



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

Technical assistance requested:	One (1) Senior Non-Key Expert and one (1) Junior Non-Key in the area of Negotiating Ch. 27, Environment and Climate Change, Waste Management - Packaging and Packaging Waste
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. 27; Ministry of Environmental Protection
Budget Line / Expert Category:	One Senior and One Junior Non-Key Expert
Duration of the assignment:	40 working days (WD), from November 2019 until October 2020 (25 WD SNKE and 15 WD JNKE)

1. 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 harmonization 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, which is one of the most ambitious and far-reaching chapters of the Union *acquis*. Due to its complexity and volume, the chapter represents a major challenge for all candidate countries. The Country *report* issued by the European Commission in 2019 states that Serbia has some level of preparation in the area of environment and climate change. One of the recommendations in the EC Report was:

- “to intensify implementation and enforcement work, such as closing non-compliant landfills, investing in **waste reduction, separation and recycling**, reinforcing air quality monitoring, advancing river basin management and preparing for Natura 2000”.

In line with the results of explanatory and bilateral screening for Chapter 27, NPAA 3.27.2 National Programme for Adoption of *Acquis* and other relevant documents, Serbia needs to finalise the alignment with the *acquis* and conduct necessary reforms so as to demonstrate that it will be fully prepared for the implementation and the enforcement of the EU requirements at the date of accession. According to the NPAA, full transposition of the Union *acquis* is planned by the end of 2021. In this connection, in the area of waste management, further alignment of national legislation with the *acquis* is expected.

European Parliament and Council Directive 94/62/EC on packaging and packaging waste is partially transposed by the Law on Packaging and Packaging Waste (“Official Gazette of the Republic of Serbia”, No. 36/09) and eight bylaws. According to a performed gap analysis, additional actions are needed in order to correctly transpose scope of the directive (Article 2), several definitions (article 3), requirements regarding management plans (Article 14) and other horizontal provisions enhancing the extended producer responsibility (EPR) schemes performance.

Directive (EU) 2015/720 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags, as well as Directive (EU) 2018/852¹ amending Directive 94/62/EC on packaging and packaging waste, are not yet transposed into Serbian legislation. Directive (EU) 2019/904² on the reduction of the impact of certain plastic products on the environment comes as a *lex specialis* highly influencing Directive 94/62/EC, and therefore a national transposition act needs to consider all these directives to develop a comprehensive and efficient legal framework.

The institutional framework related to this field is established, but in order to finalise the transposition process it is necessary to strengthen the administrative capacity as to ensure the planning, monitoring and enforcement of the Directives’ requirements. This also applies to the implementation of economic instruments, raising general public awareness, creating and operating an informational system regarding packaging and packaging waste.

The competent authority for transposition and enforcement of the EU legislation on packaging and packaging waste management is the Ministry of Environmental Protection (MEP). The enforcement is ensured by the Republic Inspectorate, which is a part of the MEP, as well as by the Regional Inspectorate APV and the Ministry of Trade, Tourism and Telecommunications - Market Inspection (control of packaging placed on the market in terms of respecting the minimum standards). The Serbian Environmental Protection Agency (SEPA) is responsible for

¹ Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 5 July 2020.

² Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 3 July 2021.



reporting and monitoring the achievement of the set targets. The local self-governments (municipalities) adopt the local waste management plans and organise separate collection of recyclables (paper, metal, plastic and glass).

Experts' assistance is needed and would be useful and helpful to Serbia in order to move even further towards the full transposition and implementation of the waste management acquis and strengthen RS negotiating positions for the sector.

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

The specific objective of this assignment is to provide assistance to the Ministry of Environment to transpose the Union acquis in waste sector in particularly Directive (EU) 2015/720 as regards reducing the consumption of lightweight plastic carrier bags, Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste, as well as Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment. In addition, in order to ensure the coherence between different legal provisions, where relevant, a transposing legal act shall be aligned with Directive (EU) 2018/851 amending Directive 2008/98/EC on waste³. The expert support to the MEP is also needed to assess the current institutional framework in order to identify how the responsibilities arising from the new European policy shall be assigned having in mind the circular economy where waste hierarchy is promoted and waste are channelled back into the economy.

3.2 Requested services

The Senior NKE in the area of packaging and packaging waste management is expected to provide the following services:

- a) Identify legislative gaps (drafting and/or updating ToC) and propose measures to fulfil them.
- b) Assist the Department for Waste Management of the MEP and respective Legal Service in developing a legal act which amends the national legislation in force and transposes provisions of Directive (EU) 2015/720 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags, Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste, and Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment - the parts that fall under the responsibility of Ministry of Environmental Protection.
- c) Organise and deliver a training (workshop) on main aspects related to the latest EU policy development to the representative of Ministry of Environmental Protection and present example(s) of best practice(s) in the implementation of management of packaging and packaging waste in selected MS (new EU policy approach) and provide advice as regards the mechanism or other instruments that will ensure the alignment with the relevant Union acquis.

The **Junior NKE** in the area of packaging and packaging waste management the following services:

- d) Prepare a review of the national legal and institutional framework in waste sector focused on packaging and packaging waste management.
- e) Prepare an assessment report on how the institutions in RS are fulfilling their responsibilities arising from

³ Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 5 July 2020.



the legislation in force, with the focus on targets set by the Serbian national legislation.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- A draft table of concordance (ToC) on Directive 94/62/EC on packaging and packaging waste, the latest, updated and consolidated version.
- A draft legal act amending the relevant national legislation in line with the EU legislation listed above.
- A workshop held

The Junior NKE is expected to deliver the following outputs:

- A report on the review of the institutional and legal framework in the RS in waste sector related to packaging and packaging waste management including recommendations to achieve the new objectives set up by the amendments to the Directive 94/62/EC.
- A report on the achievement of the packaging waste targets in Serbia

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 SNKE, the 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

25 working days (WDs) in total have been planned for Senior Non-Key Expert and 15 working days 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 November 2019 until October 2020. The exact starting date will be agreed at a later stage.

3.6.3 Location/Place of assignment

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

4. Expert's Profile - Senior NKE (25 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 in natural or technical sciences 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 in harmonisation of legislation related to Ch. 27 Union acquis gained in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- At least 3 years of postgraduate professional experience in development of legislation related to waste management and/or drafting and/or implementing strategies, policies in the waste management field
- Postgraduate professional experience in transposition and/or implementation of Directive 94/62/EC on packaging and packaging waste would be an advantage
- Knowledge of Serbian legal system and/or EU negotiation process will be an advantage.

5. Expert's Profile - Junior NKE (15 working days):

5.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years field attested by a diploma in natural or technical sciences 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



5.2 General professional experience (25 points)

- At least 5 (five) years of general postgraduate professional experience in harmonisation of legislation with Ch. 27 Union acquis gained in an EU member state, candidate or potential candidate country

5.3 Specific professional experience (50 points)

- Postgraduate professional experience in developing waste management plans
- Postgraduate professional experience in waste characterization and morphology 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 ehoward@dmiassociates.com no later than September 13, 2019, 17:00 hrs, titled: **“Application for the position – Senior or Junior NKE in the area of Environment and Climate Change, Ch. 27, Management of Packaging and Packaging Waste”**.

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 their 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