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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 EU integration
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 European Integration
Content of the assignment:	Assistance in the implementation of the NPAA
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	25 working days, spent during several missions in the period from July until (tentatively) November 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:

After receiving the status of a candidate country for EU membership in 2012, the Serbian Government adopted the National Programme for the Adoption of the Acquis (NPAA) on 28 February 2013. So far, the document has been revised three times, in accordance with the developments of the European integration process.



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The last - third revision of the NPAA took place in the aftermath of the opening and closing of a number of chapters and the intensive preparation of documentation for the negotiation process. The Government adopted the third revised NPAA for the period 2018 – 2021 on 1 March 2018.

In relations with the EU and in the coming period, the implementation of the NPAA will be one of the important factors for monitoring of the progress of the Republic of Serbia in the accession process.

In its Conclusion on the adoption of the third revision of the NPAA, the Government obliged the Ministry of European Integration to report to the Government on the implementation of the NPAA on a quarterly basis. Accordingly, the Ministry of European Integration is responsible to prepare the report on the implementation of planned measures contained in the NPAA. The reports shall also serve the purpose of informing on the progress the National Assembly and the National Bank of Serbia.

In order to facilitate easier planning and monitoring of the fulfilment of obligations in the process of alignment of the national legislation with the Union acquis, the information contained in the NPAA has been copied to an electronic database that follows the NPAA. Access to the database is given to registered users, representatives of institutions involved in the development and implementation of the NPAA. The electronic database provides information on the link between the EU legislation and related national legal framework (legislation in force and legislation planned to be adopted). It enables creating an overview of at what time, to what extent, in what way, and through which domestic legal acts the legislation from specific areas of the EU law will be transposed into the domestic legal framework. Data on national legal acts are entered by authorised representatives of the competent state institutions. Data on EU legislation, including changes (new acts, expiration of the existing ones, etc.) are entered by the Ministry of European Integration. The source of data on EU acts is the so-called *Progress Editor*, an application (programme) of the European Commission.

Regular reports by MEI provide an overview of the progress in the implementation of the NPAA in a given quarter, as well as on the implementation of planned legislative activities. In this way, the NPAA represents the basis for monitoring the progress in terms of timelines and the stages reached by the competent institutions as regards the fulfilment of obligations in the process of legislative alignment.

In accordance with the current practice, the reports contain information related to the realisation of plans regarding the remaining necessary alignment of the national legislative framework with the Union acquis. Reporting in this part will continue be conducted based on information contained in the electronic database that follows the NPAA.

By the latest NPAA revision it is envisaged that the reports on the implementation of the NPAA also contain two types of additional information: (1) on the implementation of measures planned for establishing and/or strengthening the institutional structures and the development of their administrative capacities for the implementation and the enforcement of the Union acquis and (2) on the financial impact, with funds required to ensure sustainability in operation.

In the forthcoming period, the NPAA will be revised as necessary, taking into the account the steps that have been achieved during the accession process, as well as the evolving of the EU acquis, bearing in mind that the EU accession implies the acceptance and application of rights and obligations arising from the EU acquis as is at the time of accession.

In scope of GIZ project, MEI has received support as regards reporting on financial plans and the activities have been ongoing. For the monitoring and reporting on administrative capacities, assistance of PLAC II Project has been requested by MEI.



2. Description of the assignment

2.1 Specific objectives

In addition to legal approximation part, the NPAA adopted in March 2018 includes two new elements related to financial aspects of the implementation of measures contained in the NPAA and the administrative capacities that need to be established and/or developed to address requirements for the compliance with Union acquis. The specific objective of this assignment is to assist the Ministry of European Integration in improving the practice of monitoring and reporting on the progress of the implementation of NPAA, in particular in terms of strengthening of administrative capacities and further legislative alignment of the national legislation with the new Union acquis.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- a) To analyse the NPAA and identify areas for improvements in terms of its structure and the existing practices of coordination, monitoring and reporting on the progress of the implementation of planned activities, with emphasis on information and data related to setting up of appropriate administrative structures and plans for the development of their capacities;
- b) To provide recommendations on methodological improvements related to coordination, monitoring and reporting on the progress of the implementation, including monitoring indicators for the assessment of the fulfilment of NPAA obligations and relevant report structure and information required in view of progress achieved in the establishment of appropriate administrative structures and building of their capacities and in legal approximation;
- c) To advise on possible modalities for adaptation of strategic documents (NPAA, NPs, strategies, action plans) in the context of the European integration process, due to necessary changes arising from new EU legislation that was not part of the NPAA at the time of its last revision and the adoption by the Government.

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- Report on the conclusions of the analysis, with recommendations on methodological improvements related to coordination, monitoring and reporting on the progress of the implementation of NPAA, including proposals on relevant monitoring indicators for the assessment of the fulfilment of NPAA obligations and relevant report structure and information required for performance of reporting function, in particular for reporting on the progress in terms of administrative structures and their capacities, and further legislative alignment of national legislation with new Union acquis;
- Report on possible modalities for adaptation of strategic documents (NPAA, NPs, strategies, action plans) in the context of the European integration process, due to necessary changes arising from new EU legislation that was not part of the NPAA at the time of its last revision and the adoption by the Government.



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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,
- 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 and Final 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 Report 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 improving of the NPAA coordination, monitoring and reporting on its implementation in general. The information related to financial impact of the implementation of measures and necessary administrative capacities for their implementation is of paramount importance. Improved monitoring and reporting will further support Serbian harmonisation process by making it more reliable and complete. It will contribute to achieving further progress in the negotiations with the EU.

3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

July until (tentatively) November 2018

3.3 Starting day

It is expected that the work will be performed during several missions and starting, at the earliest, from 23 July 2018 onwards. However, exact starting date will be agreed at a later stage.



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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 university or equivalent institution) in the field relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications),

4.2 General professional experience (25 points)

- Minimum 8 years of postgraduate professional experience in EU policies or EU integration, gained in an EU Member State, candidate or potential candidate country,

4.3 Specific professional experience (50 points)

- Proven professional experience with the EU accession process in a Member State, candidate or potential candidate country
- Experience in monitoring and reporting on the implementation of the NPAA 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, 08 July 2018, titled: **“Application for the position – Senior NKE in the area of EU integration”**.

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.