

Development of the System for the Management of Cohesion Policy

Terms of Reference for Assignment of Senior Non-Key Expert on Institutional Building

Result 1: Legal and institutional framework for the implementation of EU Cohesion Policy in place

1. Background

This assignment is to be carried out within the framework of the project titled “Development of the System for the Management of Cohesion Policy” financed by the European Union under IPA, having as Project Partner and Main Beneficiary the Ministry of European Integration.

The Project started on 11 July 2019 and will last 36 months.

The Contracting Authority for above-mentioned project is the **EU Delegation to Serbia**.

The Service Contractor is **GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH**.

The overall objective is to prepare the Serbian public administration for the effective implementation of the EU Cohesion Policy in the Republic of Serbia. The purpose of the contract is to set up and enhance the capacities of all relevant stakeholders for timely and efficient preparation, implementation, monitoring and evaluation of programmes and projects supported by European Structural and Investment Funds (ESIF).

The results to be achieved by the Contractor are as follows:

Result 1: Legal and institutional framework for the implementation of EU Cohesion Policy in place.

Result 2: Relevant planning and programming documents for EU Cohesion Policy prepared.

Result 3: Capacities of institutions and bodies nominated for the implementation of Cohesion Policy, as well as partners and potential beneficiaries at national and sub-national level, increased via Capacity Building programmes.

The assignment of the Senior Non-Key Expert on Institutional Building shall be framed within the first project component focusing on the preparation of the legal and institutional framework for the implementation of EU Cohesion Policy in Serbia. It has to be noted, however, that the results of the work of the Expert will also have an impact on the preparatory phase of the **third project component** dedicated to capacity building activities for the preparation and implementation of programmes and projects implemented within the Cohesion Policy programmes. In his/her work, the Expert shall take into account the requirements related to the preparation of planning and programming documents for EU Cohesion Policy being the subject of the **second project component**.

In reference to the **first project component** titled “Support in establishing the legal and institutional framework for implementation of the Cohesion Policy”, the Terms of Reference for the overall project state that:

“Preparation for an effective and functioning management and control system for cohesion policy implementation represents the first project component. Although the decision on the institutional

framework for implementation of cohesion policy has still not been made, the approach to be followed is selected and defined as follows: a Centralized system with a strongly mandated co-ordination body, concentrated, sectoral and aligned administrative system. **The basis for the implementation of activities planned under this component and the key milestone is the nomination of institutions to be responsible for respective tasks in the context of the preparation for the implementation of cohesion policy in Serbia, following the defined approach.** The formal act nominating the institutions and specifying their roles and responsibilities is planned to be adopted in 2019.

For those nominated institutions, *Organizational Development Strategies (ODS)* should be developed streamlining their preparation for future role through **definition of institutional and organizational forms and structures, staffing and training plans** necessary for management of certain Operational Programme. ODS will represent an important element in preparation of the relevant bodies for the effective implementation of cohesion policy in order to ensure at least adequate institutional and organizational forms and structures, staffing and training plans. Regarding the sustainability of institutional capacities, the options for an innovative and performance-oriented management of human resources should be explored and addressed in a specific organizational development strategy/ies.

Special attention should be provided to the preparation of relevant institutions for the *establishment of a sound management and control system* and for the formal *designation of responsible bodies*. In that sense, under this first component *detailed rules, procedures, operating manuals, working arrangements and templates*, covering all aspects necessary for programme preparation, implementation, monitoring and evaluation shall also be prepared, as well as all the *necessary legal acts* that will allow for the formalization of the established system. The emphasis should also be put on the preparation of the *overall strategic and methodological framework* for establishment of effective monitoring and evaluation system

While preparing relevant documents, it will be necessary to take into consideration experiences and best practice from the EU Member States, as well as to closely follow and take into account the developments under the chapters 32 - Financial control, 5 - Public Procurement and 8 - Competition, as well as for management of IPA. Consequently, the Contractor will be asked to carry out various studies/analysis in the course of implementation of this set of activities”.

In reference to **the third project component** titled ‘**Capacity Building Activities**’, the Terms of Reference for the Project state that: “For the timely planning of capacity building activities of the administration, beneficiaries and partners, a first pilot Capacity Building (CB) Programme was developed in 2017. It covers institutions and bodies that will be involved in the implementation of cohesion policy, partners, potential beneficiaries and general public at national and sub-national level. In addition, two general modules (i.e. Introduction to the EU cohesion policy and Planning and Programming for EU Cohesion Policy) are already prepared and rolled out in 2017. CB Programmes should be revised annually and modules developed in a timely manner in order to follow the dynamics of accession negotiations and emerging needs”.

2. Approach

The approach to the assignment shall build on the Action plan adopted by the Government of Serbia in April 2019¹ and further discussion with the EU Commission through the negotiating position drafting process. The following measures aimed at the establishment of the **Institutional framework for implementation of cohesion policy**, relevant for this assignment, are contained in the Action Plan:

¹ http://www.mei.gov.rs/upload/documents/pristupni_pregovori/akcioni_planovi/action_plan_22.pdf

Measure 2.1: Institutions and bodies for implementation of cohesion policy nominated

In the course of 2019, the Government of the Republic of Serbia will nominate institutions to be the holders of respective tasks and responsibilities in the context of preparation for the implementation of cohesion policy. The Government shall adopt the act(s) specifying institutions and their roles and responsibilities. The nominated institutions shall start building their capacities in a timely manner through a comprehensive capacity building programme (further elaborated in *Section 3 – Administrative capacities*) and will perform all the activities necessary for designation and later on implementation of OPs.

Measure 2.2: Organisational development strategies for bodies involved in the OPs' management prepared

Upon nominating the institutions and bodies for the implementation of cohesion policy, those involved in the OPs' management will draw up organizational development strategies. These strategies will most probably be drawn up be for each OP and will include the description of management and implementation arrangements in order to ensure adequate institutional and organizational forms and structures, staffing and training plans. The training plans will include the list of relevant topics which shall be additionally elaborated and implemented in accordance with the capacity building programme (further elaborated in *Section 3 – Administrative capacities*).

The EU Competency Framework for the management and implementation of the European Regional Development Fund and the Cohesion Fund, as well as the relevant elements, existing knowledge and capacities within the established system for implementation of IPA funds, will be taken into consideration as an input for the preparation of organisational development strategies.

Measure 2.3: Draft procedures and working arrangements for the OPs' management prepared

In order to enable smooth implementation of the OPs, the nominated institutions will prepare procedures covering all aspects that are necessary for programme implementation, which will constitute the base for their formal designation.

Measure 2.4: Responsible bodies for the OPs' management designated

Formal designation of responsible bodies will be followed by the opinion of an independent audit body or otherwise as provided by the new Common Provisions Regulation 2021-2027.

Although some of the activities necessary to implement the relevant measures require that the institutions and bodies for implementation of the Cohesion Policy are nominated, other activities of a preparatory nature can be initiated regardless of said nomination. Above all, the nomination of the relevant bodies requires a careful analysis of existing capacities in relation to all the functions necessary to implement the Operational Programmes. This assignment specifically focuses on this aspect. The table below contains an indicative specification of the Chapter 22 Action Plan with indicative deadlines for activities and sub-activities to be carried out in order to establish the **Institutional framework for implementation of cohesion policy**:

Measures, Activities and sub-activities	Indicative deadlines
Measure 2.1. Institutions and bodies for implementation of cohesion policy nominated	2020
Activity 2.1.1 Defining roles and responsible institutions for the implementation of cohesion policy	June 2020
S1 - Analysis of capacities (institutional, administrative, organizational, technical) among of selected institutions, in relation to the EC requirements for Management & Control functions	March 2020
S2 - Identification of gaps and formulation of recommendations	March 2020

Measures, Activities and sub-activities	Indicative deadlines
S3 - Description of a detailed institutional structure for the negotiation position, based on the findings from the analysis and recommendations	May 2020
Measure 2.2. Organisational development strategies for bodies involved in the OPs management prepared	2021
Activity 2.2.1 Preparation of methodology for development of organizational development strategies	September 2020
S1 - Definition of the methodological guidance, structure of the documents and required expertise	September 2020
S2 - Development of a workplan - key activities, organization of the process and main milestones	September 2020
S3 - Identification of participants in the process - their roles and expected inputs	September 2020
Activity 2.2.2 Preparation of organisational development strategies	June 2021
S1 - Establishment of the working teams and nomination of responsible persons	October 2020
S2 - Presentation of the methodology to the working teams and, if necessary, adjustment	October 2020
S3 - Identification of all inputs to be delivered by members of the working teams (S1 -by experts)	October 2020
S4 - Preparation of the first draft of the ODSs, including quality review	February 2021
S5 - Organization of workshops with working teams to discuss the first draft and provide inputs for improvement	March 2021
S6 - Preparation of the second draft of the ODS, including quality review	April 2021
S7 - Organization of workshop with working teams to discuss the second draft of the ODS	May 2021
S8 - ODS final draft prepared	June 2021
Measure 2.3. Draft procedures and working arrangements for OPs' management prepared	2021
Activity 2.3.1. Preparation of the methodology for developing procedures for managing OPs	November 2020
S1 - Inputs of MS experiences regarding the content of procedures (short document and presentation)	September 2020
S2 - Analysis of the relevant regulation requirements and other relevant documents (short document and presentation)	September 2020
S3 - Definition of the structure (identification of functions which will be prescribed through procedures - e.g. irregularities, internal audit) and content of the procedures and required expertise	October 2020
S4 - Development of a workplan - key activities, organization of the process and main milestones	October 2020
S5 - Identification of participants in the process - their roles and expected inputs	October 2020
Activity 2.3.2. Preparation of the draft procedures and rules of procedure for managing OPs (including all necessary forms)	December 2021
S1 - Establishment of the working teams and nomination of responsible persons	November 2020
S2 - Presentation of the methodology to the working teams and, if necessary, adjustments	December 2020

Measures, Activities and sub-activities	Indicative deadlines
S3 - Preparation of draft manuals of procedures - national rules, including quality review	March 2021
S4 - Organisation of workshops with working teams to discuss the first draft and provision of inputs for improvement	April 2021
S5 - Preparation of the second draft of manuals of procedures - national rules, including quality review	June 2021
S6 - Organisation of workshops with working teams to discuss the second draft and provision of inputs for improvement	July 2021
S7 - Development of the final draft of manuals of procedures (with all necessary templates)	September 2021
S8 - Development of the form for inter-institutional agreements	October 2021
S9 - Adjustment of the documents, if necessary	November 2021
Measure 2.4. Responsible bodies for the OPs management designated	2023
Activity 2.4.1 Preparation of documents necessary for designation	April 2022
S1 - Provision of information and inputs on the designation - how it is prepared, how the process should be organized, experiences of EU Member States etc.	December 2021
S2 - Preparation of the overview (e.g. checklist) of necessary activities and documents that have to be prepared for designation (in line with the CPR and relevant EC guidelines)	February 2022
S3 - Preparation of Description of Management and Control System	March 2022

At the start of the assignment, the selected Expert shall review the above table and identify the priority activities to be carried out in 2020. A revised table will be agreed with the Beneficiary with deadlines until the end of the Project (July 2022) and total estimated number of days for completing all activities related to Measure 2 under Chapter 22 Action Plan.

Thus, subject to satisfactory performance by the Expert, the assignment could be extended in duration and/or scope to complete all activities under Measure 2 of the Chapter 22 Action Plan.

However, it is anticipated that Measure 2.4. shall not be targeted by this assignment. This is because, although the new Common Provisions Regulation promotes the roll-over of existing systems, and therefore no requirement is included for EU Member States to undertake a designation process, it is expected that specific requirements shall be designed for the new EU Member States that are not currently identified.

The Expert shall execute this assignment by working with one or two Junior Non-Key Experts with knowledge of the internal environment and the Public Administration system in Serbia, and an overall understanding of the capacities within the institutions.

All Documents prepared under the assignment (as described in the next section) shall be discussed with the Beneficiary and other Stakeholders suggested by the Beneficiary, and revised based on comments received and any further inputs, before final submission.

Sufficient time shall be factored in the Expert individual workplan to allow for proper consultations with all the concerned Stakeholders on the Documents being developed.

3. Description of assignment

Based on the indicative deadlines indicated in the previous section, the assignment shall focus on the following:

Action Plan Activity 2.1.1: Defining roles and responsible institutions for the implementation of Cohesion Policy

This activity shall focus on the preparation of a list of institutions that could potentially perform the Cohesion Policy delivery related functions – for each of the bodies envisaged by the new Regulation for 2021-2027 (Coordinating Body, Managing Authority/Authorities), Intermediate Body/Bodies), Accounting (former Certifying) function, Audit Authority) and analysis of capacities of these institutions, against the requirements of Cohesion Policy under:

- The European Regional Development Fund and the Cohesion Fund.
- The European Social Fund,

with the special focus on the policy objectives specified for each of the Fund. The institutions included in the analysis will be selected among those currently involved in the delivery of EU and other Donor-funded programmes and projects and/or the delivery of national development and investment policies.

Building on both available studies and a methodology to be proposed by the Expert, the analysis shall identify gaps, and suitable actions to fill these gaps. This activity shall formulate recommendations on tasks and responsibilities of different bodies in the management and control system for Cohesion Policy/ESIF delivery, for consideration by the Ministry of European Integration in the context of the negotiation position under Chapter 22.

This activity shall be concluded with submission of the following documents by May 2020:

Document 1: Proposed methodology for the identification of bodies to be proposed for the delivery of all tasks and responsibilities associated to Cohesion Policy/ESIF delivery, including tasks and responsibilities of different bodies in the management and control system for Cohesion Policy.

Document 2: Report on conducted mapping of institutions containing, among others, the following elements:

- description of current state in terms of functions performed by Serbian authorities and linkage to the CP investment priorities,
- identification of gaps with recommendations how to fulfil them,
- identification of competences that have to be established,
- recommendations for Capacity Building activities,

Document 3: Recommendations for establishing and description of detailed institutional structure for management and control system for Cohesion Policy/ESIF delivery in the Republic of Serbia, upon its accession to the European Union.

Action Plan Activity 2.2.1: ‘Preparation of methodology for development of organizational development strategies’

Implementation of this activity envisages the definition of the structure and contents of the Organisational Development Strategies (ODS), and of the proposed methodology for compiling the ODS by each nominated body, including a methodology for the preparation of workload analyses, guidance for the preparation of organisational charts taking into consideration separation of functions and streamlining of functional relations and sample job descriptions for each nominated Body typology, and guidance for the compilation.

A workplan for the preparation of the ODSs shall be outlined including key activities, organisation of the process and milestones, identification of participants in the process, their roles and expected inputs.

This activity shall be completed by September 2020 through preparation of the following documents:

Document 3: Structure, contents and methodology for the preparation of Organisational Development Strategies.

Document 4: Workplan for preparation of the Organisation Development Strategies.

These documents shall be properly consulted with the Beneficiary and the other relevant Stakeholders.

Action Plan Activity 2.3.1.: ‘Preparation of methodology for developing procedures for managing Operational Programme(s)’

Under this activity, a Concept Paper/Note for the preparation of Manuals of Procedures shall be developed on the basis of best practice in EU Member States, also taking into consideration new proposals for simplification and the avoidance of gold plating practices. In particular, the Concept shall propose a suitable structure and contents of national rules as well as a suitable structure and contents of the Manuals of Procedures for each category of bodies.

The outcome of this activity shall be presented to the Cohesion Policy stakeholders through a workshop, and comments taken on board before the submission of the final Concept Document.

This activity shall be completed by October 2020 through preparation of the following documents:

Document 5: Concept for the preparation of Manuals of Procedures for managing the Operational Programme(s) funded under ESIF (Cohesion Policy). The concept should at least contain MS experiences regarding the content of procedures, EC regulation requirements and other relevant documents, preliminary proposal of the structure of the process and approach to be taken in drafting.

Document 6: Report on workshop on the Concept for the preparation of Manuals of Procedures for managing the Operational Programme(s) funded under ESIF (Cohesion Policy).

Document 7: Workplan for development of National Rules and Manual of Procedures of all institutions involved in Cohesion Policy delivery.

The Expert shall also contribute to implementation of the **Action Plan Activity 3.1: ‘Further development and annual revision of Capacity building (CB) programmes for nominated institutions and bodies and for partners and potential beneficiaries’, in cooperation with the Non-Key Expert/Non-Key Experts assigned to Capacity Building Development.**

The Expert’s contribution will build on the **EU Competency Framework** for the management and implementation of the European Regional Development Fund and the Cohesion Fund as an input for the preparation of the following document:

The Expert shall work under the coordination of the Team Leader. He/she shall prepare brief monthly reports which describe the work conducted, its results, and put forward recommendations that can be made to the Beneficiary from the expert’s perspective. Monthly reports prepared by using the project template shall be submitted to the Team Leader.

4. Expert profile

SENIOR NON-KEY EXPERT on INSTITUTIONAL BUILDING

Required Qualifications and Skills

University Degree in economics, management, or other social sciences.
Fluency in both written and spoken English.
Computer literacy (MS Office including Excel, PowerPoint, Internet).
Very good organisational, communication, coordination and reporting skills.

General Professional Experience

Min. 8 years relevant professional experience.
Knowledge of EU Cohesion Policy, procedures and rules.
Previous experience in Serbia would be an asset.

Specific Professional Experience

Min. 5 years of specific experience in setting up or further development of management and control systems and/or institutional development plans and/or other preparations for compliance assessment/entrustment for EU Structural Funds/ESIF in new EU Member States or Candidate Countries.

Experience in preparation of capacity building programmes for ESIF implementation – min. 1 project in EU Member State.

Experience with transition from pre-accession to European Structural and Investment Funds.

4. Location, duration, (provisional) start/end date

Location: the expert will be working in Belgrade, Serbia, at Project Office and other locations in Belgrade,

Starting/ending date: February 2020/October 2020.

Total number of working days: up to 80.

Minimum 90% of all working days will be spent in Serbia, work in the expert's country of residence allowed after prior approval.

Elaborated by: Valeria Valeri, Danuta Jablonska

Date: 13/12/2019, Version: 1, 27/12/2019, Version: 2