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Pravna podrška pregovorima - Policy & Legal Advice Centre

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

Technical assistance requested:	2 (two) Junior Non-Key Experts in the area of plant health – Harmful organisms, EU Negotiating Ch.12
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. 12; Ministry of Agriculture, Forestry and Water Management
Budget Line / Expert Category:	Junior Non-Key Experts
Duration of the assignment:	60 working days, to be spent within the period from June 2019 - December 2019

1. Relevant background information

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 12, Food safety, veterinary and phytosanitary policy

EU Commission Serbia Report for 2019 states that some progress has been made in implementing recommendations of the previous report, but Serbia has not yet implemented all recommendations of last year.

In the area of phytosanitary policy, annual programmes of plant health measures were adopted but the Phytosanitary Directorate is still critically understaffed. While certain tasks related to evaluation of plant protection products have been delegated, the related framework legislation has yet to be aligned with the acquis. A legal framework and a system for control of sustainable use of pesticides and a national action plan to reduce the impact of pesticide use are not yet adopted.

“The RS should in the next period especially make efforts to:

- develop a comprehensive strategy for transposition, implementation and enforcement of the acquis on food safety, veterinary and phytosanitary policy;
- substantially strengthen the administrative capacity of the veterinary, phytosanitary and national reference laboratories directorates and retain highly competent staff;
- consistently apply and improve the risk-based approach to sanitary control at borders.”

According to the NPAA, chapter 3.12.3.1 Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC needs to be implemented, in particularly its Article 37 regarding prohibition of the introduction and movement of Union regulated non-quarantine pests on plants for planting.

Plant health is very important for plant production, forests, natural and planted areas, natural ecosystems, ecosystem services and biodiversity. Plant health is threatened by species injurious to plants and plant products which now present a greater risk owing to globalisation of trade and climate change. In order to fight that threat, it is necessary to adopt measures concerning the determination of the phytosanitary risks posed by those pests and the reduction of those risks to an acceptable level.

Regulation (EU) 2016/2031 as new EU Plant Health Law establishes rules to determine the phytosanitary risks posed by any species, strain or biotype of pathogenic agents, animals or parasitic plants injurious to plants or plant products ('pests') and measures to reduce those risks to an acceptable level.

Article 42 of the Regulation (EU) 2016/2031 on protective measures against pests of plants, introduce a concept of "high risk plants, plant products and other objects" in relation to the presence of a pest risk of an unacceptable level for the Union territory, identified on the basis of a preliminary assessment to be followed by a risk assessment.

The art. 37 states that professional operators shall not introduce a Union regulated non-quarantine pest into, or move that pest within, the Union territory on the plants for planting through which it is transmitted, as specified in the list. Upon request of the European Commission (EC), the European Food Safety Authority (EFSA) defined the information required and developed a format for the preparation and submission of technical dossiers to support demands for import of high-risk plants, plant products and other objects as foreseen in Article 42(5) of Regulation (EU) 2016/2031.

According to EFSA Guidelines, this information must be supported by appropriate references, and the search methodology and its results must be documented in detail.

The information required concerns:

- 1) the commodity (characterisation of product and the description of the production process);
- 2) the pests potentially associated with the commodity;
- 3) the data on phytosanitary mitigation measures and inspections.

The experts' assistance is needed in order to assist the competent Serbian institutions in assessing of the new acquis and its proper implementation in the upcoming period. The support in collection of data on pests and the support to Plant Protection Directorate in drafting necessary documentation (technical dossier for import of high-risk plants, plant products and other objects as foreseen in Article 42(5) of Regulation (EU) 2016/203) in line with the new EU rules for quarantine and regulated non-quarantine pests for certain planting material is essential for a proper implementation of the acquis and fulfil all three recommendations from the EU 2019 country progress report. The assistance will enhance harmonisation with relevant EU regulations and their proper implementation.

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 is to provide assistance to the Ministry of Agriculture, Forestry and Water Management (MAFWM), more specifically, the support to the Plant Protection Directorate (PPD) in assessing of the new acquis in the field of plant health (Regulation (EU) No 2016/2031, Commission Implementing Regulation (EU) 2018/2018 of 18 December 2018 and Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018) and provide professional advice on the substantial information that is required for submission of a full and satisfactory technical dossier for certain planting materials, in line with the new EU rules.

The experts support to the MAFWM is needed in order to analyse the present situation in Serbia related to pests associated with certain plant commodities by collecting necessary data and information and drafting the technical dossiers, according to the EFSA guidelines.

3.2 Requested services

Drafting Technical Dossier involves the processing of a large amount of scientific information that involves high level of research knowledge and experience from different disciplines (in this case at least phytopathology, and entomology) for different groups of plants (fruit plant propagation material and ornamental plants for planting). The Junior NKEs are expected to provide the following services:

- a) Collect necessary data and information on the identification of pests potentially associated with the commodity (fruit plant propagation material and ornamental plants for planting) and phytosanitary mitigation measures.
- b) Drafts technical dossiers for certain plant commodities (fruit plant propagation material and ornamental plants for planting) according to EFSA guidelines.

3.3 Outputs

The Junior NKE 1 is expected to deliver the following output:

- A draft technical dossier for fruit plant propagating material and other necessary documentation for the risk assessment referred to in Regulation (EU) 2016/2031 for certain plant commodities, according to EFSA guidelines

The Junior NKE 2 is expected to deliver the following output:

- A draft technical dossier for ornamental plants for planting, and other necessary documentation for the risk assessment referred to in Regulation (EU) 2016/2031 for certain plant commodities) according to EFSA guidelines

3.4 Reporting

The JNKEs 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 NKEs 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 final 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 final 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 experts.
- The final mission report shall be signed by the JNKEs and the Team Leader, who is responsible for endorsing the reports.
- The final 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.
- Upon a prior agreement and approval of the TL the JNK experts can deliver a joint final mission report as described above.

3.5 Specifics

The JNKEs shall work under the guidance and follow the instructions of the Team Leader. The JNKEs 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 mission.

3.6 Expert input

3.6.1 Total working days

60 working days (WDs) in total have been planned for 2 Junior NKE for this assignment, 30 working days for each expert.

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 June 2019 until December 2019. 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 Profile

The planned activities for drafting Technical Dossiers require processing of a large amount of highly scientific information that involves high level of research knowledge and experience from different disciplines (at least phytopathology and entomology) for different groups of plants (fruit plant propagation material and ornamental plants for planting). For this reason, and based on the type of work that needs to be done, it is necessary to engage at least 2 (two) junior experts: 1 (one) JNKE in the field of phytopathology and 1 (one) JNKE in the field of entomology, preferably with a PhD degree as explained below.

4.1 Requirements for Junior NKE 1, Expert in Phytopathology (30 working days):

4.1.1 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 Plant health protection or Phytomedicine 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
- Knowledge of Serbian language
- PhD in a discipline related to plant health will be an advantage

4.1.2 General professional experience (25 points)

- At least 5 (five years) of general postgraduate professional experience related to the field of plant health protection gained in an EU member state, candidate or potential candidate country

4.1.3 Specific professional experience (50 points)

- Postgraduate professional experience in the field of phytopathology (e.g. bacteriology, mycology or virology) and plant health protection and plant quarantine
- Postgraduate professional experience and knowledge in systematic literature review and relevant databases searches
- Postgraduate professional experience and knowledge of FAO¹ International Standards for Phytosanitary Measures, as well as of EPPO² standards
- Postgraduate professional experience and knowledge of procedure for Pest Risk Assessment will be an advantage
- Postgraduate professional experience or knowledge of Union acquis in the field of plant health, especially harmful organisms, will be an advantage

¹Food and Agriculture Organization (FAO) International Standards for Phytosanitary Measures are prepared by the Secretariat of the International Plant Protection Convention as part of the United Nations Food and Agriculture Organization's global programme of policy and technical assistance in plant quarantine.

² EPPO is an intergovernmental organization responsible for cooperation in plant health within the Euro-Mediterranean region. Founded in 1951 by 15 European countries, EPPO now has 52 members (shown in green on the map). Its objectives are to protect plants, by developing international strategies against the introduction and spread of pests which are a threat to agriculture, forestry and the environment, and by promoting safe and effective pest control methods.

4.2 Requirements for Junior NKE 2, Expert in Entomology (30 working days)

4.2.1 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 Forestry or Plant health protection 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
- Knowledge of Serbian language
- PhD in the field of forestry or a discipline related to plant health will be an advantage

4.2.2 General professional experience (25 points)

- At least 5 (five) years of general postgraduate professional experience related to the field of protection of forests and ornamental plants, gained in an EU member state, candidate or potential candidate country

4.2.3 Specific professional experience (50 points)

- Postgraduate professional experience in the field of entomology (plant health and harmful organisms)
- Postgraduate professional experience or knowledge of systematic literature review and relevant databases searches
- Postgraduate professional experience or knowledge of FAO International Standards for Phytosanitary Measures and EPPO standards
- Postgraduate professional experience and knowledge of procedure for Pest Risk Assessment will be an advantage
- Postgraduate professional experience or knowledge of Union acquis in the field of plant health, especially harmful organisms, will be an advantage

5. 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 24 June 2019, 17:00 hrs, titled: **“Application for the position – Junior NKE in phytopathology or Junior NKE in entomology in the area of plant health – Harmful organisms, EU Negotiating Ch. 12”**

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.