

Terms of Reference (ToR) for a Short-Term assignment No. 11

Technical assistance requested:	2 (two) Senior Non-Key Experts in the area of Negotiating Ch. 15 - Energy – Independent Control of Building Energy Certificates, Building Renovation Certificates and Reports on Energy Audits for the purpose of certification of energy performance of buildings
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)
Target beneficiaries:	Negotiating Group Ch. 15; Ministry of Construction, Transport and Infrastructure
Content of the assignment:	Technical assistance in drafting the Rulebook on conditions and manner of performing independent control of Building Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification 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	Two Non-Key Short-Term Senior Experts
Duration of the assignment	35 working days (20 WDs for SNKE1 and 15 WDs for SNKE2), from October 2024 until January 2025

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 strengthening 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 in Cluster 4, Serbia needs to make significant efforts to align its legislation further with the energy efficiency *acquis* in Chapter 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 the renovation of 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 that there is an 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 amending 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 by the end of IVQ 2025, as well as amending the Law on Planning and Construction, 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 by-law, proposal of 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 energy performance of buildings.

Through the development of those by-laws, it was concluded that the independent control of energy certificates and energy audit reports for the purpose of certification of energy performance of buildings is required to ensure the timeliness, transparency, accuracy, consistency, comparability and completeness of reporting, as this is necessary for full and effective implementation of EPBD.

Therefore, expert support is needed to assist the Ministry of Construction, Transport and Infrastructure (MoCTI) in drafting a Rulebook on conditions and manner of performing independent control of Building Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification of energy performance of buildings.

There is no ongoing project assistance 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 conditions and manner of

independent control of the energy certificates and energy audit reports for the purpose of certification of energy performance of buildings.

In the scope of this objective, the selected experts shall assist the MCTI in developing a new Rulebook on conditions and manner of performing independent control of Building Energy Certificates, Building Renovation Certificates, and Reports on energy audits for the purpose of certifying buildings' energy performance.

The Rulebook will cover:

- general conditions and definitions;
- types of documentation subjected to control;
- conditions that a legal entity must fulfil to be authorised to control the building energy efficiency (for simple and complex technical systems);
- exceptions when an authorised legal entity cannot exercise control;
- duration of authorisation;
- issuing, amending and revoking authorisation on independent control;
- register of authorised control organisations;
- selection criteria of energy certificates and energy audit reports for the purpose of certification of energy performance of buildings to be subject to control;
- manner of control (scope, elements subjected to control);
- procedure after control (in case there are any inconsistencies) - ministry, investor, authorised organisation that issued the passports/report;
- control funding;
- other issues.

The specific scope of the Rulebook shall be determined with the MCTI.

A workshop that presents the activity's results to the MCTI and NG 15 representatives shall be held. The experts shall consider inputs from workshops 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 the MCTI in Drafting the Rulebook on conditions and manner of performing independent control of Buildings Energy Certificates, Building Renovation Certificates and Reports on energy audits for certification of the energy performance of buildings – **legal part** (in collaboration with SNKE 2); and
- b) Prepare and hold one workshop and present the assignment's outputs (in collaboration with SNKE 2).

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

- a) Assist the MCTI in Drafting the Rulebook on conditions and manner of performing independent control of Buildings Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification of the energy performance of buildings – **technical part and annexes** (in collaboration with SNKE 1); and

- b) Prepare and hold one workshop and present the assignment's outputs (in collaboration with SNKE 1).

c. Outputs

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

- The Rulebook on conditions and manner of performing independent control of Buildings Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification of energy performance of buildings – legal part, drafted;
- Workshop held.

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

- The Rulebook on conditions and manner of performing independent control of Buildings Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification of energy performance of buildings – technical part, drafted;
- A detailed form with defining steps and procedures for control of Building Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification of energy performance of buildings, drafted:
 - Annex 1: Form of the request for issuing a decision on passports/report on conducted energy audit for the purpose of certification of energy performance of buildings control;
 - Annex 2: Form of the report on control of the Energy performance certificate;
 - Annex 3: Form of the report on control of the Building renovation certificate;
 - Annex 4: Form of the report on control of the Report on conducted energy audit for the purpose of certification of energy performance of buildings;
- Workshop held.

d. Reporting

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

- 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 the preparation and drafting of the Rulebook on conditions and manner of performing independent control of Building Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification of energy performance of buildings. The NKE's activities and outputs mentioned above may be adjusted by the Team Leader at any stage during the implementation of the Project, depending on the evolving needs of the Project and the main beneficiary.

The Senior NKEs shall ensure that the Rulebook on conditions and manner of performing independent control of Buildings Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification of 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	35 working days (WDs) in total have been planned for this assignment (20 WDs for SNKE 1 and 15 WDs for SNKE 2). 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	October 2024 until January 2025.
Starting day	The work is expected to be performed from October 2024 onwards. However, the exact starting date will be agreed upon later.
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

<p>Qualification and skills (25 points)</p>	<ul style="list-style-type: none"> • Relevant university degree, preferably in fields related to law, architecture, 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 2

Qualification and skills (25 points)	<ul style="list-style-type: none"> • Relevant university degree, preferably in fields related to architecture, 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 or 2 for drafting the Rulebook on conditions and manner of performing independent control of Buildings Energy Certificates, Building Renovation Certificates and Reports on energy audits for the purpose of certification of 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 public administration officials in Serbia, the beneficiary country.

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