



Project funded by the European Union
Projekat finansira Evropska unija

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

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of mutual recognition of professional qualifications (MRPQ) related to Chapter 3 acquis
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 Trade, Tourism and Telecommunications, Ministry of Education, Science and Technological Development, Ministry of Health, Ministry of Justice, Ministry of Agriculture, Forestry and Water Management, Ministry of Construction, Transport and Infrastructure, Ministry of Economy, Members of the Negotiating Group 3 and other relevant institutions involved in the area of Right of Establishment and Freedom to provide Services
Content of the assignment:	Assistance in preparing improved version of the Draft Negotiating Position for Chapter 3 related to MRPQ
Budget Line / Expert Category:	Senior Non-Key Expert
Duration of the assignment:	5 working days, spent during one mission in the period from June until (tentatively) August 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 3 “Right of Establishment and Freedom to Provide Services” and related to MRPQ:

The Screening Report for Chapter 3 recommends the following benchmark be met for this Chapter prior to the opening of negotiations: “Serbia submits to the Commission a comprehensive and detailed strategy for alignment with the professional qualifications acquis. The strategy must cover all the reforms necessary in terms of legislative alignment and institutional capacity building for the recognition of professional qualifications acquired in other Member States and for the provision of assistance to professionals who qualified in Serbia and wish to provide services in other Member States. The strategy must also cover any adjustments to the training of doctors, dentists, nurses responsible for general care, midwives, pharmacists and veterinary surgeons necessary to comply with the minimum training requirements outlined in Directive 2005/36/EC. A deadline, a responsible entity and a clear indication of the corresponding provision of EU law must be specified for each action covered by the strategy”.

In connection with the opening benchmark, Serbia adopted on 2 November 2017 the Programme on Professional Qualifications with the Action Plan (in continuation referred to as the Programme), which includes the following Annexes:

- the new Draft Law on Regulated Professions and Recognition of Professional Qualifications (2017) with the Table of Concordance on its compliance with Directive 2005/36/EC (as amended by Directive 2013/55/EU),
- the List of national legislation (laws and bylaws) regulating the area,
- the first provisional inventory List of Regulated Professions,
- the Timetable for the alignment of the services sector, professional qualification sector and postal services sector,
- ToC regarding the compliance of sectoral legislation with the acquis,
- detailed reports for 7 sector professions with curricula.

By the date of the accession to the EU, all the outstanding parts of Chapter 3 acquis will have to be transposed into the Serbian legislation, addressing the requirements of three general areas of the acquis.

Prior to opening accession negotiations on Chapter 3, Serbia shall prepare Draft Negotiating Position, presenting the plans concerning future legislative and institutional framework aligned with Chapter 3 acquis on the Right of Establishment and Freedom to Provide Services.

In the Republic of Serbia, the Ministry in charge of Chapter 3 is the Ministry of Trade, Tourism and Telecommunications (MTTT). Other ministries are also involved in the harmonisation of the Serbian legislation with Chapter 3 acquis (covering acquis areas of services, mutual recognition of professional qualifications and postal services) such as the Ministry of Education, Science, and Technological Development, Ministry of Health, Ministry of Justice, Ministry of Agriculture, Forestry and Water Management, Ministry of Construction, Transport and Infrastructure, Ministry of Economy, as well as other institutions.

In March 2018, the first version of the Draft Negotiating Position (NP) for Chapter 3 was finalised. While the parts of the Draft NP related to the provision of services, including postal services have been developed to maximum extent, the part related to the mutual recognition of professional qualifications needs some additional fine-tuning, due to its complexity and specificity considering the diversity of professions.



2. Description of the assignment

2.1 Specific objectives

The specific objective of this assignment is to provide assistance in fine-tuning of Draft NP for Chapter 3 - Right of Establishment and Freedom to provide Services in its part related to the area of mutual recognition of professional qualifications.

2.2 Requested services

The Senior NKE is expected to provide the following service:

- a) To assist beneficiaries in fine-tuning of the final version of Draft Negotiating Position for Chapter 3, in particular of its part related to the mutual recognition of professional qualifications.

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- Proposal on improved text of Draft Negotiating Position for Chapter 3, in particular its part related to the mutual recognition of professional qualifications.

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.

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.



2.6 Final use of intervention and perspectives for the future

Assistance to the relevant ministries in fine-tuning of the text in Draft Negotiating Position for Chapter 3 related to the mutual recognition of professional qualifications will contribute to the completion of improved version of Draft Negotiating Position for Chapter 3.

3. Expert input

3.1 Total working days

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

3.2 Period of the assignment

June – (tentatively) August 2018

3.3 Starting day

It is expected that the work will be performed during one mission in the period from June 2018 until (tentatively) August 2018 and starting, at the earliest, from 04 June 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 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 at university or equivalent institution) in Law or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy (MS Office applications);

4.2 General professional experience (25 points)

- Minimum 8 years of postgraduate professional experience in the EU harmonisation and/or integration process gained in an EU Member State, candidate or potential candidate county;

4.3 Specific professional experience (50 points)

- Proven professional experience in drafting of strategic documents and/or legislation in the field of Chapter 3 Union *acquis*
- Proven professional experience in the field of mutual recognition of professional qualifications in scope of Chapter 3 *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.



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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, **16 May 2018**, titled: **“Application for the position – SNKE in the area of MRPQ related to Chapter 3 acquis”**.

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
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