

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	1 (one) Senior and 1 (one) Junior Non-Key Expert in the area of Ch.12 – Food Safety, Veterinary and phytosanitary policy; Placing on the market of food, feed and animal by-products; Hygiene rules; Reduction of the presence of acrylamide in food
Project Title:	Policy and Legal Advice Centre (PLAC III), Serbia
Ref:	EuropeAid/139295/DH/SER/RS
Service Contract No.:	(CRIS) 2018/404-529
Main beneficiary:	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Negotiating Group Ch. 12; Ministry of Agriculture, Forestry and Water Management and Ministry of Health
Budget Line /Expert Category:	One Senior and One Junior Non-Key Expert
Duration of the assignment:	40 working days (WD), from April until December 2020 (20 WD SNKE and 20 WD for JNKE)

1. Relevant background information

Background information in relation to PLAC III project:

The scope of PLAC III project is to provide support to relevant national institutions in charge of alignment of national legal acts with the Union *acquis* and to contribute to further building of capacities of relevant national structures for successful carrying out of accession negotiations.

The PLAC III 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 the Republic of Serbia by supporting the effective alignment of national legislation with the Union *acquis* and its implementation and by further building the capacities of involved carriers of the EU integration process in the Republic of 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 III 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.

2. Background information in relation to EU Negotiating Chapter 12 – Food Safety, Veterinary and Phytosanitary Policy

The Republic of Serbia (RS) is intensively preparing for negotiations with the EU regarding Chapter 12. Serbia 2019 Report issued by the European Commission states that Serbia is moderately prepared in the area of food safety, veterinary and phytosanitary policy - Chapter 12. In the coming year, Serbia should among other things, develop a comprehensive strategy for transposition, implementation and enforcement of the acquis in food safety, veterinary and phytosanitary policy, substantially strengthen the administrative capacity of the veterinary, phytosanitary and national reference laboratories directorates and consistently apply and improve the risk-based approach to sanitary control at borders.

The Food safety law (the Law on Food Safety, Official Gazette of the RS No 41/09) divides the competences in the area of food safety between the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Ministry of Health (MoH), depending on the type of food and the stage of production and sale.

In relation to this assignment, the Ministry of Agriculture, Forestry and Water Management is a competent authority for establishment of the acquis-compliant legislation for mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food.

Commission Regulation (EU) 2017/2158 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food has been adopted in November 2017 and entered into force in April 2018. The Regulation provides for mandatory application by all concerned food business operators of mitigation measures to reduce the presence acrylamide in food.

European Food Safety Authority (EFSA) adopted, in early June 2015, a scientific opinion on acrylamide in food. EFSA confirms that acrylamide is a carcinogenic substance and that current levels of dietary exposure to acrylamide indicate a concern with respect to the carcinogenic effects. The main contributors to the exposure are potato-based products, cereal based products and coffee (and coffee substitutes).

Expert support to the MAFWM and MoH is needed in preparing national administration for the practical aspects and challenges in the implementation of harmonised regulations and in supporting establishing of functional mechanisms to facilitate implementation of reduction acrylamide in food. In the context of the above, in the area of harmonisation of legislation with EU rules for mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food, the activities are foreseen to take place in the second, third and fourth quarter of 2020. PLAC III project assistance is therefore crucial for the implementation of the NPAA in this sector and in meeting the opening benchmarks set for Ch. 12.

There is ongoing Project from IPA 2015 “Capacity building for the alignment with the acquis in the area of, agriculture, rural development, food safety, veterinary and phytosanitary policy”, EuropeAid/138038/DH/SER/RS, but there is no planned assistance or overlapping under that Project for the activities covered by this ToR.

3. Description of the assignment:

3.1 Specific objectives

The specific objective of this assignment is to provide assistance to the Ministry of Agriculture, Forestry and Water Management and Ministry of Health in implementation of the acquis-compliant legislation for reduction of acrylamide in food (Commission Regulation (EU) 2017/2158 of 20 November 2017 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food).

Expert support to the MAFWM and MoH is needed in preparing national administration for the practical aspects and challenges in the implementation of harmonised regulations and in supporting establishing of functional mechanisms to facilitate implementation of reduction acrylamide in food.

In the scope of this objective, the following activities are foreseen:

- a) Assisting the Ministries in preparing legal gap analysis and based on the result of the LGA draft amendments to the national regulations/rulebooks related to reduction of presence of acrylamide in food (Rulebook on maximum concentrations of certain contaminants in food, OJ RS No 81/2019 and The Rulebook on safety of dietetic products, OG RS No 45/10, 27/11, 50/12, 21/15, 75/15, 7/17) as applicable
- b) Assisting the Ministries in organising of the system of official controls for reduction of acrylamide in food by drafting of Procedures for official control based on the national regulations/rulebooks for reduction of presence of acrylamide
- c) Organise and hold a workshop for both Ministries and present and clarify the complexity of the system for reduction of acrylamide in food

3.2 Requested services

The Senior NKE in the area of placing on the market of food, feed and animal by-products – acrylamide in food, is expected to provide the following services:

1. Perform a legal analysis (LGA) of the Serbian legislation related to acrylamide in food
2. Based on the results of the LGA prepare draft amendments to the regulations/rulebooks related to reduction of presence of acrylamide in food as applicable
3. Support the Ministries in understanding the complexity of the system for reduction of acrylamide in food by organising and holding a workshop

The Junior NKE in the area of placing on the market of food, feed and animal by-products – acrylamide in food, is expected to provide the following services:

1. Assisting the Ministries in drafting a procedure for official control based on the national regulation/rulebook for reduction acrylamide in food;
2. Assisting the Ministries in drafting ToC for Commission Regulation (EU) 2017/2158.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- a) Legal gap analyses report drafted
- b) Amendments of national regulation/rulebook related to reduction of presence of acrylamide in food, drafted
- c) A workshop held

The Junior NKE is expected to deliver the following outputs:

- a) Procedure for official control based on the national regulation/rulebook for reduction of presence of acrylamide in food, drafted
- b) ToC related for Commission Regulation (EU) 2017/2158 drafted
- c) A workshop held

3.4 Reporting

The **SNKE** shall provide the following reports by using the templates of the Project:

- **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 SNKE and JNKE in the context of this assignment.

- A brief interim report - only upon a request of the PLAC III team: TL and/or KE2

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 reports prepared in the agreed quality shall be submitted to the Team Leader of the Project for a review, comments and the final approval.

- The reports shall be signed by the SNKEs, JNKE and the Team Leader, responsible for endorsing the reports.

- The reports and all prepared documents shall be submitted in a hard copy and electronic version to the Team Leader of the project.

3.5 Specifics

Both 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 the relevant beneficiary institutions.

Each of the short-term missions, the timing and duration shall be agreed with the Beneficiary and the PLAC team prior to each planned mission.

3.6 Expert input

3.6.1 Total working days

20 working days (WDs) in total have been planned for Senior Non-Key Expert and 20 working days (WD) for Junior Non-Key Expert for this assignment.

3.6.2 Period of the assignment and Starting day

It is expected that the work will be performed during several missions in the period from April until December 2020. However, the starting date will be confirmed at the later stage.

3.6.3 Location/Place of assignment

The SNKE and JNKE has to deliver 100% of the input in Serbia.

3.6.4 Working language

English.

4. Experts' Profile – Senior NKE (20 working days):

4.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years attested by a diploma such as law, public administration, food safety or similar, relevant to the assignment
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- Proficiency in English language
- Be independent and free from conflicts of interest in the responsibilities they take on

4.2 General professional experience (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to Negotiating Chapter 12 of Union *acquis*, gained in an EU member state, candidate or potential candidate country.

4.3 Specific professional experience (50 points)

- Postgraduate professional experience in the field of harmonisation of EU legislation related to placing on the market of food, feed and animal by-products
- Previous professional experience in implementation or knowledge of Regulation (EU) No 2017/2158, will be an advantage
- Knowledge of Serbian legal system, will be an advantage.

5. Experts' Profile – Junior NKE (20 working days):

5.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years attested by a diploma such as law, public administration, food safety or similar, relevant to the assignment
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- Proficiency in English language
- Be independent and free from conflicts of interest in the responsibilities they take on.

5.2 General professional experience (25 points)

- At least 5 (five) years of general postgraduate professional experience related to the harmonisation or implementation of legislation in relation to the EU *acquis* gained in an EU member state, candidate or potential candidate country.

5.3 Specific professional experience (50 points)

- Postgraduate professional experience in drafting harmonising legislation related to placing on the market of food, feed and/or animal by-products
- Previous professional experience in drafting ToC will be an advantage
- Knowledge of Serbian legal system will be an advantage.

6. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to mbayard@dmiassociates.com and ehoward@dmiassociates.com no later than 30 March 2020, 17:00 hrs, titled:

“Application for the position – Senior or Junior NKE in the area of Ch. 12, harmonisation of legislation and support in establishing of a functional mechanism to facilitate implementation of reduction of acrylamide in food”

References must be available on request. Only short-listed candidates will be contacted.

Pre-selected experts will be requested to sign Statement of Availability (SoA) in which they acknowledge and confirm the availability to accomplish this assignment within the indicated period, at the indicated starting date and within the number of working days requested.

The Project is an equal opportunity employer. All applications will be considered strictly confidential.

Advertised posts are 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 DMI Associates Marion Bayard: mail to mbayard@dmiassociates.com or Elizabeth Howard ehoward@dmiassociates.com .