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

Technical assistance requested:	1 (One) Junior Non-Key Expert in the area of freedom of movement of persons and services related to the practice of the profession of court interpreters and translators, in scope of EU Chapter 3 <i>acquis</i>
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 Justice, Ministry of Trade, Tourism and Telecommunications, representatives of Negotiating groups for Chapters 3 and 23
Content of the assignment:	Assistance in drafting provisions of the new Law on Court Interpreters and Translators and relevant subordinate legislation addressing requirements of EU Chapter 3 <i>acquis</i> on the freedom of movement of persons and services related to the practice of the profession of court interpreters and translators
Budget Line / Expert Category:	Junior Non-Key Expert
Duration of the assignment:	30 WDs in total, spent in the period from April – (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



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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 3: Right of Establishment and Freedom to Provide Services:

As part of its obligations under Chapter 3 – Right of Establishment and Freedom to Provide Services, the Republic of Serbia shall harmonise specific sectoral legislation with the EU *acquis* related to free movement of profession of court interpreters and translators, i.e. *with the Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications* (Text with EEA relevance) and *(General Services) Directive 2006/123/EC on services in the internal market*, including relevant Court of the EU judgments.

In Serbia, the court interpreters/translators' profession is regulated by the Law on Organisation of Courts ("Official Gazette of the RS", No. 116/08 and 104/09, 101/2010, 31/2011 – amended by other Law, 78/2011 - amended by other Law, 101/2011, 101/2013, 40/2015 - amended by other Law, 106/2015, 13/2016, 108/2016 and 113/2017) and Rules on Permanent Court Interpreters ("Official Gazette of the RS", No. 35/2010, 80/2016 and 7/2017) and indirectly, Law on Civil Servants ("Official Gazette of the RS", No. 79/2005, 81/2005-correction, 83/2005-correction, 64/2007, 67/2007-correction, 116/2008, 104/2009, 99/2014 and 94/2017). The Ministry of Justice has legislative competence for drafting the legal framework relevant for the organisation of the judiciary, including on court interpreting and translating, competent organisations of court interpreters and translators, keeping of the register of court interpreters and court translators, as well as for the supervision of their professional performance.

According to 2018-2021 NPAA (to be adopted) related to Chapter 3 *acquis*, and the "Programme for harmonisation of the Republic of Serbia legislation with the EU *acquis* in the field of mutual recognition of professional qualifications with the Action Plan" (November 2017), the adoption of the new Law on Court Interpreters and Court Translators and drafting of subordinate legislation for implementing of the Law is envisaged by the 1st quarter of 2019. This means that final proposal of the new Law and relevant bylaws should be finalised by the 4th quarter of 2018.

The assistance in scope of this assignment should build upon the results and work done by previous EU projects, such as "Assessing Legal Interpreting Quality through Testing and Certification: "THE QUALITAS PROJECT"", <http://www.qualitas-project.eu/>, Project for a Pilot Database of Legal Interpreters and Translators, "LIT Search (JUST/2013/JPEN/AG/4556)", http://www.eulita.eu/wp/wp-content/uploads/files/LIT%20Search_Final%20Report.pdf, etc., and assist the Ministry of Justice and the Working Group in determining the most adequate solutions for harmonisation with the *acquis*, having in mind the existing legal framework and standards in Serbia.

2. Description of the assignment

2.1 Specific objectives

The specific objective of the assignment is the assistance to the Ministry of Justice and its Working Group in charge of drafting of the new Law on Court Interpreters and Court Translators, based on available options and solutions relevant for regulating the profession of court interpreters and translators in accordance with EU Chapter 3 *acquis*.



2.2 Requested services

The Junior NKE is expected to provide the following services:

- a) To analyse the existing relevant Serbian legislation regulating court translators/interpreters' profession with regard to freedom of movement for persons and services and recognition of professional qualifications in scope of Chapter 3;
- b) To prepare suitable training material on EU Chapter 3 *acquis* related to court translators/interpreters and best practices of some relevant EU Member States regulating freedom of movement of persons and services and recognition of professional qualifications in this area/profession;
- c) To run thematic training for the representatives of the Ministry of Justice and members of the Working Group in charge of drafting the new Law on Court Interpreters and Court Translators, particularly addressing issues set under a) and b);
- d) Based on prior agreement by the Ministry of Justice and the Working Group, draft provisions of the new Law on Court Interpreters and Court Translators and relevant subordinate legislation addressing requirements of the EU Directives 2005/36/EC, 2006/123/EC and relevant Court of the EU judgments.

2.3 Outputs

The Junior NKE is expected to deliver the following outputs:

- A report on the analysis of the existing relevant Serbian legislation regulating court translators/interpreters' profession with regard to freedom of movement for persons and services and recognition of professional qualifications in scope of Chapter 3;
- Training material on EU Chapter 3 *acquis* supported with examples of best practices of some relevant EU Member States in view of regulating freedom of movement of persons and services and recognition of professional qualifications related to court translators/interpreters, that is suitable and practical for the members of the Working Group in charge of drafting the new Law on Court Interpreters and Court Translators and representatives of the Ministry of Justice;
- Delivery of thematic training to the representatives of the Ministry of Justice and members of the Working Group in charge of drafting the new Law on Court Interpreters and Court Translators, particularly addressing issues set under 2.2 (a) and 2.2. (b), at a workshop or internal training session;
- A proposal on the provisions of new Law on Court Interpreters and Court Translators and relevant subordinate legislation, addressing requirements of the EU Directives 2005/36/EC, 2006/123/EC and relevant Court of the EU judgments, based on prior agreement by the Ministry of Justice and the Working Group.

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 each mission under this assignment,



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- 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 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 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. The short-term missions, their timing and duration shall be agreed on with the Team Leader prior to each mission.

2.6 Final use of intervention and perspectives for the future

The assistance provided through this assignment will contribute to better preparedness of Serbia for the harmonisation with the relevant EU acquis. It will build on the results of the past EU financed projects in this area and in this view, complement national efforts for the transposition of EU *acquis* regulating free movement of profession of court interpreters and/or translators into the national legal order and its enforcement.

3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

April 2018 – (tentatively) September 2018

3.3 Starting day

It is expected that the work will be performed during several missions in the period from April until September 2018, and starting at the earliest, from 16 April 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 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 at university or equivalent institution) in law, social sciences or other relevant area
- Proficiency in English language
- Computer literacy (MS Office applications)

4.2 General professional experience (25 points)

- Minimum 5 and preferably 7 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 professional experience in harmonisation of national legislation with the EU Chapter 3 *acquis* on the freedom of movement for persons and services in the field of judiciary
- Proven professional experience in practising of a court interpreter and/or translator profession 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 no later than 17:00 hrs, 22 March 2018, titled: **“Application for the position – Junior NKE in the area of EU Chapter 3 *acquis* regulating the profession of court interpreters/translators”**.

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