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

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of rural development in the framework of CAP
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:	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team of the Republic of Serbia
Target Beneficiaries:	The Ministry of Agriculture, Forestry and Water Management/ Sector for Rural Development
Content of the assignment:	Assistance in drafting rulebook on designation of areas with natural and other specific constraints
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	15 WDs, spent during up to 3 missions in the period from April 2018 until (tentatively) September 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 11 – Agriculture and Rural Development and related to delimitation of areas with natural and other specific constraints (ANC):

As per Screening Report for Chapter 11 – Agriculture and Rural Development (Part IV: Conclusions and recommendations), the Republic of Serbia cannot be considered sufficiently prepared for negotiations on this Chapter. Therefore, two benchmarks have been set by the Commission that Serbia should address before the opening of negotiations on Chapter 11. One of the benchmarks requires that Serbia presents to the Commission its Action Plan for the transposition, implementation and enforcement of the *acquis* in agriculture and rural development (hereafter: AP).

In addressing this benchmark, on 30 November 2017 Serbia sent to the European Commission the second version of Draft Action Plan for Chapter 11, for informal consultations.

Since 2004, Serbia has been gradually introducing measures on rural development comparable to those in the EU. The current rural development policy is based on the Law on Agriculture and Rural Development (OG RS, No 41/09) and the Law on Subsidies in Agriculture and Rural Development (OG RS, No 10/13). Various schemes are governed by several rulebooks. In the context of areas with difficult working conditions for agriculture, Serbia has defined “less favoured area” that covers 39% of the total surface and 24% of the utilised agriculture area used by 29% of the farms.

Currently and in accordance with the national legal framework in force for the rural development and delimitation of areas with natural and other constraints, in particular the Rulebook on Less Favoured Areas (OG RS, No 39/16), beneficiaries of subsidies for agriculture and rural development are entitled to a higher percentage of support, provided that they meet one of the following criteria: 1) altitude of their settlement is above 500 m or at location within the territory of a national park under the Law on National Parks (OG RS, No 84/15) or 2) their settlement is located in a municipality that employs less than 100 employees per 1000 inhabitants (according to data of the Statistical Office of the Republic of Serbia published for the municipalities and regions in the Republic of Serbia for 2015).

These criteria do not correspond with the criteria listed in the Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005. Therefore, it is necessary that Serbia harmonises its national legislation in this area with the relevant European Union *acquis*, as envisaged by draft AP, Sub-chapter 3, through preparation of an act for delimitation of areas with natural and other specific constraints (ANC).

2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is the assistance to the MAFWM in achieving compliance of national criteria related to areas with natural and other specific constraints with the criteria listed in the Regulation (EU) No 1305/2013, by drafting national secondary legislation harmonised with the EU *acquis*.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- a) Based on the available data and analyses, assess the existing situation in Serbia regarding the criteria for delimitation of areas with natural and other specific constraints (climate, climate and soil, soil, terrain) as defined by Regulation 1305/2013;



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- b) Based on the results of the above assessment, provide advice and recommendations to MAFWM in its preparations for conducting of a study for designating areas with natural and other specific constraints and calculation of additional costs and income foregone in those areas, in line with Regulation 1305/2013 and related EU guidelines;
- c) To deliver training on the EU requirements related to the support for areas with natural and other specific constraints, including examples of relevant EU MS experiences as regards definition of ANC, rules and approaches for delimitation of ANC, type and level of support and rural development programme measures etc., for the representatives of the Working group responsible for Chapter 11 and its Rural Development Sub-group, at workshop or internal training session;
- d) To draft a proposal on the main elements of the Rulebook on designation of areas with natural and other specific constraints, based on the relevant input obtained from the MAFWM.

2.3 Outputs

The **Senior NKE** is expected to deliver the following outputs:

- Report on the assessment of the existing situation in Serbia, with national criteria for delimitation of areas with natural and other specific constraints compared to the criteria for delimitation of areas with natural and other specific constraints (climate, climate and soil, soil, terrain) as defined by Regulation 1305/2013;
- Recommendations to MAFWM in view of preparations for conducting a study aimed at designating areas with natural and other specific constraints and calculation of additional costs and income foregone in those areas, in line with Regulation 1305/2013 and related EU guidelines;
- Training material for delivery of training at workshop or internal training session for representatives of the Working group responsible for Chapter 11 and of its Rural Development Sub-group on the EU requirements related to the support for areas with natural and other specific constraints;
- First draft of the Rulebook on designation of areas with natural and other specific constraints that complies with Regulation (EU) No 1305/2013.

2.4 Reporting

The **Senior 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 Senior NKE in the context of this assignment.

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 versions 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 reports 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 and main beneficiaries. Each of the short-term mission, its timing and duration shall be agreed with the Team Leader prior to each mission.

2.6 Final use of intervention and perspectives for the future

Assistance in drafting of the relevant legal act regulating areas with special natural and other specific constraints is of the utmost importance for improved targeting of support for areas with difficult working conditions in agriculture, stemming from various natural and other constraints. Thus, the overall rural development policy will be more tailor made as the designation of areas can be applied through all measures of rural development support. By developing the first version of draft Rulebook on designation of areas with natural and other specific constraints, Serbia will achieve further progress in the process of harmonisation of its national legislation with the relevant EU *acquis* in the area of rural development.

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

April 2018 – (tentatively) September 2018

3.3 Starting day

It is expected that the work will be performed during up to three missions in the period from April 2018 until tentatively, September 2018, and starting, at the earliest, from 23 April 2018 onwards. 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 university or equivalent institution) in the field relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications),



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4.2 *General professional experience (25 points)*

- Minimum 10 years of postgraduate professional experience in the field of agriculture and rural development policy, gained in an EU Member State or candidate country

4.3 *Specific professional experience (50 points)*

- Proven professional experience in harmonisation of legislation in the field of rural development and related to EAFRD measures
- Proven professional experience in applying the EU biophysical criteria for delimitation of areas with natural constraints, using geo-referenced databases such as the Natural Constraints Payment measure, 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 no later than 17:00 hrs, 30 March 2018, titled: **“Application for the position – Senior Non-Key Expert in the area of rural development in the framework of CAP”**.

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