



Project funded by the European Union
Projekat finansira Evropska unija



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 Ch.12 – Food Safety, Veterinary and Phytosanitary Policy; Sprouts and seeds intended for the production of sprouts
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; The Ministry of Agriculture, Forestry and Water Management
Budget Line / Expert Category:	One Senior and One Junior Non-Key Expert
Duration of the assignment:	50 working days (WD), from September 2019 until September 2020 (15 WD SNKE and 35 WD 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 12 – Food Safety, Veterinary and Phytosanitary Policy

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. Serbia should among other things, 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 consistently apply and improve the risk-based approach to sanitary control at borders.

The Republic of Serbia (RS) is intensively preparing for negotiations with the EU regarding Chapter 12. One of the three opening benchmarks set by the EC is the adoption of the framework legislation that complies with the acquis. In line with Chapter 3.12.1 of the National Programme for Adoption of Acquis (Last revision of March 2018), and Progress report 2019, Serbia has to make progress and has yet to define a strategy and action plan for full transposition of the acquis. Serbia needs to increase the effectiveness of controls, in particular by applying risk-based checks.

The Law on Food Safety (Official Gazette RS No 41/09, No. 17/19.) 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 sprouts and seeds intended for the production of sprouts. Legislation on sprouts and seeds intended for production of sprouts is applying the main principles on food safety as set in the Regulation (EC) 184/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety:

Traceability: (EU) Regulations: Commission Implementing Regulation (EU) No. 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts. The Regulation lays down rules on the traceability of batches of sprouts and seeds intended for the production of sprouts. With a view to ensuring traceability, it specifies the information that must be kept on records by food business operators, at all stages of production processing and distribution. Traceability requirements for imported seeds and sprouts are laid down as well.

Approval of establishments: Commission Regulation (EU) No. 210/2013 on the approval of establishments producing sprouts pursuant to Regulation (EC) No. 852/2004 sets out the requirements for the approval of establishments producing sprouts. The competent authorities shall approve such establishments only if these requirements are fully met. The requirements refer to good food hygiene practices, including protection against contamination between and during operations.

Imports: Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts. This Regulation lays down certification requirements applicable to consignments of sprouts or seeds intended for the production of sprouts imported into the European Union. Sprouts which have undergone a treatment which eliminates microbiological hazards compatible with European Union legislation are excluded from the application scope. The Annex lays down the model certificate.

In the context of the above, PLAC III project assistance is therefore crucial for the implementation of the NPAA in this sector and in meeting the opening benchmarks as set for Ch. 12.

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 Agriculture, Forestry and Water Management in drafting of the acquis-compliant legislation for sprouts and seeds intended for the production of sprouts, i.e. Regulations (EU) No. 208/2013, No. 210/2013, and No. 211/2013.

Expert support to MAFWM is needed in preparing national administration for the practical aspects and challenges in the implementation of harmonised regulations and in supporting establishing of functional coordination mechanisms to facilitate implementation of the legislation on sprouts and seeds intended for the production of sprouts. This way Serbia will benefit from the best practice of EU/Member States which will help the Ministry in organising the system for sprouts and seeds intended for the production of sprouts.

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

- Assisting the Ministry in drafting of rulebooks transposing the EU legislation as follows:
 - 1) Regulation (EU) No 208/2013 on the traceability requirements for sprouts and seeds intended for the production of sprouts;
 - 2) Regulation (EU) No 210/2013 on the approval of establishments producing sprouts
 - 3) Regulation (EU) No 211/2013 on the certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts.

3.2 Requested services

The Senior NKE in the area of placing on the market of sprouts and seeds intended for the production of sprouts, is expected to provide the following services:

- a) Assist the Ministry in drafting a rulebook transposing requirements of Regulation (EU) No 210/2013 on the approval of establishments producing sprouts
- a) Assist the Ministry in drafting a rulebook transposing requirements of Regulation (EU) No 211/2013 on the certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts
- b) Assisting the Ministry in drafting a rulebook transposing requirements of Regulation (EU) No 208/2013 on the traceability requirements for sprouts and seeds intended for the production of sprouts

The Junior NKE in the area of placing on the market sprouts and seeds intended for the production of sprouts, is expected to provide the following services:

- c) Assisting the Ministry in drafting procedures for approval of establishments, official control, and certification based on the draft rulebooks transposing EU requirements related to sprouts and seeds intended for the production of sprouts
- d) Assisting the Ministry in drafting ToCs related to the three EU regulations: Regulation (EU) No 208/2013, Regulation (EU) No 210/2013 and Regulation (EU) No 211/2013
- e) Organise and hold a workshop presenting the results of the mission

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- Rulebook transposing Regulation (EU) No 210/2013 on the approval of establishments producing sprouts drafted
- Rulebook transposing Regulation (EU) No 211/2013 on the certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts drafted
- Rulebook transposing Regulation (EU) No 208/2013 on the traceability requirements for sprouts and seeds intended for the production of sprouts drafted

The Junior NKE is expected to deliver the following outputs:

- A procedure based on the draft rulebooks on sprouts and seeds intended for the production of sprouts drafted

- ToCs drafted
- 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 both NKEs 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

15 working days (WDs) in total have been planned for Senior Non-Key Expert and 35 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 September 2019 until September 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.

3.6.4 Working language

English

4. Expert's Profile - Senior NKE (15 WD):

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, food safety 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 negotiating Ch. 12 in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- At least 2 (two) years of postgraduate professional experience in drafting legislation transposing provisions of Union legislation related to food safety
- Postgraduate professional experience in transposition and/or implementation of legislation related to sprouts and seeds intended to production of sprouts gained in an EU member state, candidate or potential candidate country
- Knowledge of Serbian legal system will be an advantage.

5. Expert's Profile - Junior NKE (35 WD):

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, food safety 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 related Union acquis gained in an EU member state, candidate or potential candidate country

5.3 Specific professional experience (50 points)

- Postgraduate professional experience in transposition and/or implementation of legislation related to food safety
- Previous professional experience in drafting legislation and/or Tables of Concordance
- 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 17 September 2019, 17:00 hrs, titled: **“Application for the position – Senior or Junior NKE in the area of Ch. 12 Food Safety, Veterinary and Phytosanitary Policy; Sprouts and seeds intended for the production of sprouts”**

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