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Pravna podrška pregovorima - Policy & Legal Advice Centre

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, Drinking water legislation
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; The Ministry of Environmental Protection
Budget Line / Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	30 working days, from May 2019 to December 2019

1. Relevant background information

Background information in relation to PLAC III project:

The scope of 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 at fostering 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 completion of screening process in 2015, Serbian public administration has entered into 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, 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 acquis when it comes to harmonization of national legislation with the EU standards and norms. Moreover, implementation of the legislative norms in environmental sector requires significant investments. Adequate and efficient institutional set up and capacities at national and local level is imperative for the application and enforcement of the environmental acquis.

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and Climate change. The Second draft of the Negotiating position has been sent in December 2018 and the answer from the EC is expected. Serbia 2018 Report issued by the European Commission states that Serbia has some level of preparation in the area of environment and climate change. Some progress has been made in further aligning with the acquis, strategic planning and addressing the 2016 recommendations.

In the area of drinking water legislation, Serbia has achieved a high level of alignment with the acquis. In line with the results of explanatory and bilateral screening for Chapter 27, NPAA 3.27.2 National Programme for Adoption of Acquis (Last revision of February/March 2018), Post screening document and Progress report 2018, Serbia has yet to make progress in complying with the drinking water acquis by transposing Council Directive 98/83/EC on the quality of water intended for human consumption and Commission Directive (EU) 2015/1787 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption (DWD). In addition, the existing Serbian drinking water legislation needs to consider that the European Commission adopted on 1 February 2018 a proposal for a revised drinking water directive to improve the quality of drinking water and provide greater access and information to citizens, proposal for a DWD, recast of 01.02.2018 (COM (2017) 753 final).

The DWDs will be transposed into Serbian legislation by means of one law and one Rulebook. The Serbian Draft Law on Water intended for Human Consumption is prepared in 2019 by a working group under the Ministry of Health. Currently, this draft law is under consultation with stakeholders and members of the working group regarding drafted provisions. For full transposition of the DWD, based on the abovementioned law, the subsequent step is drafting a Rulebook on Water Health Safety.

Outputs of this assignment the draft Law and the draft Rulebook will ensure safe drinking water and better drinking water management and will also contribute to the process of preparation of the Negotiation Position for the DWD (including the new EU Proposal for a DWD).

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 harmonization with relevant EU legislation and its proper implementation. By strengthening the administrative capacities of the Ministry of Health and the Negotiating Group Ch. 27, the crucial support will also be provided in meeting the opening benchmarks set for Ch. 27.

Expert support to the MoH is needed in drafting harmonized legislation in the drinking water sector in order to be fully EU compliant and to accurately anticipate implications of its implementation.

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

1. Drafting Table of Concordance on the DWD

2. Drafting of a law and a rulebook on drinking water fully harmonized with the relevant EU law
3. Organise and hold a Workshop on presentation and the implementation of the draft law and the draft rulebook on drinking water

3.2 Requested services

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

- Drafting Table of Concordance of the DWD
- Drafting of a law and a rulebook on drinking water fully harmonised with the relevant EU law
- Organise and hold a Workshop on presentation and implementation of the draft law and the draft rulebook on drinking water

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. A draft Table of Concordance on DWD
2. A draft Law and a draft Rulebook on drinking water
3. A 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 1 week after completion of tasks under this assignment. This report will include description of all activities and outputs provided by the SNKE in the context of this assignment.
- A brief interim report - only upon a request of the PLAC III team: TL and/or KE 2

Submission of reports:

- Draft mission report shall be submitted to the Team Leader of the Project for a review and comments at the completion 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 a review, comments and the final approval at the agreed time, but not later than 7 days after the TL comments on the draft mission report have been submitted to the expert.
- The reports shall be signed by the SNKE and the Team Leader, who is responsible for endorsing the reports.
- The mission report and all prepared documents shall be submitted in a hard copy and in an electronic version to the Team Leader of the project.

3.5 Specifics

The selected SNKE shall work under the guidance and follow the instructions of the Team Leader. The SNKEs 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 team prior to each planned mission.

3.6 Expert input

3.6.1 Total working days

30 working days (WDs) in total have been planned for Senior Non Key Expert for this assignment.

3.6.2 Period of the assignment

May – December 2019

3.6.3 Starting day

It is expected that the work will be performed during several missions in the period from May 2019 until December 2019 at latest and starting, at the earliest, from 7 May 2019 onwards. However, exact starting date will be agreed at a later stage.

3.6.4 Location/Place of assignment

The SNKE has to deliver 100% of the input in Belgrade, Serbia.

3.6.5 Working language

English

4. Expert's Profile:

4.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years in the relevant field attested by a diploma such as law, environmental engineering, political science or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- Be independent and free from conflicts of interest in the responsibilities they take on

4.2 General professional experience (25 points)

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

4.3 Specific professional experience (50 points)

- Postgraduate professional experience in the field of harmonisation of legislation in relation to EU *acquis* in water sector
- Postgraduate professional experience in transposing and/or implementing the DWD would be an advantage
- Knowledge of Serbian legal system will be an advantage.

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to mbayard@dmiasociates.com and nderxen@dmiasociates.com no later than 19 April 2019, 17:00 hrs, titled: **“Application for the position – Senior NKE in the area of Environment and Climate Change, Ch. 27, Drinking Water Legislation.”**

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 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: mbayard@dmiasociates.com or Nina Derxen: nderxen@dmiasociates.com.