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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 EU regulations implementing Nagoya Protocol in the European Union
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 European Integration Office of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Representatives of the Ministry of Agriculture and Environmental Protection, Environmental Protection Agency, National Institute for Nature Conservation, Institute for Nature Conservation of Vojvodina Province, Ministry of Science, Ministry of Health and other relevant stakeholders
Content of the assignment:	Assistance in harmonisation of national legislation with EU acquis in the area of nature protection - biodiversity conservation
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	20 working days, spent during several missions planned for the period from September to (tentatively) December 2017

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



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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:

On its strategic path towards the EU accession, the Republic of Serbia started accession negotiations in January 2014 and completed the screening process in March 2015. The environmental chapter (Chapter 27) is one of the most ambitious and far-reaching chapters of the EU *acquis* and due to its complexity and volume, represents a major challenge for candidate countries. Serbia has in recent years advanced in harmonising its legal framework with the environment *acquis*. However, further assistance is needed in harmonisation and implementation of the EU *acquis* horizontally and especially as concerns nature protection.

The protection of biodiversity in Serbia has been regulated by the framework Law on Environmental Protection, the Law on Nature Conservation, relevant by-laws and other sectoral laws. The Law on Ratification of the Convention on Biological Diversity (CBD), adopted on 03 January 2002, provides the basis for action in reversing the loss of biodiversity and developing the protection of its valuable natural resources. As the party to the CBD Convention, Serbia is expected to support three basic objectives: a) conservation on biological diversity; b) sustainable use of its components and c) fair and equitable sharing of benefits arising from the utilisation of genetic resources. The Law also provided legal basis for Serbia to develop its first National Biodiversity Strategy and the Action Plan for the period 2011-2018 and allowed its later reviewing process coordinated by the Ministry of Agriculture and Environmental Protection. In addition, a “Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization” - Nagoya Protocol - was adopted in 2010 by parties to the CBD and signed in September 2011, on the margins of 66th Session of UN General Assembly.

Serbia participates in the work of the Intergovernmental Committee for implementation of Nagoya Protocol, even though Serbia itself has not yet ratified it. The Law on Ratification of Nagoya Protocol, prepared by the Ministry of Agriculture and Environmental Protection is pending its adoption by the Parliament. It will enter into force 90 days after ratification.

Furthermore, it is expected that the new Law on Nature Conservation will be enacted to define necessary instruments and establish competent authorities for the implementation of Nagoya Protocol.

2. Description of the assignment

2.1 Specific objectives

In accordance with CBD Convention, the Republic of Serbia is obliged to ensure control over the use of genetic material of indigenous wildlife on its territory, especially when it comes to the use of genetic material in research and development and for commercial purposes. The Law on Ratification of Nagoya Protocol will provide for the establishment of competent authorities for the implementation of the Protocol but also a mechanism of control points for surveillance of the use of genetic material and mechanism for exchange of specialised information. The Law will also provide for regulatory



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requirements on access and benefit sharing as well as monitoring of the use of genetic resources and users' compliance. Furthermore, the Law will regulate the following aspects:

- support to conservation of biological diversity at national and global level;
- enhanced and regulated access to genetic material collection (gene bank, botanical garden, academic institutions) as well as improved and reliable access to quality samples of genetic resources at low cost for research and development projects and with high legal certainty for acquiring genetic material;
- increased possibilities for research, development and innovation from services and products from nature and creating equal conditions for all users of genetic resources, with special benefits for SMEs and non-commercial research, and finally
- protection of rights of local communities when sharing their traditional knowledge related to genetic resources.

The specific objective of this assignment is to provide assistance in preparing for future implementation of Regulation (EU) No 511/2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union and Commission Implementing Regulation (EU) 2015/1866 laying down detailed rules for the implementation of Regulation (EU) No 511/2014 as regards the register of collections, monitoring user compliance and best practices.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- a) To analyse the existing legislation of the Republic of Serbia in the area of nature protection – biodiversity protection, relevant for the Nagoya Protocol, Regulation (EU) 511/2014 and CIR (EU) 2015/1866 and perform a legal gap analysis on its level of compliance (similar to Table of Concordance) with Regulation (EU) 511/2014 and CIR (EU) 2015/1866;
- b) To perform assessment of the institutional set-up and its capacities and provide recommendations for further upgrading of the institutional set-up for proper implementation of Regulation (EU) No 511/2014 and CIR (EU) 2015/1866 after Serbia's accession to the EU;
- c) To present example(s) of best practices in the implementation of Regulation (EU) 511/2014 and CIR (EU) 2015/1866 and carry out the key stakeholders mapping including advice on possible approaches for stakeholders involvement in this area;
- d) To develop proposals on selected provisions of draft Law on Nature Conservation and relating by-law(s) for alignment with Regulation (EU) No 511/2014 and CIR (EU) 2015/1866;
- e) To deliver training on main aspects of the implementation of Regulation (EU) No 511/2014 and CIR (EU) 2015/1866 for a wider group of representatives from bodies involved.

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

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IRZ, European Profiles,
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- A legal analysis report, including a table similar to Table of Concordance, on the findings regarding the level of compliance of the existing legislation of the Republic of Serbia in the area of nature protection – biodiversity protection, relevant for Nagoya Protocol, with Regulation (EU) 511/2014 and CIR (EU) 2015/1866;
- A proposal on the institutional set-up and its further upgrading for proper implementation of Regulation (EU) No 511/2014 and CIR (EU) 2015/1866 after Serbia's accession to the EU;
- Stakeholder assessment report identifying key stakeholder categories, taking into consideration the Regulation requirements and the best EU practices in the implementation of Regulation (EU) 511/2014 and CIR (EU) 2015/1866, complemented by a map of key national stakeholder groups (finalised in conjunction with the beneficiary) and identification of possible approaches for the stakeholders involvement in this area;
- Drafts of the most relevant provisions of both draft Law on Nature Conservation and appropriate by-law(s), for the alignment with Regulation (EU) No 511/2014 and CIR (EU) 2015/1866;
- Suitable training material and delivery of training during 1-day workshop on main aspects of the implementation of Regulation (EU) No 511/2014 and CIR (EU) 2015/1866.

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 reports.
- 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.



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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.

2.6 Final use of intervention and perspectives for future

The results of this assignment will serve as the basis for the detailed planning of activities for full implementation of Regulation (EU) No 511/2014 and CIR (EU) 2015/1866. In addition to this, the outputs of this assignment will be used as a starting point for initiating stakeholder consultation process in broader terms, awareness raising and capacity building of bodies involved, leading to the establishment of the network at institutional level and facilitating cooperation in preparations for the actual implementation planning.

3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

September – (tentatively) December 2017

3.3 Starting day

It is expected that the work will be performed during up to four missions in the period September - December 2017. 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 an university or equivalent institution) in Law, Environment, Nature Conservation or similar, 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 8 preferably 10 years of postgraduate professional experience in the field of biodiversity conservation and global multilateral environmental agreements

4.3 *Specific professional experience (50 points)*

- Proven professional experience in the implementation of Nagoya Protocol, Regulation (EU) No 511/2014 and CIR (EU) 2015/1866
- Proven professional experience in the transposition of EU *acquis* related to Chapter 27 in the field of nature protection 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, **09 June 2017**, titled: **“Application for the position – Senior Non-Key Expert in the area of EU regulations implementing Nagoya Protocol in the EU”**.

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.