

Terms of Reference (ToR) for a Short-Term assignment No. 12

Technical assistance requested:	<p>One (1) Senior Non-Key Expert in the area of financial market infrastructure and</p> <p>One (1) Junior Non-Key Expert in the area of financial market infrastructure</p>
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 beneficiary	Central Securities Depository and Clearing House – CSD&CH
Content of the assignment:	<p>Technical assistance to ensure the transposition and implementation of the following EU acquis by drafting internal acts of the Central Securities Depository and Clearing House:</p> <ul style="list-style-type: none"> • Regulation 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012; • Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems.
Budget Line/Expert category	<p>Non-Key Short-Term Senior Expert</p> <p>Non-Key Short-Term Junior Expert</p>
Duration of the assignment	<p>30 working days for Non-Key Senior Expert</p> <p>30 working days for Non-Key Junior Expert</p>

1. Background information in relation to 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 project's purpose 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 the area of financial market infrastructure, the Republic of Serbia has focused on implementing the Capital Market Development Strategy 2021-2026. It adopted the Law on Capital Market, which has been applied since January 2023, following the adoption of implementing legislation by the Securities Commission in July 2022. By implementing the Capital Market Law and associated bylaws, Serbia aims to align with the Directive on settlement finality in payment and securities settlement systems. While there is a high level of compliance of Serbian law with the EU *acquis* concerning capital markets in some areas (Directive 98/26/EC – regarding settlement finality), further alignment is necessary by adopting internal acts of the Central Securities Depository and Clearing House – CSD&CH, namely Operating Rules and Tariff Rulebook of CSD&CH.

Furthermore, the full implementation of Regulation 909/2014/EU on improving securities settlement in the European Union and on central securities depositories - CSD is necessary before Serbia's EU accession. The regulation notably introduces the following elements concerning CSD operation:

- Shorter settlement periods, which should, in general, take place no later than the second business day after the trading occurs;
- An obligation to record in book-entry form all transferable securities admitted to trading or traded on the trading venues;
- Strict organisational, conduct of business and prudential requirements for CSDs;
- A settlement discipline regime to deal with settlement failures. CSDs must operate a cash penalties system and are subject to reporting requirements regarding settlement failures. Participants are subject to mandatory buy-ins;
- A passport system allowing authorised CSDs to provide their services across the EU, subject to certain passporting requirements.

Considering the complexity of this regulation, CSD&CH must take the necessary steps to formulate and adopt internal legal acts to fully implement it.

2. Description of the assignment

a. Specific objectives

The specific objective of this assignment is to assist the CSD&CH with the transposition and implementation of Regulation 909/2014 EU and Directive 98/26/EC. Support is sought in the first phase in preparing a Gap analysis and implementing a workshop.

b. Requested services

The Senior NKE and the Junior NKE are expected to provide the following services:

- a) Considering that the draft Capital Market Law was the result of the PLAC II Project and the Law has been implemented in the meantime, the experts need to analyse the present legislation of the Republic of Serbia and internal acts of CSD&CH and assess the level of compliance of the present legislation and CSD&CH internal acts with the above-mentioned Directive and Regulation, in the form of a written Gap analysis,
- b) Based on the Gap analysis, the Senior NKE and the Junior NKE are expected to prepare and hold at least one workshop for the Central Securities Depository and Clearing House staff.

c. Outputs

The Senior NKE and the Junior NKE are expected to deliver the following outputs:

- A Gap analysis of the national legislation concerning capital market infrastructure and CSD&CH institutional set-up with the relevant EU acquis and EU best practices is drafted.
- A workshop is implemented to present the identified gaps and EU best practices.

d. Reporting

The NKEs 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 completion of 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 form.

e. Specifics

The NKEs shall collaborate with the Project Technical Assistance Team to prepare the written Gap analysis and implement a workshop. The Team Leader may adjust the NKE's activities and outputs mentioned above at any stage in the project's implementation, depending on the evolving needs of the Project and main beneficiary.

The NKEs shall closely coordinate the activities with the Central Securities Depository and Clearing House 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	30 working days for Non-Key Senior Expert and 30 working days for Non-Key Junior Expert have been planned for this assignment. 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 - March 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 NKE

Qualification and skills (25 points)	<ul style="list-style-type: none"> • A university degree (where a university degree has been awarded on completion of three years of study in a university or equivalent institution) in law/economic science/finance and other relevant to the assignment. A master's degree in these fields will be considered as an asset. • Proficiency in English language • Computer literacy (MS Office applications) • Excellent analytical, interpersonal and communication skills
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 10 (ten) years of postgraduate professional experience in the field of financial markets infrastructure, preferably gained in an EU member state, including a minimum 5 (five) years of postgraduate professional experience in a Central Securities Depository, preferably in an EU member state.
Specific professional experience (50 points)	<ul style="list-style-type: none"> • Proven professional experience in the field of harmonisation of legislation with the EU acquis related to Chapter 9 – Financial Services - financial markets infrastructure, within EU member and candidate states of at least 5 (five) years • Previous professional experience and/or knowledge of the legislation of the Republic of Serbia in the respective area would be an advantage.

JUNIOR NKE

Qualification and skills (25 points)	<ul style="list-style-type: none"> • A university degree (where a university degree has been awarded on completion of three years of study in a university or equivalent institution) in law/economic science/finance and other relevant to the assignment. • Proficiency in English language • Computer literacy (MS Office applications)
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 5 (five) years of postgraduate professional experience in the field of financial markets infrastructure, preferably gained in an EU member state, including a minimum 2 (two) years of postgraduate professional experience in a Central Securities Depository, preferably in an EU member state
Specific professional experience (50 points)	<ul style="list-style-type: none"> • Proven professional experience in the field of harmonisation of legislation with the EU acquis related to Chapter 9 – Financial Services - financial markets infrastructure, preferably within EU member states of at least 2 (two) years; • Previous professional experience and/or knowledge of the legislation of the Republic of Serbia 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 domi@ibf.be with a copy to bortolameazzi@ibf.be by 17:00 hrs, 31 October 2024, titled: "Application for the position – Senior/Junior Non-Key Expert in the area of financial market infrastructure".

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