



Project funded by the European Union
Projekat finansira Evropska unija



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

Technical assistance requested:	One (1) Junior Non-Key Expert in the area of State aid
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:	Members of the Commission for State Aid Control and staff of the Department for State Aid Control at the Ministry of Finance involved in the State aid control system in the Republic of Serbia
Content of the assignment:	Support for the implementation of state aid control function by training in state aid rules
Budget Line / Expert Category:	Junior Non-Key Expert
Duration of the assignment:	25 WDs for JNKE, spent during several missions in the period from February 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 8 – Competition policy:

The Negotiating Chapter 8 – Competition policy is one of the most crucial and difficult chapters in the process of Serbian accession negotiations with the EU. The objective of the negotiating process and of



Project funded by the European Union
Projekat finansira Evropska unija

the harmonisation of the Serbian legislation with the EU acquis in this area is to establish a strong state aid control system in the Republic of Serbia, since appropriate state aid control system enables the strengthening of free competition, establishing better market conditions and determining the manner of granting subsidies to certain economic operators.

Serbian legislative framework is only partially aligned with the EU secondary legislation on certain forms of aid, including sectoral and horizontal aid.

After the bilateral Screening held in 2014, the European Commission issued in 2015 the Screening Report for Chapter 8 – Competition policy. In the Report, the European Commission recommended the opening of the negotiations on Chapter 8 after Serbia fulfils certain (6) benchmarks, one of them being complementing and amending Serbian legislation on State aid for the purpose of implementing its obligations under the SAA. According to Serbia 2016 Report of the European Commission “substantial efforts are needed to improve legislative alignment and enforcement of State aid rules”. In the coming period, Serbia should in particular “make significant progress in the alignment of its legislation and existing State aid schemes with the acquis, in line with the obligations of the SAA”.

In order to fulfil the first of six opening benchmarks for Chapter 8, related to complementing and amending Serbian legislation on State aid for the purpose of implementing its obligations under the SAA, it is necessary that Serbia implements its harmonised legislation in proper and relevant quality manner. This means that decisions taken by the competent bodies, i.e. the Commission for State Aid Control and the Department for State Aid Control should be correct and compatible with decisions of the European Commission taken in similar cases and with the relevant EU State aid soft acquis (guidelines, communications, notices, recommendations, frameworks).

The harmonisation related to State aid acquis was envisaged in the latest 2016 NPAA in Chapter III (3.8.2). In the third revision of the NPAA 2018-2021, currently in the process of adoption, the State aid rules shall be harmonised with the relevant EU acquis by the end of 2019.

Considering the obligations of the SAA and the importance of the alignment of national legislation and existing State aid schemes with the acquis, training will contribute to improved level of knowledge of state aid rules by target beneficiaries. In this view, the assistance provided under this ToR will be complemented by IPA Project titled “Support for State Aid Commission Service”, planned to start in the second half of 2018 and aimed at further harmonisation of national legislation with the acquis and development of the capacities for its enforcement.

2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is support for the implementation of state aid control function by the competent national authorities.

The expert is expected to provide training to the Commission for State Aid Control (the Commission) and the Department for State Aid Control (the Department) in implementing the Law on State Aid Control and its relevant by-law (National Regulation on the rules for state aid granting) in line with the EU soft law acquis for state aid granting. The expert is also expected to present the most relevant EU case law in some areas of specific interest to the beneficiary (for example regional aid; state aid for restructuring, environment, energy and transport sector; services of general economic interest; research, development and innovation, etc.) and corresponding EU soft law (guidelines, communications, notices, recommendations, frameworks), complemented with practical examples.



2.2 Requested services

The Junior NKE is expected to provide the following services:

- To carry out training needs assessment for identifying the most relevant specific areas requiring training and the approach in terms of basic or advanced level of training for the Commission for State Aid Control and the Department for State Aid Control;
- To prepare suitable training material on the EU Competition/State aid acquis that is relevant for the Commission for State Aid Control and the Department for State Aid Control, based on the most relevant EU case law in some areas of specific interest to the beneficiary (for example regional aid; state aid for restructuring environment, energy and transport sector; research development and innovation, etc.) and corresponding EU soft law (guidelines, communications, notices, recommendations, frameworks). The areas of specific interest and subject of training shall be agreed upon with the beneficiary;
- To deliver thematic training on the most relevant EU case law in some areas of specific interest to the beneficiary (for example regional aid; state aid for restructuring environment, energy and transport sector; research development and innovation, etc.) and corresponding EU soft law (guidelines, communications, notices, recommendations, frameworks). Training shall be complemented with practical examples on the application by the EC of the most relevant EU case law and soft law in practice.

2.3 Outputs

The Junior NKE is expected to deliver the following outputs:

- Training material that is suitable and practical for the Commission for State Aid Control and the Department for State Aid Control on the EU Competition/State aid acquis and the most relevant EU case law and soft law;
- Delivery of thematic training for the selected representatives of the Commission and the Department on the most relevant EU case law in some areas of specific interest to the beneficiary (for example regional aid; state aid for restructuring environment, energy and transport sector; research development and innovation, etc.) and corresponding EU soft law (guidelines, communications, notices, recommendations, frameworks). Training shall be complemented with practical examples on the application by the EC of the most relevant EU case law and soft law in practice.

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, during which tasks under this assignment have been carried out.
- 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.



Project funded by the European Union
Projekat finansira Evropska unija

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 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 Report and all prepared documents shall be submitted in hard copy and in 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

Running of training in the most relevant case law and soft law for the Commission for State Aid Control and the Department for State Aid Control will contribute to strengthening of their capacities for practical application of the relevant EU acquis, in particular as regards preparing decisions, notifications, record keeping, reporting, monitoring and institutional cooperation.

Training services planned under this assignment should prepare the ground for the next phase, when the national competent authorities shall receive the assistance of IPA Project titled "Support for State Aid Commission Service". The implementation of the IPA Project has been planned for the second half of 2018. Its aim is to assist the competent bodies in aligning the State aid rules with the EU acquis, improving capacity of the Commission and the Department for State Aid Control in decision making and solving state aid cases, as well as to improve mechanisms of coordination between the Commission, the Department and other State aid stakeholders and increase awareness of state aid control.

3. Expert input

3.1 Total working days

25 working days have been planned for this assignment.

3.2 Period of the assignment

February 2018 - (tentatively) September 2018

3.3 Starting day

It is expected that the work will be performed during several missions in the period from February – September 2018 and starting, at the earliest, from 19 February 2018 onwards. However, exact starting date will be agreed at a later stage.



Project funded by the European Union
Projekat finansira Evropska unija

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 an university or equivalent institution) in Law, Economy, Finance or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications)

4.2 General professional experience (25 points)

- Minimum 5, preferably 8 years of postgraduate professional experience in the field of state aid gained in an EU Member State or candidate country

4.3 Specific professional experience (50 points)

- Proven professional experience in a state aid regulatory authority of an EU Member State or candidate country
- Proven professional experience in harmonisation of the national State aid legislation with the EU acquis 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, 22 January 2018, titled: **“Application for the position – Junior NKE in the area of State aid”**.

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