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

Technical assistance requested:	One (1) Junior Non-Key Expert in the area of chemicals
Project Title:	Policy and Legal Advice Centre (PLAC II), Serbia
Ref:	EuropeAid/137065/DH/SER/RS
Service Contract No.:	(CRIS) 2016/375-724
Main beneficiary:	Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Ministry of Environmental Protection (MEP)
Content of the assignment:	Assistance in developing draft Guidelines on registration requirements under REACH, for the Serbian SMEs in the area of chemicals
Budget Line / Expert Category:	Junior Non-Key Expert
Duration of the assignment:	15 working days, spent during several up to three missions in the period from February 2018 to (tentatively) April 2018

1. Relevant background information

Background information in relation to PLAC II project:

The scope of PLAC II 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 II 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 Serbia by supporting the effective alignment of national legislation with the acquis and its implementation and by further building the capacities of involved carriers of the EU integration process in 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 II 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.

Background information in relation to Chapter 27 - Environmental Protection and relating to Chemicals:

The Republic of Serbia is well on track in approximating its legislation in environmental field with the EU Chemicals acquis. Serbia defined in its NPAA the priorities for full harmonisation with the Regulation



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1907/2006/EC concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (and amending and repealing certain Directives and Regulations). In the revised NPAA for 2018-2021, the activity that is subject of this ToR has been planned under 2.27.7. Chemicals, 2. Plans for alignment with EU acquis, Awareness raising and preparedness of the private sector.

At this stage, Serbian legislation is partially aligned with REACH requirements. The Law on Chemicals (Official Gazette No 36/2009, 88/2010, 92/2011, 93/2012 and 25/2015) has been harmonised with parts of the REACH and by taking over certain obligations, including provisions defining centralised procedures of registration, evaluation and authorisation conducted by European Chemicals Agency (ECHA).

Serbia has been preparing for the alignment with REACH for several years through Serbian REACH&CLP harmonised chemicals management system, which is considered to be largely aligned with REACH requirements. While Commission Implementing Regulation (EU) 2016/9 on joint submission of data and data-sharing in accordance with REACH Regulation has not yet been transposed into the national legislation, the REACH-aligned legislation has been in force in Serbia since 2009 since Serbian rulebooks and guidelines repeat the content of individual REACH provisions in detail (including REACH rules on Safety Data Sheets and REACH bans and restrictions).

REACH Regulation applies to all chemical substances and has impact on a wide range of companies across many sectors since it places the burden of proof on companies. To comply with the Regulation, companies must identify and manage the risks linked to the chemical substances they manufacture and market in the EU. They have to demonstrate to ECHA how the substance can be safely used and they must communicate the risk management measures to the users. For the proper implementation of the REACH, it has been identified at EU level that SMEs need support in order to understand their obligations under REACH.

Serbia estimates that its chemical industry has a significant share in the national economy, with around 1700 legal entities, mostly SMEs and micro-enterprises. 30000 to 40000 chemicals, i.e. substances and mixtures (around 9.000.000 tons) have been placed on the Serbian market yearly.

In the area of Chemicals, a Twinning project IPA 2013 "Further development of chemicals and biocides products management in the Republic of Serbia" and a bilateral project "Chemicals Risk Management" are currently being implemented in Serbia. The main objective of the IPA 2013 Twinning Project (2015-2017) is to help Serbia meet the requirements of the relevant Chemicals acquis through institutional building and improvement of environmental infrastructure. The specific objectives of the bilateral project "Chemicals risk management in Serbia" is the development of the Integrated Chemicals Registry infrastructure and capacities in order to serve as a complementary and supporting tool to EU-Chemicals legislation.

The assistance requested in this ToR should complement the assistance of the two above-mentioned projects which should be taken into consideration by the selected expert.

2. Description of the assignment:

2.1 Specific objectives

The specific objective of this assignment is to assist the Ministry of Environmental Protection in preparation of practical Guidelines on registration process requirements based on requirements of Regulation EC No 1907/2006 (REACH) that would assist Serbian SMEs in chemicals industry sector in achieving proper level of preparedness when entering the EU internal market.



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2.2 Requested services

The Junior NKE is expected to provide the following services:

- a) To develop draft Guidelines on practical aspects of REACH registration process requirements to be followed and addressed by Serbian SMEs in chemicals industry sector when entering the EU internal market.

2.3 Outputs

The Junior NKE is expected to deliver the following outputs:

- Draft Guidelines on practical aspects of REACH registration process requirements to be followed and addressed by the Serbian SMEs in chemicals industry sector when entering the EU internal market.

2.4 Reporting

The NKE shall provide the following reports by using the templates of the Project:

- Brief Mission Report with description of activities and outputs provided, at the end of each mission under this assignment,
- 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 NKE in the context of this assignment.

Submission of reports:

- Draft mission reports 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 prepared in the relevant quality shall be submitted to the Team Leader of the Project for review, comments and final approval. The Report shall be signed by the NKE and the Team Leader, responsible for endorsing the Report.
- The reports and all prepared documents shall be submitted in hard copy and electronic version to the Team Leader of the Project.

2.5 Specifics

The NKE shall work under the guidance and follow the instructions of the Team Leader. The NKE shall collaborate with the Project team, other experts involved and representatives of beneficiary institutions and national structures, as relevant.

The NKE's activities and outputs mentioned above may be adjusted by the Team Leader at any stage in the implementation of the Project, depending on the evolving needs of the Project, main beneficiary and/or target beneficiaries. Each of the short-term mission, its timing and duration shall be agreed with the Team Leader prior to each mission.



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2.6 Final use of intervention and perspectives for the future

The Guidelines on practical aspects of REACH registration process requirements to be followed and addressed by the Serbian SMEs in chemicals industry sector will be published on the website of MEP and the Serbian Chamber of Commerce and Industry. On one hand, the Guidelines will contribute to the overall compliance with the requirements of the EU acquis related to chemicals once Serbia becomes the EU Member State and on the other hand, the Guidelines with information on practical aspect of the REACH registration requirements will increase the level of preparedness of the Serbian SMEs in chemicals industry sector when entering the EU internal market.

The assistance in finalising the Guidelines will complement the assistance provided through two, currently on-going, projects mentioned under point 1-Background information relating to Chemicals.

3. Expert input

3.1 Total working days

15 working days (WDs) in total have been planned for this assignment.

3.2 Period of the assignment

February 2018 - (tentatively) April 2018

3.3 Starting day

It is expected that the work will be performed during up to three missions and starting, at the earliest on 19 February 2018. However, exact starting date will be agreed at a later stage.

3.4 Location/Place of assignment

The NKE has to deliver 100% of the input in Belgrade, Serbia

3.5 Working language

English

4. Expert Profile

4.1 Qualifications and skills (25 points)

- University degree (where university degree has been awarded on completion of three years study in a university or equivalent institution) in Law, Economy or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

4.2 General professional experience (25 points)

- Minimum 3 and preferably 5 years of postgraduate professional experience in the field of environmental protection, related to EU policies or EU integration gained in an EU Member State, candidate or potential candidate country



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4.3 Specific professional experience (50 points)

- Proven professional experience in drafting legislation and/or developing operational tools related to harmonisation with Chapter 27 acquis
- Previous professional experience in the area of chemicals sector would be an asset
- Previous professional experience and/or knowledge of the legislation of the Republic of Serbia in the respective area would be an advantage

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to SEPLAC@altairasesores.es not later than 17:00 hrs, 23 January 2018, titled: **“Application for the position – Junior NKE in the area of chemicals”**.

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 post is 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 Altair Asesores S.L.: m.garcia@altairasesores.es / Tel. +34 91 3952798