

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 Negotiating Ch. 27, Environment and Climate Change - new Drinking Water Directive
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. 27; Ministry of Health, and Ministry of Environmental Protection
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 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. Upon completion of the screening process in 2015, the Serbian public administration has entered into much more demanding and obliging exercises 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 27 – Environment and Climate Change

Environmental protection is recognised as one of the most challenging and complex of EU *acquis* when it comes to harmonising national legislation with EU standards and norms, especially in water quality policy. The application of legal norms in the environmental sector requires significant investments. Also, adequate and efficient institutional establishment and capacities at the national and local level are imperative for the application and implementation of the Union *acquis* in the field of environment.

The Government of Serbia has submitted the negotiating position for Chapter 27 – environment and climate change (Negotiating Position) to the European Commission in January 2020. Serbia opened negotiation in Cluster 4 – Green Agenda and Sustainable Connectivity Green on 14 December 2021.

The country progress report of the European Commission (EC) for Serbia for 2021 (Serbia 2021 Progress Report), states that Serbia has achieved *some level of preparation* in the field of environment and climate change and there has been *limited progress* mainly in addressing the 2020 recommendation in the climate change area. The level of alignment with the EU *acquis* on water quality has been assessed as *moderate*, while, “[n]on-compliance with water quality standards remains a big concern” (Serbia 2021 Progress Report, p. 115). To progress in negotiations Cluster 4 Serbia needs to make significant efforts to further align its legislation with the water *acquis* in Ch. 27. As a result, Serbia has been invited by the EC to step up efforts on implementing and enforcing environmental legislation, in particular in the area of water quality in the coming period.

In line with the results of explanatory and bilateral screening for Chapter 27, National Programme for Adoption of Acquis 2018-2021 (NPAA, Section 3.27.4), Post Screening Document of the Government of Serbia and the Negotiating Position Serbia has taken significant preparatory steps for transposing Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption and Commission Directive (EU) 2015/1787 of 6 October 2015 amending Annexes II and III to Council Directive 98/83/EC.

The draft Law on Water for Human Consumption and draft Rulebook on Drinking Water Safety have been drafted through the Policy and Legal Advice Centre (PLAC III) technical support mission in 2020 with the view of transposing the EU *acquis* in force (Council Directive 98/83/EC and Commission Directive (EU) 2015/1787). The European Commission’s proposal for a new DWD of 2. February 2018 (COM (2017) 753 final), including different and changing proposals available from EC’s official website further on, were considered through PLAC III assistance as far as reasonably possible and appropriate during the preparation of the drafts. Therefore, the Final Mission Report recommended that it is important for “the Serbian legislation on drinking water to be amended and brought in line with the EC Proposal for a new DWD upon its formal adoption which is expected in the third quarter of 2020” as a next step.

The new Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast) that repealed Directive 98/83/EC was adopted by the European Parliament and the Council of the European Union on 16 December 2020 and entered into force on 12 January 2021. The new DWD has brought significant changes compared to the repealed Council Directive 98/83/EC and EC’s

Directive (EU) 2015/1787. It revised rules on the protection of human health from the contamination of water intended for human consumption, introduced new hygienic requirements for materials in contact with drinking water, an enhanced right to access to water intended for human consumption for all, a new cost-effective risk-based approach to managing and monitoring drinking water quality *from catchment to consumer* as per World Health Organisation water safety plan principles as well as new and updated quality standard values.

As a result, legislation in force and drafts of new legislation regarding drinking water must be aligned with the new and significantly changed Drinking Water Directive (new DWD).

The new DWD will be transposed into Serbian legislation by means of the Law on Water Intended for Human Consumption and through a significantly changed and amended Rulebook on drinking water. Therefore, the outputs of this assignment (the legal gap assessment and preparation of a new amended draft rulebook) will contribute to the progress in the accession negotiations in Cluster 4 and Ch. 27 and to the enforcement of quality standards applicable to water intended for human consumption in compliance with all requirements of the new Directive.

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

3. Description of the assignment:

3.1 Specific objectives

The specific objective of this assignment is to provide assistance to the Ministry of Health (MoH) and the Negotiating Group Ch. 27 in order to enhance harmonisation with Directive (EU) 2020/2184 (new DWD) and its proper implementation. By strengthening the administrative capacities of the Ministry of Health and Negotiating Group Ch. 27, support will contribute to meeting the closing benchmarks once they are set in the European Union Common Position for Cluster 4 and Ch. 27.

The selected expert support to the MoH is needed in drafting harmonised legislation in the drinking water sector to be fully EU *acquis* compliant and to accurately anticipate implications of its implementation.

In the scope of this objective, these activities are foreseen:

Assist the MoH in conducting the legal gap assessment, in drafting an updated Table of Concordance on the new DWD (recast), and in drafting an amended Rulebook on drinking water fully harmonised with the new DWD, and fully embedded in existing Serbian legislation. At the end of the activity, a workshop on the legal gap assessment, and on the presentation and the implementation of the draft rulebook on drinking water shall be held.

3.2 Requested services

The Senior NKE in the area of drinking water legislation is expected to provide the following services:

1. Based on the gap analysis, assist the MoH in drafting:
 - a. An updated version of the Table of Concordance having regard to the provisions of the new DWD;

- b. An amended version of the Rulebook on drinking water fully harmonised with the new DWD.
2. At the end of the assignment, organise and hold a Workshop on the gap analyses and presentation and implementation of the draft rulebook on drinking water.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Table of Concordance on Directive (EU) 2020/2184 drafted;
2. A draft Rulebook on drinking water;
3. Workshop held

3.4 Reporting

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

- Final Mission Report, no later than 1 week after the completion of tasks under this assignment. This report will include a 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: TL and/or KE2.

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 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 a 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.

For each of the short-term missions, the timing and duration shall be agreed upon 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 the 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 during the period from February until May 2022. However, the starting date will be confirmed at the later stage.

3.6.3 Location/Place of assignment

The SNKE must deliver 100% of the input in Serbia, unless otherwise agreed due to extraordinary circumstances (i.e., COVID-19). All home-based days are subject to prior approval by the EU Delegation Project Manager responsible for the 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, environmental engineering or similar, relevant to the assignment;
- Computer literacy;
- Be proficient in report drafting;
- Excellent communication and analytical skills;
- Proficiency in English language;
- Be independent 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, a candidate or a potential candidate country

4.3 Specific professional experience (50 points)

- At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation in relation to EU *acquis* in the water sector;
- 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 than 4 February 2022, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Environment and Climate Change, Ch. 27. – new Drinking Water Directive”

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.