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Pravna podrška pregovorima - Policy & Legal Advice Centre

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

Technical assistance requested:	1 (one) Senior and/or 1 (one) Junior Non-Key Expert in the area of EU Negotiating Ch. 27 - Environment and climate change; Preparation of the <i>ex-ante</i> impact assessment for circular economy;
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:	Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Negotiating Group Ch. 27; Ministry of Environmental Protection
Budget Line / Expert Category:	One Senior and One Junior Non-Key Expert
Duration of the assignment:	40 working days (20 senior expert working days and 20 junior expert working days), to be spent within period from May until November 2019

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 EU 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 Chapter 27 – Environment and Climate Change

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and Climate change. The Second draft of the Negotiating position has been sent in December 2018 and the answer from the EC is expected. Serbia 2018 Report issued by the European Commission states that Serbia has some level of preparation in the area of environment and climate change. Some progress has been made in further aligning with the *acquis*, strategic planning and addressing the 2016 recommendations.

In 2015, the European Commission adopted an ambitious Circular Economy Action Plan, which includes measures that will help stimulate Europe's transition towards a circular economy, boost global competitiveness, foster sustainable economic growth and generate new jobs. The EU Action plan for the Circular Economy establishes a concrete and ambitious programme of action, with measures covering the whole cycle: from production and consumption to waste management and the market for secondary raw materials and a revised legislative proposal on waste.

The revised legislative framework on waste has entered into force in July 2018. It sets clear targets for reduction of waste and establish an ambitious and credible long-term path for waste management and recycling. Since Serbia is a candidate country for EU accession, this implies full harmonization of regulations and compliance with standards existing in EU countries. Serbia should prepare the appropriate public policy paper for the circular economy that will provide guidelines for the direction of action.

Under the Law on the Planning System of the Republic of Serbia ("Official Gazette of RS", No 30/18), an *ex-ante* impact assessment must be done before determining the type of public policy document. This process is fully in line with the RIA process that is being implemented in the EU countries when drafting public policy documents. Regulatory impact assessment (RIA) is the main instrument used by governments and regulators to appraise the likely effects of their policy proposals. The absence of RIA can result in a regulation being unaccountable, non-transparent, or inconsistent. Moreover, the government will find it difficult to create policies that will benefit economic and social-welfare.

In February 2019 the Regulation on the methodology of public policy management, impact assessment of public policies and regulations, and the content of individual public policy documents ("Official Gazette of RS", No 8/19), was adopted by the Serbian government. The regulation hereof elaborates the methodology of public policy management, in particular the scope, process and control of the implementation of impact assessment when drafting public policy documents and regulations, and the impact assessment after their adoption, including the method of implementing consultations for public policy documents and regulations and public debate for public policy documents, the type of public policy measures and the content and form of public policy documents, the form and content of reports on the implemented impact assessment, also containing data on the implemented consultations and public debate, the form and content of the statement on compliance with the opinion of the state body competent for public policy coordination, which public policy documents and regulations do not require a mandatory impact assessment, elements of the impact assessment of adopted public policy documents and regulations, the method of reporting on the results of implementing public policies, the method of evaluating the effects of public policies and regulations, and the fields of planning and implementation of public policies.

An *ex-ante* impact assessment is a process implemented from the earliest phase of planning and designing a public policy, and/or drafting and adopting a public policy document and regulation in accordance with the law regulating the planning system of the Republic of Serbia. It consists of a number of steps aimed at the adoption of an optimum public policy, i.e. the adoption of an efficient regulation through an analysis of the current situation, identification of the desired change, its elements and its causal relationships, eliminating the causes of existing problems in specific areas of planning and implementation of public policy, and achieving goals established by public policy documents and regulations.

An *ex-ante* impact assessment is a process providing for the timely identification of potential positive and negative, direct and indirect effects that may be produced by the measures contained in a public policy document,

and/or regulation, so that the public policy document, and regulation could be formulated so as to minimize the potential negative impact and achieve the desired change.

3. Description of the assignment:

3.1 Specific objectives

The experts' support to MEP is needed in preparing ex-ante impact assessment which will be used as a starter document in the public policy document determination process in order to achieve the goals and requirements set in the European Commission's Circular Economy Action Plan, which includes measures that help and stimulate transition towards a circular economy. The EU Action plan for the Circular Economy establishes a concrete and ambitious programme of action.

The specific objective of this assignment is to provide assistance to the Ministry of Environmental Protection (MEP) more specifically, the support to the preparation of ex-ante impact assessment in the field of circular economy. This assignment will strengthen the administrative capacities in the Group for circular and green economy at the Ministry of Environmental Protection and other relevant stakeholders.

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

1. Collection of data relevant for the preparation of the ex-ante impact assessment and holding preparatory meetings with relevant stakeholders in the field of circular economy (Ministry of Environmental Protection - Sector for waste and waste water management, the Public Policy Secretariat of the Republic of Serbia, Ministry of Economy, Ministry of Finance, Statistical Office, Serbian Agency for Environmental Protection, Chamber of Commerce, etc) with the goal to collect the necessary information for the ex-ante impact analysis
2. Preparation and drafting of ex-ante impact assessment report in the field of circular economy in accordance with Serbian legislation
3. Hold consultative meetings which are obligatory according to Serbian legislation (the Regulation on the methodology of public policy management, impact assessment of public policies and regulations, and the content of individual public policy documents, "Official Gazette of RS", No 8/19)¹, by using the appropriate consultation techniques.

3.2 Requested services

The **Senior NKE** in the area of circular economy is expected to provide the following services:

- a) Hold at least one meeting with relevant stakeholders and analyse the collected data regarding circular economy in Serbia
- b) Draft an ex-ante impact assessment report based on collected data and analysis conducted
- c) Hold and present the draft ex-ante impact assessment report in the field of circular economy in at least one consultative meeting with relevant stakeholders, which is obligatory according to the Serbian legislation

The **Junior NKE** in the area of circular economy is expected to provide the following services:

¹ According to the Article 40, Proponents of public policy documents, and/or processing laws, are obliged to implement consultations with representatives of all target groups and other stakeholders identified in accordance with Article 11 of the Regulation

- a) Organise and hold at least one meeting with the relevant stakeholders
- b) Collect the existing data regarding circular economy in Serbia (current legislation in the field of waste management, climate change, renewable energy and energy efficiency; data regarding waste management - collection, recycling, treatment, percentage of renewable energy, status of energy efficiency issues, financial impact of circular economy on the citizens, SMEs, etc.), relevant to the preparation of the ex-ante assessment report
- c) Organise, hold and present the findings of the collected data in at least one consultative meeting with relevant stakeholders which is obligatory according to the Serbian legislation

3.3 Outputs

In conjunction, the Senior and Junior NKE are expected to deliver the following outputs:

1. **A draft ex-ante impact assessment report** in the field of circular economy which have to be prepared in accordance with guidelines from the Serbian Regulation on the methodology of public policy management, impact assessment of public policies and regulations, and the content of individual public policy documents
2. At least one meeting with the relevant stakeholders held
3. At least one consultative meeting 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, upon a request of the PLAC III team: TL and/or KE 2

Submission of reports:

- Draft mission report shall be submitted to the Team Leader of the Project for a review and comments at the completion of the mission.
- Final version of the mission report prepared in the agreed quality shall be submitted to the Team Leader of the Project for a review, comments and the final approval at the agreed time, but not later than 7 days after the TL comments on the draft mission report have been submitted to the expert.
- The reports shall be signed by the SNKE and the Team Leader, who is responsible for endorsing the reports.
- The mission report and all prepared documents shall be submitted in a hard copy and in an 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 for Junior Non-Key Expert for this assignment

3.6.2 Period of the assignment

May 2019 – November 2019

3.6.3 Starting day

It is expected that the work will be performed during several missions in the period from May 2019 until November 2019 at latest and starting, at the earliest, from 7 May 2019 onwards. However, exact starting date will be agreed at a later stage.

3.6.4 Location/Place of assignment

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

3.6.5 Working language

English

4. Expert's Profile - Senior NKE:

4.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years in the relevant field attested by a diploma such as law, economy, environmental engineering, industrial ecology, climate change, renewable energy or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- 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 EU environmental *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 circular economy related to waste management, industrial ecology, sustainable development, climate change, renewables, energy efficiency, and similar
- Knowledge of Serbian legal system will be an advantage.

5. Expert's Profile - Junior NKE:

5.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years in the relevant field attested by a diploma in law, economy, environmental engineering, industrial ecology, climate change, renewable energy or similar, relevant to the assignment
- Proficiency in English language
- Knowledge of Serbian language will be an advantage
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- 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 EU law and/or policy gained in an EU member state, candidate or potential candidate country

5.3 Specific professional experience (50 points)

- Postgraduate professional experience related to EU environmental *acquis*, gained in an EU member state, candidate or potential candidate country
- Postgraduate professional experience related to circular economy gained in an EU member state, candidate or potential candidate country will be an advantage
- Knowledge of Serbian legal system will be an advantage.

6. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to mbayard@dmiassociates.com and nderxen@dmiassociates.com no later than 18 April 2019, 17:00 hrs, titled: **“Application for the position – Senior or Junior NKE in the area of Environment and Climate Change, Ch. 27; “Preparation of the *ex-ante* impact assessment for circular economy.”**

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 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: mbayard@dmiassociates.com or Nina Derxen: nderxen@dmiassociates.com.