



Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of Food Safety, Veterinary, and Phytosanitary Policy, EU Negotiating Ch. 12 – materials and articles intended to come into contact with food
Project Title:	Policy and Legal Advice Centre (PLAC III), Serbia
Ref:	EuropeAid/139295/DH/SER/RS
Service Contract No.:	(CRIS) 2018/404-529
Main beneficiary:	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Negotiating Group Ch. 12; Ministry of Health
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 working days (WD), from February until May 2022

1. Relevant background information

Background information in relation to the PLAC III project:

The scope of the PLAC III project is to provide support to relevant national institutions in charge of the 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 III 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 to foster the process of accession negotiations of the Republic of Serbia by supporting the effective alignment of national legislation with the Union *acquis* and its implementation and by further building the capacities of involved carriers of the EU integration process in the Republic of Serbia. After the completion of the screening process in 2015, the Serbian public administration has entered into a 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, the PLAC III 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.

2. Background information in relation to Chapter 12 – Food Safety, Veterinary and Phytosanitary Policy

The Republic of Serbia (RS) is intensively preparing for negotiations with the EU regarding Chapter 12. Serbia 2021 Country Progress Report issued by the European Commission states that Serbia is moderately prepared in the area of food safety, veterinary and phytosanitary policy - Chapter 12. In the coming year, Serbia should among other things, develop a comprehensive strategy for transposition, implementation and enforcement of the *acquis* on food safety, veterinary and phytosanitary policy, substantially strengthen the administrative capacity of the veterinary, phytosanitary, sanitary and national reference laboratories directorates and consistently apply and improve the risk-based approach to sanitary control at borders.

The EU requirements on materials and articles intended to come into contact with food are governed by Regulation (EU) No 1935/2004 and Commission Regulation (EC) No 2023/2006. In particular, Regulation (EU) No 1935/2004 lays down common rules for packaging materials and articles such as bottles and containers, which come, or may come, into contact with food, either directly or indirectly. It seeks to protect human health and consumers' interests as well as ensure that the products used may be sold anywhere in the European Economic Area. Commission Regulation (EC) No 2023/2006 lays down rules on good manufacturing practice (GMP) for materials and articles that come into contact with food.

Furthermore, the overall product safety monitoring system of the Member States must be aligned with relevant general product safety requirements laid out in Chapter 28 *acquis*.

The area of food contact materials and articles, is governed by the Law on Food Safety (OG RS No 41/09) and by the Law on Products of General Use (OG RS No 25/2019), which repealed the Law on General Health Safety of Products of General Use (OG RS 92/11) in 2019.

The Law on Food Safety (OG RS Nos. 41/09, 17/19) divides competences in the area of food safety between the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Ministry of Health (MoH), depending on the type of food and the stage of production and sale.

Based on the division of the competences in accordance with Art. 69 of the Law on Food Safety and the Law on Products of General Use (Articles 6 and 28-38) the MoH is a competent authority for establishment of the policy, legislative and sanitary control in the area of materials and articles intended to come into contact with food and it is responsible for the adoption of the Monitoring Programmes on the basis of the proposal of the Serbian Public Health Institute.

Article 6.2 of the Law on Products of General Use and Art. 26.6 of the Law on Food Safety provides a legal basis for adoption by MoH of a rulebook on materials and articles intended to come into contact with food, as well as on the products intended for infants and children for the facilitation of feeding and breastfeeding, calming and sleeping as well as packaging for food and articles of general use (further on referred as the "Rulebook").

Furthermore, the MoH is in charge of monitoring compliance of products of general use (such as toys, cosmetic products, detergents etc.) with health safety requirements of the Law on Products of General Use.

In accordance with the National Programme for the Adoption of the *Acquis* (NPAA) the adoption of the Rulebook shall provide for alignment of Serbian legislation with Regulation (EU) No 1935/2004 and Commission Regulation (EC) No 2023/2006 (NPAA, 3.12.1.2.).

Full harmonisation of national legislation in the area of food contact materials and articles is planned to be completed before the end of December 2022. Besides, the Rulebook is

intended to complement the efforts of Serbia to align its general product safety monitoring system with requirements of Chapter 28 in relation to kid's toys, personal hygiene products, facial and body care products, cleaning products, as well as tobacco derivatives.

The current number of staff and their skills are not sufficient to support full alignment with the relevant Union *acquis* and in particular for their implementation and enforcement. As a result, the adequate implementation of the requirements will require appropriate guidance to the relevant personnel to implement a monitoring programme compatible with the risk-based approach required by the relevant EU legislation.

Therefore, the PLAC III project's support is needed in drafting national rules (the Rulebook) which will be in line with the relevant provisions of Regulation (EU) No 1935/2004 and Commission Regulation (EC) No 2023/2006 and in developing a guide for implementing the monitoring programme in accordance with the risk-based approach.

At present, there are no ongoing and/or planned assistance projects for the activities covered by this ToR.

3. Description of the assignment

3.1 Specific objectives

The aim of the Project is to develop the Rulebook in line with the relevant provisions of Regulation (EU) No 1935/2004 and Commission Regulation (EC) No 2023/2006 and the Guide which will determine the implementation of a monitoring programme for the materials and articles intended to come into contact with food and products of general use for each year in accordance with the risk-based approach for certain categories of products, including the number of samples and parameters as well as product categories monitored in the internal market and the sources of financing for that purpose in compliance with requirements of the relevant EU *acquis*.

The Guide should contain at least the following elements:

1. objective
2. legislative framework
3. volume
4. method of implementation
5. elaboration of samples according to periods and competencies
6. detailed justification with recommendations for actions
7. the total number of samples by type of products of general use and materials and articles intended to come into contact with food, the parameters examined and the financial amounts secured for the implementation of the programme.

3.2 Requested services

The Senior NKE in the area of Food Safety, Veterinary and Phytosanitary policy; EU Negotiating Ch. 12, is expected to provide the following services:

- a) drafting of the rulebook on implementation of the monitoring programme for products of general use and materials and articles intended to come into contact with food for each year in accordance with the risk-based approach for certain categories of products of general use and materials and articles intended to come into contact with food, including the number of samples and parameters as well as product categories monitored in the internal market and the sources of financing for that purpose;
- b) drafting of the guide determining the implementation of the monitoring programme for products of general use and materials and articles intended to come into contact with food for each year in accordance with the risk-based approach for certain categories of

products of general use and materials and articles intended to come into contact with food, including the number of samples and parameters as well as product categories monitored in the internal market and the sources of financing for that purpose;

- c) preparing and conducting a workshop with several topics (indicative): presentation of the draft rulebook and of the draft guide.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- 1 (one) Rulebook on implementation of monitoring programme of products of general use and materials and articles intended to come into contact with food, drafted;
- 1 (one) Guide for the implementation of monitoring programme of products of general use and materials and articles intended to come into contact with food, drafted;
- One-day workshop held.

3.4 Reporting

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

- Final Mission Report, no later than one week after the completion of tasks under this assignment. This report will include the description of all activities and outputs provided by the SNKE in the context of this assignment.
- A brief interim report - only upon request of the PLAC III team: the TL and/or KE2

Submission of reports:

- A draft mission report shall be submitted to the Team Leader of the Project for review and comments by the end of the mission.
- The final version of the mission report, prepared in the agreed quality, shall be submitted to the Team Leader of the Project for review, comments and final approval
- The reports shall be signed by the SNKE 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.

3.5 Specifics

The SNKE shall work under the guidance and follow the instructions of the Team Leader. The SNKE shall collaborate with the Project team, other experts involved and representatives of the relevant beneficiary institutions.

Each of the short-term missions, the timing and duration shall be agreed with the Beneficiary and the PLAC III team prior to each planned mission.

3.6 Expert input

3.6.1 Total working days

20 working days (WDs) in total have been planned for Senior Non-Key Expert.

3.6.2 Period of the assignment and starting day

It is expected that the work will be performed during several missions in the period from February 2022 until May 2022. However, the starting date will be confirmed at the later stage.

3.6.3 Location/Place of assignment

The SNKE has to deliver 100% of the input in Belgrade, Serbia, unless otherwise agreed due to extraordinary circumstances (i.e. COVID-19). Home-based days are subject to prior approval by the EU Delegation Project Manager responsible for PLAC III project.

3.6.4 Working language

English.

4. Experts' Profile – Senior NKE (20 working days)

4.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years attested by a diploma such as law, public health, medicine, and pharmacy or technical sciences or similar, relevant to the assignment
- Computer literacy
- Proficiency in report drafting
- Excellent communication and analytical skills
- Proficiency in the English language
- Independency and free from conflicts of interest in the undertaken responsibilities

4.2 General professional experience (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to the EU *acquis* gained in an EU member state, candidate or potential candidate country.

4.3 Specific professional experience (50 points)

- At least 3 (three) preferably 5 (five) years of postgraduate professional experience in harmonisation with the EU food safety *acquis* within the Ch. 12 gained in an EU member state, a candidate or a potential candidate country;
- Knowledge of the Serbian legal system will be an advantage.

5. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to mbayard@dmiasociates.com and mail to akhani@dmiasociates.com no later 4 February 2022, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Food Safety, Veterinary, and Phytosanitary Policy, EU Negotiating Ch. 12 – materials and articles intended to come into contact with food”

References must be available on request. Only short-listed candidates will be contacted. Pre-selected experts will be requested to sign Statement of Availability (SoA) in which they acknowledge and confirm the availability to accomplish this assignment within the indicated period, at the indicated starting date and within the number of working days requested.

The Project is an equal opportunity employer. All applications will be considered strictly confidential.

Advertised posts are 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 DMI Associates Marion Bayard: mail to mbayard@dmiasociates.com or Arianne Khani mail to akhani@dmiasociates.com.