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

<b>Technical assistance requested:</b>	One (1) Senior Non-Key Experts in the area of environmental protection related to chemicals
<b>Project Title:</b>	Policy and Legal Advice Centre (PLAC II), Serbia
<b>Ref:</b>	EuropeAid/137065/DH/SER/RS
<b>Service Contract No.:</b>	(CRIS) 2016/375-724
<b>Main beneficiary:</b>	Ministry of the European Integration of the Republic of Serbia and the Negotiating Team
<b>Target Beneficiaries:</b>	Ministry of Environmental Protection, Department for Chemicals and Department for Waste Management, members of the Negotiating Group for Chapter 27
<b>Content of the assignment:</b>	Assistance in preparing draft Law on Implementation of the Regulation (EU) 2017/852 on Mercury
<b>Budget Line / Expert Category:</b>	Senior NKE
<b>Duration of the assignment:</b>	10 WDs in total, spent during up to two missions in the period from September to (tentatively) October 2018

#### 1. Relevant background information

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 relating to Chemicals and Waste Management:

The Republic of Serbia is in the process of approximating its legislation in environmental field with the EU acquis. The Ministry of Environmental Protection is the competent authority for the implementation of Regulation on Mercury, with the Department for Chemicals as the central administration unit responsible for the part of Regulation related to the bans and restrictions of placing on the market and export of



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mercury, mercury compounds, mixtures of mercury and mercury-added products and the Department for Waste Management responsible for storage of waste containing mercury. New Regulation (EU) 2017/852 on Mercury shall apply in the EU from 1 January 2018 and from that date, Regulation 1102/2008 has been repealed.

The NPAA 2016-2018 envisaged the alignment of the national legislation with the (now) repealed Regulation 1102/2008 in regards to safe storage of mercury; however, due to new Regulation 2017/852 entering into force and applying from 1 January 2018, the preparation of draft Law on Implementation of the new Regulation (EU) 2017/852 on Mercury is envisaged in the revised but not yet adopted NPAA 2018-2021.

In scope of the national legal framework, the Republic of Serbia signed the Minamata Convention on Mercury in October 2014, while its ratification is still pending.

Article 60 of the Law on Chemicals (OG No. 36/09, 88/10, 92/11, 93/12 and 25/15) lays down export ban for certain hazardous chemicals and articles which use is banned. Detailed provisions are prescribed by the Rulebook on Import and Export of Certain Hazardous Chemicals (OG No. 89/10, 15/13 and 114/14). Also, Article 49 of the Law on Chemicals lays down bans and restrictions of manufacturing, placing on the market and use of chemicals. Detailed provisions are prescribed by the Rulebook on Bans and Restrictions of Production, Placing on the Market and Use of Chemicals (OG No. 90/13, 25/15, 2/16 and 47/17).

The Law on Waste Management (OG No. 36/09, 88/10 and 14/16), in Articles 44, 47 and 51 lays down the rules on the management of hazardous waste, including its storage, the management of wasted batteries and accumulators, including batteries containing mercury and management of wasted fluorescent tubes containing mercury. In 2010, three relevant bylaws were adopted: the Rulebook/Ordinance on the manner of storage, packaging and marking of hazardous waste (OG No. 92/10), the Rulebook/Ordinance on methods and procedures for management of waste fluorescent tubes containing mercury (OG No. 97/10) and the Rulebook/Ordinance on the procedure of wasted batteries and accumulators (OG No. 86/10).

However, the national legislation related to safe storage of waste containing mercury is at initial stage. Complete alignment of these provisions with the EU acquis is expected to be achieved until the end of 2019, with new Law on Waste Management being adopted. Existing rulebooks will have to be amended in accordance with the provisions of the new Law on Waste Management.

At present, there is no ongoing and/or planned assistance related to the subject of this ToR.

## **2. Description of the assignment:**

### **2.1 Specific objectives**

The specific objective of this assignment is to assist MEP departments for chemicals and waste management in its preparations for the implementation of new EU Regulation 2017/852 on Mercury. In this regard, assistance should be provided in drafting new Law on Implementation of the Regulation (EU) 2017/852 on Mercury, based on the results of the analysis of provisions of the Serbian Law on Chemicals and (draft) Law on Waste Management regulating enforcement arrangements.

### **2.2 Requested services**

The Senior NKE is expected to provide the following services:

- a) To analyse the existing national legislation, i.e. the Serbian Law on Chemicals and the new (draft) Law on Waste Management and relating bylaws, in particular the provisions regulating inspection



and penalties and perform gap analysis on the compliance with Regulation (EU) 2017/852 on Mercury;

- b) To present some example(s) of implementation provisions of Members States laid down in their legislation for the implementation of Regulation (EU) 2017/852 on Mercury;
- c) To draft provisions of draft Law on Implementation of the Regulation (EU) 2017/852 on Mercury, designating competent authority(ies), competences for inspection, penalties and other enforcement arrangements relevant for the implementation of the Regulation (EU) 2017/852 on Mercury, complemented by any other relevant recommendations in scope of the implementation of Regulation (EU) 2017/852 on Mercury.

### 2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- The analysis report on the compliance of the provisions of the Serbian legislation, i.e. the Law on Chemicals, (draft) Law on Waste Management and related bylaws with the Regulation (EU) 2017/852 on Mercury, in particular as regards the provisions regulating inspection and penalties, complemented by some example(s) of implementation provisions of Members States for the implementation of Regulation (EU) 2017/852 on Mercury;
- Draft of the relevant provisions of Draft Law on Implementation of the Regulation (EU) 2017/852 on Mercury, designating competent authority(ies), competences for inspection, penalties and other enforcement arrangements relevant for the implementation of the Regulation (EU) 2017/852 on Mercury, complemented by any other relevant recommendations in scope of the implementation of Regulation (EU) 2017/852 on Mercury.

### 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 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 Senior 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.



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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 providing assistance in drafting Law on implementation of the Regulation 2017/852/EU on Mercury, further progress in the process of harmonisation of the national legislation with the relevant EU acquis will be facilitated in view of defining the competent bodies and their tasks in future implementation of the acquis.

There is no other ongoing and/or planned assistance related to the subject of this ToR.

## **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**

September – (tentatively) October 2018

### **3.3 Starting day**

It is expected that the work will be performed during up to two missions in the period from September 2018 – (tentatively) October 2018 and starting, at the earliest from 03 September 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.

### **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, Chemistry or similar, 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 the field of environmental protection, related to EU policies or EU integration gained in an EU Member State or a candidate country

### **4.3 Specific professional experience (50 points)**

- Proven professional experience in harmonisation of national legislation with Ch27 EU acquis



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- Proven professional experience in drafting and/or implementing national legislation aligned with the acquis in the area of mercury or chemicals would be an asset
- Proven professional experience in the area of Minamata Convention on Mercury and Council Directive 2011/97/EU of 5 December 2011 as regards specific criteria for the storage of metallic mercury considered as waste, 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](mailto:SEPLAC@altairasesores.es) no later than 17:00 hrs, **05 April 2018**, titled: **“Application for the position – Senior Non-Key Expert in the area of environmental protection related to chemicals”**.

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](mailto:m.garcia@altairasesores.es)  
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