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

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| Technical assistance requested: | 1 (one) Junior Non-Key Expert in the area of water management |
| 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: | The Republic Water Directorate and the Ministry of Agriculture, Forestry and Water Management |
| Content of the assignment: | Assistance in drafting by-laws in the area of water management |
| Budget Line / Expert Category: | Junior Non-Key Expert |
| Duration of the assignment: | 40 WDs, spent in the period from March 2018 to (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 27 – Environment and climate change and related to water management sector:

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and climate change. EU environmental policy is based on preventive action; the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of



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environmental protection into other EU policies. The acquis comprises over 200 major legal acts covering horizontal legislation relevant for the environmental sector in general, as well as a sub-sector organised legal acts (e.g. water and air quality, waste management, nature protection, industrial pollution control, chemicals, noise and climate change). The chapter on environmental protection is recognised as one of the most challenging and complex chapters when it comes to harmonisation of national legislation with the EU standards and norms. Moreover, the implementation of the legislative norms in environmental sector requires significant investments. In addition, institutional set-up and capacities at national and local level is an imperative for the application and enforcement of the environment acquis.

In line with the results of explanatory and bilateral screening for Chapter 27, the National Programme for the Adoption of the Acquis, Post screening document and other relevant documents in the water management field, Serbia needs to ensure the alignment of national legislation with the acquis and continue to prepare and conduct necessary reforms in the water management sector so as to demonstrate that it will be fully prepared for the implementation and the enforcement of EU requirements at the date of accession.

Drafting of the new Draft Water Law is ongoing and its adoption is planned for the end of 2019. Full transposition is planned by the end of 2020 with the adoption of all related by-laws.

In the context of the above, in the area of management and protection of waters, activities relating to aligning national legislation with the acquis and reorganising responsible institutions in the most effective manner for the application and enforcement of the relevant acquis have been given the utmost priority.

In the context of other related assistance in this field, under IPA 2016 Programme the MEP has been drafting Twinning Fiche for assistance in the preparation of River Basin Management Plan, in particular for pressure, impact analysis and economic analysis. Also, as part of the ongoing EAS 2 Project, Directive Specific Implementation Plans (DSIP) for four water related directives, i.e. for WFD, ND, UWWTD and DWD are being prepared. The assistance requested in this ToR shall be complementary to the above mentioned assistance and this needs to be taken into consideration by the selected expert.

2. Description of the assignment:

2.1 Specific objectives

The specific objective of this assignment is the assistance in drafting secondary legislation aligned with the relevant acquis in the area of water management.

In particular, assistance is needed in amending the existing by-laws related to licencing-permitting and monitoring and in drafting a new by-law related to reporting, in line with new Draft Water Law and in terms of full transposition of water related directives, in particular Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy (WFD), Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (FD), Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (ND) and Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment as amended by Commission Directive 98/15/EC and Regulations 1882/2003/EC and 1137/2008/EC (UWWTD).



2.2 Requested services

The **Junior NKE** is expected to provide the following services:

- a) To analyse the relevant national legislation in the area of water management and the Report finalised in scope of PLAC II assistance in transposing water related directives into new Draft Water Law and the recommendations provided in relation to licencing-permitting, monitoring and reporting obligations;
- b) To develop drafts of the most relevant provisions for harmonisation of by-laws with water related directives, in particular those mentioned above under 2.1, whereby taking into account recommendations and proposals as regards licencing-permitting, monitoring and reporting provided in the Report finalised in scope of PLAC II assistance and agreed with target beneficiary.

2.3 Outputs

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

- Drafts of the most relevant provisions of by-laws related to licencing-permitting, monitoring and reporting, in line with new Draft Water Law and in terms of full transposition of water related directives 2000/60/EC, 2007/60/EC, 91/676/EEC and 91/271/EEC as amended, reflecting recommendations and proposals as regards licencing-permitting, monitoring and reporting provided in the Report finalised in scope of PLAC II assistance and agreed with target beneficiary.

2.4 Reporting

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

- Brief Mission Reports 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 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 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



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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

By revised NPAA for 2018-2021, currently in the process of finalisation, the new Water Law is planned to be adopted by the end of 2019. By providing assistance in drafting relevant secondary legislation related to new Draft Water Law, further progress in the harmonisation of the national legislation with the relevant EU acquis will be facilitated.

In the context of other related assistance in this field, under IPA 2016 Programme the MEP has been drafting Twinning Fiche for assistance in the preparation of River Basin Management Plan, in particular for pressure, impact analysis and economic analysis. Also, as part of the ongoing EAS 2 Project, DSIPs for four water related directives, i.e. for WFD, ND, UWWTD and DWD are being prepared.

In order to avoid overlapping and ensure complementarity, assistance planned under other related projects mentioned above will be taken into consideration during implementation of PLAC II assistance under this assignment.

3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

March 2018 – (tentatively) September 2018

3.3 Starting day

It is expected that the work will be performed during several missions in the period from March 2018 to (tentatively) September 2018 and starting, at the earliest, from 5 March 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 The Junior NKE in the area of water management:

4.1.1 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 or similar, relevant to the assignment and preferably, specialised for Water Management
- Proficiency in English language
- Computer literacy (MS Office applications)



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4.1.2 General professional experience (25 points)

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

4.1.3 Specific professional experience (50 points)

- Proven professional experience in harmonisation of national legislation with the relevant EU *acquis* and in particular, in drafting of *acquis* compliant national legislation in the field of water management
- 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, 25 January 2018, titled: **“Application for the position – Junior NKE in the area of water management”**.

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.:
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