



REPUBLIC OF SERBIA
MINISTRY OF FINANCE
Department for Contracting and
Financing of European Union
Funded Programs



SUPPORT TO COMMISSION
FOR STATE AID CONTROL



This Project is funded by
European Union

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

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of State aid No. 4
Project Title:	Support to Commission for State aid Control (CSAC),
Ref:	EuropeAid/139349/IH/SER/RS
Service Contract No.:	48-00-0029/2017-28
Main beneficiary:	Ministry of Finance of the Republic of Serbia
Target Beneficiaries:	Commission for State Aid Control and Department for State Aid Control at the Ministry of Finance,
Content of the assignment:	Support the Government of the Republic of Serbia, and in particular the existing State aid control and granting bodies, in further development and implementation of the system of rules and procedures in the area of State aid.
Expert Category:	Senior Non-Key Expert
Duration of the assignment:	40 WDs for SNKE, spent during several missions in the period from June 2019 until (tentatively) November 2020

Project implemented by the Consortium:



Project Office

St. Kneza Miloša 17, 11000, Belgrade, Serbia
tel: +381 11 32-38-506
www.state-aid.rs



1. Relevant background information

The overall objective of the project is to further support Serbia's progress on its EU accession path (among others through alignment with *acquis communautaire*) specifically for what relates to Chapter 8- competition Policy.

The Project purpose

Purpose of the project is to support the Government of the Republic of Serbia, and in particular the existing State aid control and granting bodies, in further development and implementation of the system of rules and procedures in the area of State aid.

Their main features can be summarised as follows:

Component 1- Alignment of State aid rules and schemes with *EU acquis*

Result 1: State aid rules and schemes aligned with *EU acquis*

Component 2 – Capacity building of the Department and the Commission for State Aid Control in decision making on solving state aid cases

Result 2: Improved capacity of the Department and the Commission for State Aid Control in decision making and solving state aid cases

Component 3 - Support in improving mechanisms of coordination between Commission, Department and other State aid stakeholders and in increasing awareness on state aid control

Result 3: Improved mechanisms of coordination between Commission, department and other State aid stakeholders and increased awareness on state aid control

Component 0 – Transversal activities - Support activities to the EU accession negotiating team for Chapter 8 in resolving the Opening Benchmarks (activity 0.1) and the management of communication and visibility (0.2)

Result 0: Continuous consultancy to the Negotiation team in order to meet requirements set in Serbia

As one of the most important Project goals which will provide long term sustainability of the results Project emphasis:

- Institutional Memory is created in public sector of Serbia, shared by a group of educated staff, and a network of people who are involved in state aid issues.



2. Description of Assignment

2.1 Specific objectives

The purpose of this assignment is to provide support and assistance to the Ministry of Finance-Department for State aid control and Commission for State aid control in relation to:

Activity 0.1. - Support to the EU accession negotiating team for Chapter 8

Activity 1.1 Supporting the Department in better understanding EU State Aid rules in order to transfer them into domestic legislation

Activity 2.3 - Supporting Department and the Commission in strengthening their capacity through everyday advisory support, mentoring and on-the-job trainings in order to be able to implement state aid rules during handling state aid cases notified to the Commission

The expert will participate as lecturer on conferences/workshops upon demand

While the ToRs envisage the provision of support to the CSAC and the DSAC, the project team will support in all activities the negotiation team for the Chapter 8, as well as for other relevant chapters (ex: Chapter 15. Energy).

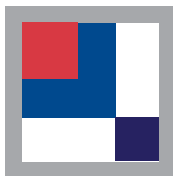
Indeed, as highlighted in our rationale section this project inscribes itself in Serbia's EU accession process and a negotiation team for Chapter 8 has been nominated. **A number of the activities (if not all) are tightly connected to the requirements driven from the EU accession negotiations, and are aimed at improving Serbia's position in the negotiation process and in particular in resolving the Opening Benchmarks** (see especially the section 1.4 "understanding of ToRs" under the rationale part of this offer, which highlights the links between opening benchmarks and the project activities). Consequently, we consider important that our team continuously provides support not only to the CSAC and the DSAC but also to the EU accession team for Chapter 8: **our project team will therefore regularly inform the negotiation team in the progress carried in the activities related to resolving the Opening Benchmarks and will make sure the negotiation team is involved in all activities related to the harmonization process.**

Assistance will be provided in drafting legal acts, answers to EC questions, on-going support in counseling the negotiation team in resolving the opening benchmarks, attending the meetings with EC if required by Beneficiary. It will in principle essentially follow some specific milestones based on the Opening Benchmarks to be resolved

This transversal component will be carried by our key experts and will likely involve the additional expertise of an expert having been involved in EU negotiations for Chapter 8 in Croatia and Montenegro as the most recent experiences of accession negotiation in Chapter 8.

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Regarding Activity 1.1 The *Roadmap for reforms of State aid system in Serbia* lists the main changes to be included in the new Regulation.

The beneficiary updated the Project Team with information that Republic of Serbia Government established Working group for drafting new State aid Law. We learnt that Component 1 will require review from our experts rather than drafting legislation

During reviewing procedure, the project will propose, based on the experience of EU MS countries and countries undergoing a negotiation process for EU accession, several models for incorporating *state aid aquis in State aid Law*.

Regarding Activity 2.3 The project will support the Department and the Commission in their everyday work on specific cases by providing advices on best solutions and pointing to the relevant rules and how they should be implemented. The project will provide on-the-job assistance and trainings for the whole duration of the project in order to deliver the best results for the beneficiaries, which will eventually result in an increased self-capacity of the beneficiary employees when dealing with state aid cases. Overall, this activity will function as **on demand and the expertise will adapt to the needs of the beneficiaries**.

The experts will be available for consulting, as well as for guiding the DSAC in case handling, according to the best practices and their own experiences. This will include advising in early stages of case handling, giving specific proposals (in written if required), drafting decisions with comparisons with EC practice in same or similar cases, facilitating communication between the DSAC and grantors by means of attending the meetings if deemed necessary etc.

Additional interpretations of the EU State aid *aquis* and advices for further harmonization of State aid legal framework will be proposed to the Commission, the DSAC and granting authorities.

Regarding Activity 3.1 The Project has identified big discrepancies in state aid competence between different groups of public servants. From that reason the training needs has to be tailored in two concepts:

1. **Basic concept** for state aid grantor with basic knowledge about state aid rules and procedures
2. **Expert concept** for members of Commission for State Aid Control, Department for State Aid Control in MoF and some Ministries.

The expert will be engaged for delivering training about specific topic agreed with Team leader in accordance with TNA for Expert concept.

2.2 Requested services

The expert will provide support in following tasks:

- Improvement of domestic primary and secondary legislation
- Provision of support to the EU negotiation team for Chapter 8 in resolving the opening Benchmarks,

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- Ad-hoc support in answering any issues arising from the EU negotiation team for Chapter 8
- Advisory support provided for state aid cases notified to the Commission
- Reviewing draft of Law of State aid Control prepared by Working group
- On the job training upon needs
- Delivering events (conference / trainings) to raise the awareness of grantors and other stakeholders adapted to the respective level of knowledge (based on the TNA)

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

Outputs:

- **Draft Decisions including comparisons with EC practice in same or similar cases and written recommendations and list of suggestions on resolving priority cases on state aid**
- **Answers to enquires from the Serbian negotiation team for Chapter 8**
- **Draft of Law on State aid reviewed**
- **Training(s) conducted**

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 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 Report.

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- The Report and all prepared documents shall be submitted in hard copy and in 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 and main 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

The Roadmap states *"the further legislative alignment is crucial, but at the same time the implementation issue i.e. institutional and capacity building activities and issues related to staff and training i.e. to legal and economic analysis, have to be considerably tackled as well"*.

TA wants to support a holistic approach to EU accession negotiations in the state aid area not only through fulfilment of Road map recommendations or implementation of new State aid rules in accordance with *acquis* but also through support for closing opening benchmarks for Chapter 8 and raised awareness about state aid in vertical line of public administration (meaning including cities and municipalities).

Project organization will be essentially **demand driven** so Project will adapt services to the specific needs that arise through the timespan of the project, giving the opportunity to the Beneficiary to maximize usage of TA and achieving the best value for money.

3. Expert input

3.1 Working days

40 working days

3.2 Period of the assignment

June 2019-November 2020

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3.3 Starting day

It is expected that the work will be performed during several missions in the period from June 2019 - (tentatively) November 2020 and starting, at the earliest, from 24 June 2019 onwards. However, exact starting date will be agreed at a later stage.

3.4 Location of the assignment

Belgrade, Serbia and home based (up to 8 work days home-based).

3.5 Working language

English/Serbian (Croatian/Montenegrin/Bosnian)

4. Expert Profile

Required Candidate Qualifications

The candidate must possess the qualifications and skills as highlighted below.

4.1 Qualification and skills

- A level of education which corresponds to completed University studies of at least four (4) years in law or economics;
- Good knowledge of requirements, directives, regulations and rules of EU state aid;
- Working knowledge of English language (at least average 2 on a scale of 1 to 5; where 1 – excellent as max and 5 – basic as min);
- Good knowledge of local language – Serbian language will be considered as an asset;

4.2 General professional experience

- Minimum 5, preferably 7 years of postgraduate professional experience in state aid;

4.3 Specific professional experience

- Minimum 5, preferably 7 years of professional experience in any of the following thematic areas in the state aid field: membership in EU negotiation teams, direct negotiation on state aid issues with EC, professional experience in designing and delivering trainings related to EU accession process and harmonisation of national legislation with the EU *acquis*; Preparation of expert opinions on notifications of state aid.
- At least 2 EU funded projects from state aid as key expert or short non-key expert



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5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to radmila@state-aid.rs and stevan@alternative-consulting.com no later than 17:00 hrs, CET 21 June 2019, titled: "Application for the position – Senior NKE in the area of State aid No 4".

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, Republic of Serbia.

For more information and for application, please contact:

Team Leader: Radmila Mihic radmila@state-aid.rs

Project Director: Stevan Pechitch stevan@alternative-consulting.com

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