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

Technical assistance requested:	2 (two) Senior Non-Key Expert in the area of internal market services
Project Title:	Policy and Legal Advice Centre (PLAC II), Serbia
Ref:	Europe Aid/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:	The Ministry of Trade, Tourism and Telecommunications, Ministry of Education, Science, and Technological Development, Ministry of Health, Ministry of Justice, Ministry of Finance, Members of the Negotiating Group 3 and other relevant institutions involved in the area of Right of Establishment and Freedom to Provide Services
Content of the assignment:	Assistance in drafting of the first version of Draft Negotiating Position for Chapter 3 and in fine-tuning of the inventory List of Regulated Professions
Budget Line / Expert Category:	Senior Non-Key Experts
Duration of the assignment:	25 working days, spent during several missions in the period from September 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



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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:

The Screening Report for Chapter 3 recommends the following benchmark be met for this Chapter prior to the opening of negotiations: “Serbia submits to the Commission a comprehensive and detailed strategy for alignment with the professional qualifications *acquis*. The strategy must cover all the reforms necessary in terms of legislative alignment and institutional capacity building for the recognition of professional qualifications acquired in other Member States and for the provision of assistance to professionals who qualified in Serbia and wish to provide services in other Member States. The strategy must also cover any adjustments to the training of doctors, dentists, nurses responsible for general care, midwives, pharmacists and veterinary surgeons necessary to comply with the minimum training requirements outlined in Directive 2005/36/EC. A deadline, a responsible entity and a clear indication of the corresponding provision of EU law must be specified for each action covered by the strategy”.

In connection with the opening benchmark, Serbia finalised Draft Programme on Professional Qualifications with the Action Plan (in continuation: the Programme).

The Programme includes the following Annexes:

- the Law on Regulated Professions and Recognition of Professional Qualifications with the Table of Concordance,
- the List of Regulations,
- the first provisional inventory List of Regulated Professions,
- the Timetable for the alignment of the services sector, professional qualification sector and postal services sector,
- ToC regarding the compliance of sectoral legislation with the *acquis*,
- detailed reports for 7 sector professions with curricula.

In June 2016, Draft Programme with Annexes was sent to the EC for its comments and in March 2017, an improved version was sent to the ministries for their opinion. Once finalised, the Programme will be sent to the Government for adoption.

By the date of the accession to the EU, all the outstanding parts of Chapter 3 *acquis* will have to be transposed into the Serbian legislation, addressing the requirements of three general areas of the *acquis*.

Prior to opening accession negotiations on Chapter 3, Serbia shall prepare Draft Negotiating Position, presenting the plans concerning future legislative and institutional framework aligned with the *acquis* in relation to services in the internal market, i.e. Ch 3 - Right of Establishment and Freedom to Provide Services.

In the Republic of Serbia, the Ministry in charge of Chapter 3 is the Ministry of Trade, Tourism and Telecommunications (MTTT). Other ministries are also involved in the harmonisation of the Serbian legislation with Chapter 3 *acquis* (covering *acquis* areas of services, mutual recognition of professional qualifications and postal services) such as the Ministry of Education, Science, and Technological Development, Ministry of Health, Ministry of Justice, Ministry of Finance, Ministry of Agriculture and Environmental Protection, as well as other institutions.



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2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is to provide assistance in preparing the first version of Draft Negotiating Position for Chapter 3 - Right of Establishment and Freedom to provide Services and its three general areas, i.e. for the area of mutual recognition of professional qualifications, the right of establishment and the freedom to provide services, as regards the freedom of establishment and the freedom to provide cross-border services, and postal services. While preparing Draft Negotiating Position, special attention shall be addressed to recommendations concerning the development of adequate institutional framework and enforcement capacities in the Republic of Serbia at the time of accession. The objective is also to provide assistance in preparing a fine-tuned inventory List of Regulated Professions complementing the Law on Regulated Professions and Recognition of Professional Qualifications.

2.2 Requested services

The Senior NKE 1 in the area of internal market services is expected to provide the following services:

- a) To analyse the Screening Report, the existing national legislation and institutional framework in relation to mutual recognition of professional qualifications and the freedom of establishment and the freedom to provide cross-border services, perform gap analysis and develop proposals for adequate enforcement capacity of Serbia at the time of accession,
- b) To propose the structure of the first version of Draft Negotiating Position and its content in relation to Ch3 acquis and in particular, for mutual recognition of professional qualifications area and services area, as regards the freedom of establishment and the freedom to provide cross-border services;
- c) To present the main legislative and institutional framework related findings and proposals on the content of the first version of Draft Negotiating Position to beneficiaries at a joint meeting or a workshop;
- d) To assist beneficiaries in drafting of the first version of Draft Negotiating Position, in particular in relation to mutual recognition of professional qualifications area and services area, as regards the freedom of establishment and the freedom to provide cross-border services;
- e) To analyse EC comments regarding Draft List of regulated professions annexed to the Draft Programme on Professional Qualifications reviewed by the EC and develop proposals for fine-tuned inventory List based on the input and in agreement with the beneficiaries.

The SNKE 2 in the area of Postal Services is expected to provide the following services:

- a) To analyse the Screening Report, the existing national legislation and institutional framework in the area of postal services, perform gap analysis and develop proposals for adequate enforcement capacity of Serbia at the time of accession;
- b) To propose the content of the first version of Draft Negotiating Position in relation to postal services area;



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- c) To present the main legislative and institutional framework related findings and proposals on the content of the first version of Draft Negotiating Position in relation to postal services area to beneficiaries at a joint meeting or a workshop;
- d) To assist beneficiaries in drafting of the first version of Draft Negotiating Position, in particular in relation to postal services area.

2.3 Outputs

The Senior NKE 1 in the area of internal market services is expected to provide the following outputs:

- Presentation of the main legislative and institutional framework related findings and the proposal regarding the structure and the content of the first version of Draft Negotiating Position at a joint meeting or at a workshop and addressing special attention to the development of adequate institutional framework and enforcement capacities at the time of accession;
- Proposal of the first version of Draft Negotiating Position in relation to mutual recognition of professional qualifications area and services area, as regards the freedom of establishment and the freedom to provide cross-border services;
- Proposal of fine-tuned List of Regulated Professions harmonised with the respective *acquis* requirements, agreed with the beneficiaries.

The SNKE 2 in the area of Postal Services is expected to provide the following outputs:

- Presentation of the main legislative and institutional framework related findings in postal services area and the proposal regarding the content of the first version of Draft Negotiating Position for postal services area, at a joint meeting or at a workshop, and addressing special attention to the development of adequate institutional framework and enforcement capacities at the time of accession;
- Proposal of the first version of Draft Negotiating Position in relation to postal services area.

2.4 Reporting

The NKEs 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 NKEs in the context of this assignment.

Submission of reports:

- Draft Mission Reports 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 reports.
- 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 NKEs shall work under the guidance and follow the instructions of the Team Leader. The NKEs shall collaborate with the Project team, other experts involved and representatives of beneficiary institutions and national structures, as relevant.

The NKEs' 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

Assistance to the relevant ministries in finalising the first version of Draft Negotiating Position for Chapter 3 will facilitate cooperation among beneficiaries for respective areas in planning of relevant steps for continued capacity building at institutional level and development of capacities for the actual enforcement of legislation at the time of accession

3. Expert input

3.1 Total working days

25 working days (WDs) in total have been planned for this assignment, of which 15 WDs have been planned for SNKE 1 in the area of Internal Market Services and 10 WDs have been planned for SNKE 2 in the area of Postal Services.

3.2 Period of the assignment

September 2017 – (tentatively) March 2018

3.3 Starting day

It is expected that the work will be performed during several missions in the period from September 2017 onwards. However, exact starting date will be agreed at a later stage. To the relevant extent, the experts shall work in parallel.

3.4 Location/Place of assignment

The NKEs have to deliver 100% of the input in Belgrade, Serbia.

3.5 Working language

English



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4. Expert Profile

4.1 Senior NKE 1 in the area of Internal Market Services

4.1.1 Qualifications and skills (25 points)

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

4.1.2 General professional experience (25 points)

- Minimum 8 preferably 10 years of postgraduate professional experience in the field of Internal Market Services gained in an EU Member State, candidate or potential candidate country

4.1.3 Specific professional experience (50 points)

- Proven professional experience in drafting of strategic documents and legislation in the field of Internal Market 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.

4.2 Senior NKE 2 in the area of Postal Services

4.2.1 Qualifications and skills (25 points)

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

4.2.2 General professional experience (25 points)

- Minimum 8 preferably 10 years of postgraduate professional experience in the field of Postal Services gained in an EU Member State, candidate or potential candidate country

4.2.3 Specific professional experience (50 points)

- Proven professional experience in drafting of strategic documents and legislation in the field of the 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.

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, **07 July 2017**, titled: **"Application for the position – SNKE**



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1 in the area of Internal Market Services” or “Application for the position – SNKE 2 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