set in the earlier Directive remain applicable for Member States until the end of 2019. The new NEC Directive transposes the reduction commitments for 2020 agreed by the EU and its Member States under 2012 revised Gothenburg Protocol.

In the NPAA 2016-2018 that was adopted on 17 November 2016, the ratification of the Gothenburg Protocol was foreseen in 2018-2020 period, under the implementation of Directive 2001/81/EC (NEC). Also, based on the Post Screening document, "Transposition and implementation of the EU Environmental and Climate Change acquis – Chapter 27, status and plans", the revision of developed National Action Plan related to the Gothenburg Protocol is foreseen as one of the priorities under the Chapter - Air Quality - Directive 2001/81/EC. Draft Negotiating Position Support Document (NPSD) for NEC Directive also predicts the revision of developed National Action Plan for the Gothenburg Protocol to be done before its ratification as one of the important steps that will contribute to the implementation of NEC Directive.

2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is to provide assistance to the Ministry of Environmental Protection in revising the existing document "National Action Plan for the implementation and ratification of the Protocol on Heavy Metals, Gothenburg Protocol and Protocol on Persistent Organic Pollutants to the 1979 Convention on Long-range Transboundary Air Pollution", its part concerning the 1999 Gothenburg Protocol (i.e. Chapter 3.4 *Analysis of obligations by the Protocol respectively to Serbia*; Chapter 3.5 *Action plan with timeframe and institutions responsible for the implementation* and Chapter 5. *Ratification plan*), which was developed during 2010 under the UNECE Western Balkans Project named "Implementation and ratification of Protocol on Heavy Metals, Protocol on Persistent Organic Pollutants and Gothenburg Protocol".



The revised document will assist the Republic of Serbia to plan steps towards the ratification and implementation of the amended Protocol as well as harmonisation with the new 2016/2284/EU Directive.

In order to ratify the amended Gothenburg Protocol prior to the accession of the Republic of Serbia to the EU, as recommended by the European Commission during Bilateral screening, it is necessary to carry out the review of and revise the existing National Action Plan.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- a) To analyse the obligations arising from the amended Gothenburg Protocol and the state of compliance of the relevant national legislation both in force and in draft version with the requirements of the amended Gothenburg Protocol;
- b) To develop recommendations for the implementation of the measures prescribed by the amended Gothenburg Protocol, by defining precise objectives and activities to be undertaken, including harmonisation of the relevant national legislation with amended Gothenburg Protocol;
- c) To propose institutions responsible for the implementation of activities defined in 3.5 of the Action Plan, as well as to anticipate deadlines for the implementation of activities to be undertaken;
- d) To draft revised version of the existing document “National Action Plan for the implementation and ratification of the Protocol on Heavy Metals, Gothenburg Protocol and Protocol on Persistent Organic Pollutants to the 1979 Convention on Long-range Transboundary Air Pollution”, its relevant chapters 3.4, 3.5 and 5 related to the Gothenburg protocol (i.e. 3.4/Analysis of obligations by the Protocol respectively to Serbia, 3.5/Action plan with timeframe and institutions responsible for the implementation and 5/Ratification plan), using the recommendations and suggestions of UNECE for the Convention on Long-Range Transboundary Air Pollution and taking into account all relevant strategic documents of the Republic of Serbia.

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- Analysis of the obligations arising from the amended Gothenburg Protocol and the state of compliance of the relevant national legislation both in force and in draft version with the requirements of the amended Gothenburg Protocol;
- Draft recommendations for the implementation of the measures prescribed by the amended Gothenburg Protocol, by defining precise objectives and activities to be undertaken, including harmonisation of the relevant national legislation with amended Gothenburg Protocol;
- Proposal on institutions responsible for the implementation of activities defined in 3.5 of the Action Plan, as well as the anticipation of deadlines for the implementation of activities to be undertaken;
- Draft of revised version of the existing document “National Action Plan for implementation and ratification of the Protocol on Heavy Metals, Gothenburg Protocol and Protocol on Persistent Organic Pollutants to the 1979 Convention on Long-range Transboundary Air Pollution”, its relevant chapters 3.4, 3.5 and 5 related to the Gothenburg protocol (i.e. 3.4/Analysis of obligations by the Protocol respectively to Serbia, 3.5/Action plan with timeframe and institutions responsible for the implementation and 5./Ratification plan), using the recommendations and



suggestions of UNECE for the Convention on Long-Range Transboundary Air Pollution and taking into account all relevant strategic documents of the Republic of Serbia.

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.
- 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 Report shall be signed by the NKE and the Team Leader, responsible for endorsing the report.
- 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 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, main beneficiary and/or target 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 will contribute to reviewing of the current state of play and identifying shortcomings that the Republic of Serbia has to eliminate in order to be ready for the ratification of the Gothenburg Protocol as amended. The revised document will also assist Serbia to plan steps towards the harmonisation and implementation of the new 2016/2284/EU Directive.

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

April 2018 – (tentatively) July 2018



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3.3 Starting day

It is expected that the work will be performed during up to two missions planned in the period from April until, tentatively, July 2018, and starting at the earliest from 10 April 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 a university or equivalent institution) in Natural Sciences, Technical Sciences or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

4.2 General professional experience (25 points)

- Minimum 8, preferably 10 years of postgraduate professional experience in the field of environment protection and/or global multilateral environmental agreements

4.3 Specific professional experience (50 points)

- Proven professional experience in the implementation of 1999 Gothenburg Protocol and amended Gothenburg Protocol
- Proven professional experience in the transposition of the EU acquis related to Chapter 27 in the field of Air protection in an EU Member State, candidate or potential candidate country that is also a Party to 1999 Gothenburg Protocol and amended Gothenburg Protocol 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.

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to SEPLAC@altairasesores.es not later than 17:00 hrs, **28 February 2018**, titled: **“Application for the position – Senior NKE in the area of Gothenburg Protocol and its implementation”**.

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