



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. 2
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, all state aid grantors especially local self-governments in Serbia
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

Project implemented by the Consortium:



Project Office

St. Kneza Miloša 17, 11000 Belgrade Serbia
tel: +381 11 268-10-79
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Duration of the assignment: 60 WDs for SNKE, spent during several missions in the period from April 2019 until (tentatively) November 2020

1. Relevant background information

Background information in relation to Support to Commission for State aid control project:

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)

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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 the assignment

2.1 Specific objectives

The specific objective of this assignment is support for the implementation of state aid control function by the competent national authorities.

The expert is expected to provide training “on the job” under the *Activity 3.1 Supporting all state aid stakeholders throughout conferences and trainings, in raising awareness on state aid control* to the grantors with so called “basic “ knowledge about state aid, mostly local self-governments in Serbia in understanding state aid policy and implementing the Law on State Aid Control and its relevant by-law. The expert is also expected to present notification and reporting procedures complemented with practical examples. Local self-governments will be grouped in 3 or 4 for training.

Also the expert is expected to provide training on the workshops/conferences about the most relevant EU case law in some areas of specific interest to the beneficiary (for example services of general economic interest; *de minimis* , etc.) and corresponding EU soft law (guidelines, communications, notices, recommendations, frameworks), complemented with practical examples.

2.2 Requested services

The Senior NKE is expected to provide the following services:

- To carry out training needs assessment for identifying the most relevant specific areas requiring training and the approach in terms of basic level of training for the representatives from grantors throughout Serbia;
- To prepare suitable training material on the State aid acquis/Law on State aid Control in Serbia and by-laws that is relevant for the participants of the trainings. The areas of specific interest and subject of training shall be agreed upon with the beneficiary;

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- To deliver training on the job as well on the workshops / conferences about the State aid policy in Serbia/ Law on State aid Control in Serbia and in some areas of specific interest to the beneficiary and corresponding EU soft law (guidelines, communications, notices, recommendations, frameworks). Training shall be complemented with practical examples.;
- To draft a Manual summarizing key information about State aid rules for the use of state aid grantors.

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- Training material that is suitable and practical for the grantors on the Law on State aid Control and by-laws;
- Delivery of training for the selected representatives of the local self-governments in understanding of Law on State aid Control and in some areas of specific interest to the beneficiary. Training shall be complemented with practical examples on the application by the law and soft law in practice.
- Delivery of training /power point presentation/ on workshops /conferences about the State aid policy in Serbia/ Law on State aid Control in Serbia and in some areas of specific interest to the beneficiary and corresponding EU soft law (guidelines, communications, notices, recommendations, frameworks).
- Drafting a Manual summarizing key information about State aid rules

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:

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- 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.
- 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

As indicated in the road map, *“the awareness of the obligation to comply with the Law on State aid Control and Regulation on the rules for State aid granting among State aid grantors at all levels, including the regional and local authorities, and among the beneficiaries of State aid can be enhanced only by establishing adequate forms of cooperation with the Commission for State aid Control, in particular by the notification of each and every State aid measure to the Commission before granting it. In other words, although the State aid grantors are free to decide which particular aid measure best suits their needs, they need to cooperate with the State Aid controlling body, collaborate on particular projects and this is not negotiable. The aid measures they want to implement must be timely, at the same time well-targeted and transparent, in line with State aid rules and as such approved by the Commission.”*

Thus, the project will pay special attention in supporting all stakeholders (grantors and beneficiaries) via organized trainings, seminars and round tables to, firstly, make them aware of the importance of rules and

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procedures, and secondly, to explain particular rules from the standpoint of grantors as the project plans to hire also experienced experts from Member States granting authorities.

Ultimately we will aim at building grounds for the Commission for State aid Control, as the central point for notification of aid schemes as well as for individual aid, to provide advice to all State aid managing bodies and State aid grantors on the nature, design and handling of State aid issues, which is consistent with the national policy goals but also with State aid rules. **What the project will promote together with the CSAC is “think State aid first” approach**, that is, on the very outset of any smaller or major project.

Also, in cooperation with the Chamber of Commerce of Serbia, NALED, the Standing Conference of Towns and Municipalities, the Foreign Investors Council, the Project will organize a number of seminars/ trainings where it is intended to promote not only the legislation and novelties within the state aid but also as a platform for advocacy. This will provide an opportunity to promote the Commission and the Department, and its activities, through the presentation of past successful experiences and future plans of the national body for state aid control.

3. Expert input

3.1 Total working days

60 working days have been planned for this assignment.

3.2 Period of the assignment

April 2019 - (tentatively) 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 April 2019 - (tentatively) November 2020 and starting, at the earliest, from 22 April 2019 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 including at selected local self-government (LSG) agreed and approved by Team leader.

3.5 Working language

Serbian/ English

4. Expert Profile

Required Candidate Qualifications

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

4.1 Qualification and skills (25 points)

- 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);
- Computer literacy (MS Office applications)
- Good knowledge of local language – Serbian language;

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4.2 General professional experience (25 points)

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

4.3 Specific professional experience (50 points)

- Minimum 5, preferably 7 years of professional experience in any of the following thematic areas in the state aid field: Preparation of expert opinions on notifications of state aid; assessing compliance of state aid schemes with the Law on State Aid Control in line with the EU acquis; strengthening the administrative and institutional capacity of public bodies responsible for state; capacity building of public bodies, including training and daily on-the-job assistance;
- Working experience in at least 1 internationally funded project in state aid field;
- Previous professional experience, and/or knowledge of the legislation, of the Republic of Serbia and/or IPA region in the respective area would be an advantage.

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 15:00 hrs, (CET) 22, April 2019, titled: "Application for the position – Senior NKE in the area of State aid No 2".

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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