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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 1 (one) Junior Non-Key Expert in the area of Negotiating Ch. 28, Public Health; Prevention and treatment of opiate addicts by using substitution therapy
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. 28; Ministry of Health (MoH)
Budget Line / Expert Category:	One Senior Non-Key Expert (SNKE) and One Junior Non-Key Expert (JNKE)
Duration of the assignment:	20 working days (WD), from October 2019 until March 2020 (10 WD for SNKE and 10 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 Chapter 28 – Consumer and Health Protection

Drug treatment is under the responsibility of the Ministry of Health of Serbia. The Ministry has established a coordinating and advisory body in the field of drugs: the Republic Expert Commission for the Prevention and Control of Drug Use. The Law on Psychoactive Controlled Substances, the Law on Health Protection, the Law on Protection of Persons with Mental Disabilities, the Law on the Rights of Patients and the Law on Drugs and Medical Devices regulate the provision of drug treatment.

The Law on Psychoactive Controlled Substances (Official Gazette RS No. 99/10, 57/18) was adopted in 2018 and complies with the following EU regulations:

1. Regulation (EC) No 1920/2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast)
2. Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances (OJ L 127, 20.5.2005, p. 32–37, CELEX number: 32005D0387).
3. Directive (EU) 2017/2103 amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of ‘drug’ and repealing Council Decision 2005/387/JHA
4. Council Decision 2001/419/JHA: on the transmission of samples of controlled substances
5. Council Recommendation of 30 March 2004 regarding guidelines for taking samples of seized drugs (2004/C 86/04)

The NPAA defines measures planned for the period 2018-2021: In the procedure of alignment of the field of psychoactive controlled substances with the EU regulations and the harmonisation of the legislative systems, Draft Law amending the Law on Psychoactive Controlled Substances was adopted in Q2 2018. These amendments are in compliance with the EU regulations in this field but further alignment is needed in a view of implementation. Art. 64 of the Law Psychoactive Controlled Substances defines the treatment of drug addiction as well as administration of psychoactive controlled substances in medical use. Guidelines for the Substitution therapy adopted in 2013 sets up the procedure for the administration of substitution therapy (methadone and buprenorphine). The experience in practice shows that methadone and buprenorphine are not dispensed according to a unique methodology, which is the reason why the abuse of methadone and buprenorphine by drug addicts has been misused.

Therefore, it is necessary to revise existing guidelines and harmonise it with Council Recommendation 2003/488/EC on the prevention and reduction of health-related harm associated with drug dependence where the Member States are advised in order to reduce substantially the incidence of drug-related health damage and the number of drug-related deaths, make available, as an integral part of their overall drug prevention and treatment policies, a range of different services and facilities, particularly aiming at risk reduction and in the first place, to prevent drug abuse.

The assistance from PLAC III is needed in order to incorporate the best practice of EU MS with an aim to increase the effects in therapy and to provide a significant degree of control in the dispensing of these medicines.

At present, there is no on-going and/or planned assistance projects for the activities covered by this ToR.

3. Description of the assignment:

3.1 Specific objectives

During the negotiating process, Serbia has to harmonise its legal system with the European one across all sectors. For the purpose of full harmonisation, it is of utmost importance to ensure the smooth functioning of professional staff that takes care of the health of the population in this area. This is also high on the governmental priority list of the in the area fight against drugs. Patients are entitled for a therapy in the same way and under the same conditions across entire country. Therefore, it is of a great importance for Serbian health professionals to have

unique methodology and practice in place.

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

- to assist the Ministry in drafting amendments to the Guidelines on treatment of opiate addicts using substitution therapy.

3.2 Requested services

Senior NKE is expected to provide the following services:

- a) To analyse the Law on Psychoactive Controlled Substances and the Guidelines on treatment of opiate addicts using substitution therapy and identify gaps for improvement in implementation
- b) Based on the identified gaps assist the ministry in drafting amendments to the Guidelines
- c) Organise and hold a workshop presenting the outputs and with the examples of best practice in the selected EU MS

Junior NKE is expected to provide the following services:

- a) Drafting ToC based on Council Recommendation 2003/488/EC (on the prevention and reduction of health-related harm associated with drug dependence) and update the existing ToCs (if needed) based on the gap analysis performed
- b) Organise and hold workshop presenting the outputs (see point 3.2.c)

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- A short report on the findings of the gap analysis of the Law and the Guidelines with recommendations for implementation of training programs for training of trainers in order to spread a unique practice in Serbia
- Amendments to the Guideline drafted
- Workshop held.

The Junior NKE is expected to deliver the following outputs:

- ToC on Council Recommendation 2003/488/EC (on the prevention and reduction of health-related harm associated with drug dependence) and updated existing ToCs (as necessary) based on then gap analysis drafted (see point 3.2.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 KE 2

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 both NKE 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 this assignment: 10 WD for SNKE and 10 WD for JNKE.

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 October 2019 – March 2020. The exact starting date will be agreed at later stage.

3.6.3 Location/Place of assignment

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

3.6.4 Working language

English

4. Expert's Profile - Senior NKE (10 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 Medicine, Economy, Law, Pharmacy 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 postgraduate professional experience in harmonisation of legislation related to Ch. 28 Union acquis, health protection, gained in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- At least 2 years of postgraduate professional experience in drafting of national legislation in the field of drug abuse prevention and treatment of opiate addicts using substitution therapy gained in an EU member state,

- candidate or potential candidate country
- Postgraduate professional experience in defining drug policy and drug policy laws gained in an EU member state, candidate or potential candidate country
- Postgraduate professional experience in training and education of professionals working in drug addiction field, and/or in quality management for institutions of the addiction field and/or in building up networks to support general practitioners in substitution therapy, will be an advantage.

5. Expert's Profile - Junior NKE (10 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 Medicine, Economy, Law, Pharmacy 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

5.1 General professional experience (25 points)

- At least 5 (five) years of general postgraduate professional experience in the field of harmonisation of legislation with Union acquis, gained in an EU member state, candidate or potential candidate country

5.2 Specific professional experience (50 points)

- Postgraduate professional experience in drafting of legislation, performing legal gap analysis and/or drafting ToC gained in an EU member state, candidate or potential candidate country
- 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 ehoward@dmiassociates.com no later than 30 September 2019, 17:00 hrs, titled: **“Application for the position – Senior or Junior NKE in the area of drug addiction field regarding to prevention and treatment of opiate addicts by using substitution therapy “**.

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.

Please note that all the pre-selected experts are requested to sign a 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 (if any) and within the number of working days requested

For more information, please contact Project Manager at DMI Associates Marion Bayard: mail to mbayard@dmiassociates.com or Elizabeth Howard ehoward@dmiassociates.com