

Terms of Reference (ToR) for a Short-Term assignment No. 10

Technical assistance requested:	3 (three) Senior Non-Key Experts in the area of Negotiating Ch. 15, Energy – Technical documentation of Energy Performance of Buildings Design
Project Title:	Policy and Legal Advice Centre (PLAC IV)
Ref:	NEAR/BEG/2023/EA-RP/0175
Service Contract No:	(CRIS) 2024/453-315
Main beneficiary:	The Ministry of European Integration (MEI)
Direct beneficiaries	Negotiating Group Ch. 15; Ministry of Construction, Transport and Infrastructure
Content of the assignment:	Technical assistance in drafting a Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings related to Energy Performance of Buildings Directive 2010/31/EU - EPBD, that is, Energy Performance of Buildings Directive 2024/1275/EU
Budget Line/Expert category	3 (three) Non-Key Short-Term Senior Experts
Duration of the assignment	60 working days (25 WDs for SNKE1, 20 WDs for SNKE2 and 15 WDs for SNKE3), from September 2024 until December 2024

1. Background information concerning the PLAC IV project

The overall objective of the PLAC IV is for the Serbian administration to effectively conduct accession negotiations and successfully manage overall EU integration and pre-accession assistance geared towards EU membership.

The purpose of the Project is: "to achieve a high level of effective alignment of national legislation with the Union acquis and its implementation".

PLAC IV should achieve two results:

- R1: Enhanced compatibility of national legislation with EU legislation and its effective implementation.
- R2: Enhanced capacities of 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.

Energy efficiency in the building sector is recognised as one of the most challenging and complex aspects of the Union *acquis* when it comes to harmonising national legislation with EU legal requirements and implementing policy measures adopted by EU institutions.

The Government of Serbia submitted the negotiating position for Chapter 15 – Energy (Negotiating Position) to the European Commission (EC) on June 7th, 2021. Serbia opened negotiations in Ch. 15 on December 14th, 2021, as part of Cluster 4 – Green Agenda and Sustainable Connectivity.

To progress in negotiations Cluster 4, Serbia needs to make significant efforts to further align its legislation with the energy efficiency *acquis* in Ch. 15.

Following the main conclusions from the meeting of the Sub-Committee on Transport, Energy, Environment, Climate Change and Regional Development of the Stabilization and Association Agreement, held on December 9th, 2021 (Operational conclusions, p.1), the EC invited Serbia to announce if there are any concrete actions or plans such as a National Energy and Climate Plan and the Long-Term Building Renovation Strategy that IPA can contribute to.

In order to implement Article 2a of the EPBD (recast), Serbia adopted the Long-Term Renovation Strategy for Encouraging Investments in Renovation of the National Building Stock of the Republic of Serbia by 2050 ("Official Gazette of the RS", No. 27/2022-05) in February 2022 (hereinafter referred to as the Building Renovation Strategy).

The Building Renovation Strategy indicates the need for Serbia to adopt a new methodology for calculating the energy performance of buildings, to set stricter levels of energy efficiency in buildings, i.e. new minimum energy performance requirements, to define nearly zero energy building level (NZEB), increase percentage of use of renewable energy sources (RES), to update existing system of certification of energy performance of buildings, to fortify a system of accredited expert who are responsible for EPC, and introduce a system of independent professional control and establishing penal provisions and sanctioning improper certification of the energy performance of buildings.

The Serbia Progress Report for 2023 of the European Commission states that "Serbia continued to progress in aligning with the EU *acquis* on energy efficiency by adopting 22 acts of implementing legislation under the new Law on Energy Efficiency and Rational Use of Energy, these focused on energy savings, eco-design and energy labelling frameworks." (...) "Nevertheless, only limited progress was made in aligning with the Energy Performance of Buildings Directive - Directive (EU) 2018/844 and setting up an implementing legislation framework for renovating the building stock. Serbia is missing a national calculation methodology for energy performance of buildings, nearly zero-energy buildings standards for all new public and commercial buildings, and a legislative framework for the increased use of renewable energy, such as an electric vehicle charging infrastructure." (Serbia 2023 Progress

Report, p. 132).

In conclusions from the meeting of the Sub-Committee on Transport, Energy, Environment, Climate Change and Regional Development of the Stabilization and Association Agreement, held on December 7th and 8th, 2023 (Operational conclusions, p. 5), the Ministry of Construction, Transport and Infrastructure emphasised the obligation to adopt a new methodology for calculating the energy resources of buildings, because the existing methodology is only partially aligned with the EPBD Directive.

The Draft National Programme for Adoption of Acquis 2024-2027 (NPAA) envisages the adoption of amendments to the Rulebook on the energy efficiency of buildings and the Rulebook on the conditions, content and manner of issuing certificates on the energy properties of buildings and consequently amendments to the Law on Planning and Construction, by the end of IVQ 2025 as steps to fully transpose the EPBD (recast).

Through the PLAC III technical support programme (EuropeAid/139295/DH/SER/RS; (CRIS) 2018/404-529), technical assistance for drafting amendments to the **Law on Planning and Construction** and amendments to the **Rulebook on energy efficiency of buildings** and **Rulebook on the conditions, content and manner of issuing certificates on the energy properties of buildings** has been provided, as well as in the drafting of a new bylaw - **the Rulebook on the manner of conducting an energy audit for the purpose of certification of energy performance of buildings with Annex to the Rulebook** – a detailed methodology defining steps and technical procedures of conducting an energy audit for the purpose of certification of the energy performance of buildings.

Through the development of those bylaws, it was concluded that drafting and adoption of a specific bylaw governing the determination of the level of details necessary in building energy renovation design projects is required as an appropriate measure for the full and effective implementation of EPBD. This bylaw should consider the determination of creating technical documentation related to the energy performance of buildings for both new and existing buildings.

With clearly defined content, level of detail, established methods and procedures of creating technical documentation for defining energy performance of buildings in new design projects and energy renovation design projects, it would be possible and much easier **to conduct control of technical documentation and especially to conduct independent control of energy performance certificates.**

Therefore, expert support is needed to assist the Ministry of Construction, Transport and Infrastructure (MoCTI) in drafting a rulebook defining the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings.

There is no ongoing assistance on projects for the activities covered by this ToR.

2. Description of the assignment

a. Specific objectives

The specific objective of this assignment is to assist the Ministry of Construction, Transport and Infrastructure (MCTI) and the Negotiating Group Ch. 15 (NG 15) to enhance the effective implementation and enforcement of Directive (EU) 2010/31/EU of May 19th 2010 on the energy performance of buildings as amended by Directive (EU) 2018/844 and Regulation (EU) 2018/199 (recast) and specific articles of Directive (EU) 2024/1275/EU of April 24th 2024 on the energy performance of buildings (recast), by defining all procedures and needed technical documentation in design projects which define energy performance of buildings.

In the scope of this objective, the selected experts shall assist the MCTI in developing a new **Rulebook on the content, method and procedure for creating technical documentation for the determination and improvement of the energy performance of buildings.**

In the national legal system of Serbia, there is the Rulebook on the content, method and procedure of creating and revision of technical documentation according to the class and usage type of buildings ("Official Gazette of RS", No. 96/2023), but without specific details on design projects related to energy performance of buildings.

The draft Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings must revise the existing abovementioned Rulebook in part related to energy efficiency as a more detailed bylaw on all issues concerning the content, method and procedure of creating technical documentation for determination and improvement the energy performance of buildings, for new and existing buildings.

This new system of determined technical documentation will provide easy and efficient procedures for investing in energy renovation and constructing efficient buildings that will lead the Republic of Serbia towards zero emissions.

Before drafting the Rulebook, it is necessary to analyse in detail all national regulations related to technical documentation relevant to energy performance of building, especially the Law on construction and planning ("Official Gazette of RS", No. 72/2009, 81/2009 - corrected, 64/2010 – CC decision, 24/2011, 121/2012, 42/2013 - CC decision, 50/2013 - CC decision, 98/2013 - CC decision, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 – other law, 9/2020, 52/2021 and 62/2023) and the Rulebook on the content, method and procedure of creating and revision of technical documentation according to the class and usage type of buildings ("Official Gazette of RS", No. 96/2023) and to draft legal gap analysis.

The Rulebook will cover:

I. General:

- **Title of the Rulebook;**
- **The subject of the Rulebook** - content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings;
- **Definitions** – relevant definitions aligned with the current regulation;

II. Project design technical documentation for determining and improvement of the energy performance of buildings:

- **Types of documentation** – Form, content and obligatory parts of Energy efficiency project design (including Energy efficiency project design for construction of new buildings, extension, reconstruction, adaptation, renovation and energy renovation), Form and content of Report from the energy efficiency project design, Form and content of Report on energy audits for the purpose of certification of energy performance of buildings, Energy performance of buildings certificate;
- **The procedure for creating technical documentation;**
- **Form of technical documentation;**

1. ENERGY EFFICIENCY DESIGN PROJECT (energy performance of building design project):

- **Concept and scope of the Energy Efficiency Design Project;**
- **Definition of specific parts of the Energy Efficiency Design Project** – architectural/construction part (A/C part), mechanical part (HVAC installations), power part (electric power installations), RES part;
- **The procedure for the Energy Efficiency Design Project for all phases of design and construction of works that affect the energy performance of buildings** (conditions and obligation to create an Energy Efficiency Design Project for all phases of developing the project design technical documentation – Concept design (IDR), Concept project design (IDP), Main project design (PGD), Construction works project design (PZI), Project of the constructed building (PIO);
- Content of the Energy Efficiency Design Project according to the type of performed work (construction, extension, reconstruction, adaptation, renovation and energy renovation) and complexity of the technical system (simple and complex technical system):
 - Content of the architectural/construction part (general, textual, numerical and graphic documentation),
 - Content of the mechanical part (general, textual, numerical and graphic documentation),
 - Content of the power part (general, textual, numerical and graphic documentation),
 - Content of the RES part (general, textual, numerical and graphic documentation),with a detailed list, description and elaboration of all attachments (general, textual, numerical and graphic documentation) for each separate part (A/C, mechanical, power, RES) - description of the level of detail for all documents which will be obligatory.
- **Annex** - preview of all typical graphical documents (for each specific part – A/C, mechanical, power, RES).

2. REPORT FROM THE ENERGY EFFICIENCY PROJECT:

- **Concept and content of the Report;**
- **Annex** – Form of the Report from the Energy Efficiency Project.

III. Authorised persons/organisations for the preparation of technical documentation that determines and improves the energy performance of buildings;

IV. Other issues.

MCTI shall determine the specific scope of the Rulebook in coordination with the experts.

A workshop to present the activity results to the representatives of the MCTI and NG 15 shall be held. The experts shall consider inputs from the workshop received from representatives in their final outputs.

b. Requested services

The Senior NKE 1 in the area of energy efficiency legislation is expected to provide the following services:

- a) Assist MoCTI in drafting legal gap analysis regarding technical documentation relevant to the energy performance of buildings – architectural/construction part (in collaboration with SNKE 2 and SNKE 3);
- b) Assist the MCTI in drafting the Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings - General for all chapters and architectural/construction part (in collaboration with SNKE 2 and SNKE 3); and
- c) Prepare and hold a workshop and present the assignment's output (in collaboration with SNKE 2 and SNKE 3).

The Senior NKE 2 in the area of energy efficiency legislation is expected to provide the following services:

- a) Assist MCTI in drafting legal gap analysis regarding technical documentation relevant to the energy performance of buildings – mechanical part and RES part (in collaboration with SNKE 1 and SNKE 3);
- b) Assist the MCTI in drafting the Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings - mechanical part and RES part (in collaboration with SNKE 1 and SNKE 3); and
- c) Prepare and hold a workshop and present the assignment's output (in collaboration with SNKE 1 and SNKE 3).

The Senior NKE 3 in the area of energy efficiency legislation is expected to provide the following services:

- a) Assist MCTI in drafting legal gap analysis regarding technical documentation relevant to the energy performance of buildings – power part and RES part (in collaboration with SNKE 1 and SNKE 2);
- b) Assist the MCTI in drafting the Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings - power part and RES part (in collaboration with SNKE 1 and SNKE 2); and
- c) Prepare and hold a workshop and present the assignment's output (in collaboration with SNKE 1 and SNKE 2).

c. Outputs

The outputs delivered by the Senior NKE 1 shall be as follows:

- Legal gap analysis regards technical documentation relevant to the energy performance of buildings (**architectural/construction part**)
- Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings (**General for all chapters and architectural/construction part**), drafted;
- Workshop held.

The outputs delivered by the Senior NKE 2 shall be as follows:

- Legal gap analysis regards technical documentation relevant to the energy performance of buildings (**mechanical part and RES part**)
- Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings (**mechanical part and RES part**); drafted;
- Workshop held.

The outputs delivered by the Senior NKE 3 shall be as follows:

- Legal gap analysis regards technical documentation relevant to the energy performance of buildings (**power part and RES part**)
- Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings (**power part and RES part**), drafted;
- Workshop held.

d. Reporting

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

- A brief Mission Report with a description of activities and outputs provided at the end of each month, in which tasks under this assignment have been carried out,
- Final Mission Report, no later than one week after completing tasks under this assignment. This report will include a description of all activities and outputs provided by the NKE in the context of this assignment.

Submission of reports:

- All reports prepared with the relevant quality shall be submitted to the Project Team Leader for review, comments, and final approval. The reports shall be signed by the NKE and the Team Leader responsible for endorsing them.
- The reports and all prepared documents shall be submitted to the Project Team Leader in hard copy and electronic format.

e. Specifics

The Senior NKEs shall collaborate with the Project Technical Assistance Team on preparing and drafting the Rulebook on the content, method and procedure of creating technical documentation for determining and improving the energy performance of buildings. The NKEs' 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 beneficiary.

The Senior NKEs shall ensure that the Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings is aligned with the EPBD 2010/31/EU, that is, EPBD 2024/1275/EU. The Senior NKEs shall closely coordinate the activities with the Ministry of Construction, Transport and Infrastructure and others, as relevant, to ensure that aspects related to implications of EU integration for Serbia are incorporated into all activities carried out by the Project.

3. Expert's input

Total working days	60 working days (WDs) in total have been planned for this assignment (25 WDs for SNKE 1, 20 WDs for SNKE 2, 15 WDs for SNKE 3). An additional number of WDs may be allocated for this ToR should the needs of the main beneficiary require an extension for the activity areas mentioned in this ToR.
Period of the assignment	September 2024 until December 2024.
Starting day	It is expected that the work will be performed from September 2024 onwards. However, the exact starting date will be agreed at a later stage.
Location/place of assignment	The base of operation will be in Belgrade, Serbia, and the Project will provide office facilities.
Working language	English

4. Expert's profile

Senior Non-Key Expert 1

Qualification and skills (25 points)	<ul style="list-style-type: none"> • Relevant university degree, preferably in fields related to architecture or similar relevant to the assignment; • Computer literacy; • Proficiency in report drafting; • Excellent communication and analytical skills; • Proficiency in the English language; • Independence and freedom from conflicts of interest in the undertaken responsibilities.
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 8 (eight) years of relevant professional experience; • At least 5 (five) years of experience related to the Union acquis, gained in an EU Member State, a candidate or a potential candidate country.
Specific professional experience (50 points)	<ul style="list-style-type: none"> • At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation in relation to Union acquis in the area of energy performance of buildings; • Knowledge of the Serbian legal system will be an advantage.

Senior Non-Key Expert 2

<p>Qualification and skills (25 points)</p>	<ul style="list-style-type: none"> • Relevant university degree, preferably in fields related to HVAC engineering or similar relevant to the assignment; • Computer literacy; • Proficiency in report drafting; • Excellent communication and analytical skills; • Proficiency in the English language; • Independence and freedom from conflicts of interest in the undertaken responsibilities.
<p>General professional experience (25 points)</p>	<ul style="list-style-type: none"> • Minimum 8 (eight) years of relevant professional experience • At least 5 (five) years of experience related to the Union acquis, gained in an EU Member State, a candidate or a potential candidate country
<p>Specific professional experience (50 points)</p>	<ul style="list-style-type: none"> • At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation in relation to Union acquis in the area of energy performance of buildings; • Knowledge of the Serbian legal system will be an advantage.

Senior Non-Key Expert 3

Qualification and skills (25 points)	<ul style="list-style-type: none"> • Relevant university degree, preferably in fields related to electrical engineering or similar relevant to the assignment; • Computer literacy; • Proficiency in report drafting; • Excellent communication and analytical skills; • Proficiency in the English language; • Independence and freedom from conflicts of interest in the undertaken responsibilities.
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 8 (eight) years of relevant professional experience • At least 5 (five) years of experience related to the Union acquis, gained in an EU Member State, a candidate or a potential candidate country
Specific professional experience (50 points)	<ul style="list-style-type: none"> • At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation in relation to Union acquis in the area of energy performance of buildings; • Knowledge of the 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 domi@ibf.be with a copy to bortolameazzi@ibf.be than 17:00 hrs, 15 October 2024, titled: "Application for the position – Senior Non-Key Expert 1, 2 or 3 for drafting Rulebook on the content, method and procedure of creating technical documentation for determination and improvement of the energy performance of buildings"

References must be available on request. Only short-listed candidates will be contacted.

The Project is an equal opportunity employer that encourages applications from women and minorities. All applications will be considered strictly confidential.

The advertised post is not available to civil servants or other officials of the public administration in the beneficiary country, Serbia.

For more information, please contact the Project Director at IBF: bortolameazzi@ibf.be.