



Policy and Legal Advice Centre (PLAC IV)

Terms of Reference (ToR) for a Short-Term assignment

No. 20

Technical assistance requested:	One (1) Senior Non-Key Expert in the area of Ch. 3 - Right of Establishment and Freedom to Provide Services, Postal Services
Project Title:	Policy and Legal Advice Centre (PLAC IV), Serbia
Ref:	NEAR/BEG/2023/EA-RP/0175
Service Contract No:	(CRIS) 2024/453-315
Main beneficiary:	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Target beneficiaries	Negotiating Group Ch. 3; The Ministry of Information and Telecommunications (MoIT)
Budget Line/Expert category	Senior Non-Key Expert
Duration of the assignment	25 working days (WD) for SNKE, from April 2025 – October 2025

1. Relevant background information

Background information in relation to the PLAC IV project:

The scope of the PLAC IV project is to provide support to relevant national institutions in charge of the alignment of national legal acts with Union acquis and to contribute to further building of capacities of relevant national structures for successful carrying out of accession negotiations.

The PLAC IV 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 the 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.



2. Background information in relation to Chapter 3 - Right of Establishment and Freedom to Provide Services

Union acquis in Chapter 3 provides EU natural and legal persons with the right to establish themselves in any Member State and to provide cross-border services. In the postal sector, EU rules provide for establishing an internal market for postal services and a gradual opening up of postal services to competition.

In the Republic of Serbia, the Ministry of Internal and Foreign Trade (MIFT) is the competent authority for Chapter 3. The Ministry of Information and Telecommunication (MIT) is a competent authority for electronic communications and postal services. The Regulatory Authority for Electronic Communications and Postal Services (RATEL) is the national regulatory authority in the field of postal services.

Serbia 2022 Country Progress Report issued by the European Commission states that Serbia is moderately prepared in the areas covered by Ch. 3. Limited progress was made on the right of establishment and freedom to provide services with the further alignment of sectoral laws with the EU acquis and the adoption of the Strategy for the development of postal services for the period 2021-2025 (the “Strategy”)

Serbia should, in particular, “complete alignment of sectoral laws with the horizontal law and the Union acquis” and “continue making progress on the alignment of national legislation with the EU postal acquis and further strengthen the capacity of the postal services inspectorate” (Serbia 2022 Country Progress Report, p. 91). The 2024 Report for Serbia provides a similar assessment: “The national legislation remains to be aligned with the Regulation on cross-border parcel delivery services. Serbia should complete the alignment with the EU postal acquis and ensure compliance with the new postal market rules.”

A legal gap analysis of the Law on Postal Services (*Official Gazette of the RS*, No. 77/19), which entered into force in November 2019, was completed under the PLAC III Project in December 2021. The gap analysis established that the law is partly aligned with the Postal Service Directive and maintains a reserved area for the provision of universal service (Serbia 2022 Country Progress Report, p. 91). Full harmonisation was achieved with Directive 97/67/EC on common rules for developing the internal market of Community postal services and the improvement of quality of service as amended by Directive 2002/39/EC. However, Directive 2008/6/EC (Third Postal Directive) amending Directive 97/67/EC remains to be fully transposed. In addition, Serbia needs to align its national legislation further with Regulation (EU) 2018/644 on cross-border parcel delivery services (Serbia 2022 Country Progress Report, p. 91).

In this regard, the basis for drafting the Draft on Amendments to the Law on Postal Services was prepared under the PLAC III Project in February 2024. Adopting the Law on Amendments to the Law on Postal Services was planned for December 2024, following the deadline set in the National Program for the Adoption of the European Union's Acquis (NPAA) 2024-2027. Accordingly, MIT formed a working group for drafting the Law on Amendments to the Law on Postal Services, which includes representatives of the MIT, RATEL, the Public Postal Operator, the Chamber of Commerce of Serbia, the Ministry of Finance, the Ministry of



Economy, MIFT, the Commission for Protection of Competition and the Commission for Control of State Aid and universities in the field of postal traffic, etc.

Accordingly, the Working Group carried out activities to draft the Law on Amendments and Supplements to the Law on Postal Services. This act aims, among other things:

1. harmonisation with the EU legal framework: the EU legal framework consists of three postal directives (from 1997, 2002 and 2008) and the EU Regulation 2018 on cross-border parcel delivery services - the existing Law on Postal Services is fully harmonised with the first, second and most of the provisions of the third directive. It was necessary to implement the remaining provisions of the third directive, as well as the aforementioned Regulation;
2. redefining the scope of the universal postal service in accordance with the needs of citizens, as well as finding ways to improve financing to ensure its sustainability as a service of general interest;
3. simplification and shortening of the procedures for starting the activity of postal services;
4. raising the level of protection of users of postal services by improving the complaint procedure, methods of compensation for damages, etc.;
5. reduction of the number of by-laws to increase transparency, simplify users' access to postal regulations, facilitate the performance of activities and facilitate the protection of users' rights;
6. creation of a legal framework for digitalising the process in order to apply new technologies and modern postal equipment, by improving provisions of the Law related to reception and delivery to enable the reception and delivery of packages via parcel machines/automated machines, as well as the application of all new digital technologies in postal activity.

During the drafting of the text of the Draft Law on Amendments and Supplements to the Law on Postal Services, more than half of the total number of articles of the law were changed in relation to the existing Law on Postal Services, which is why it was decided to draft the new Law on Postal Services.

Regarding all the above, a public discussion on the Draft Law on Postal Services was held from October 16 to November 5, 2024. The new Law on Postal Services was adopted on March 6, 2025.

Bearing in mind that the Strategy for developing postal services in the Republic of Serbia for 2021-2025 (*Official Gazette of the RS*, 68/2021) is limited to five years, and its Action Plan also refers to the period 2021-2025, it is necessary to establish a new strategic framework for postal activities for the period 2026-2030, in a form of Program that is a planning document of public policies as determined in the Draft Law on Postal Services.

The new postal program aims to develop the postal services market in the Republic of Serbia and integrate it with the single European market. Based on this, a new strategic goal for ensuring accessible, reliable, and efficient postal services in RS following EU Directives and recommendations of the Universal Postal Union has to be defined.

The specific objective of this assignment is to provide expert assistance to the MIT and Negotiating Group in Ch. 3 (NG 3) in drafting a Program for the development of postal services in the Republic of Serbia 2026-2030.



3. Description of the assignment

3.1 Specific objectives

The specific objective of this assignment is to assist the MIT in full alignment of postal legislation with Directive 2008/6/EC (Third Postal Directive) and Regulation (EU) 2018/644 on cross-border parcel delivery services and in achieving its full compliance with mandatory requirements of the non-postal Union acquis (consumers rights, State aid, customs regulations, transport of postal items with dangerous goods by air, etc.) that have direct impact on the postal services market.

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

- a. Drafting a Program for developing postal services in the Republic of Serbia for 2026-2030;
- b. Drafting an Action plan for the implementation of the Program for the period 2026-2030;
- c. Organizing a workshop to present the assignment results to the MIT and representatives of NG 3.

The selected expert shall take into account the results of previous PLAC III assignments to deliver the outputs of this assignment.

3.2 Requested services

The Senior NKE is expected to provide the following services:

1. Assist MIT in drafting a Program for developing postal services in the Republic of Serbia for 2026-2030;
2. Assist MIT in drafting an Action plan for the implementation of the Program for the period 2026-2030;
3. Deliver a workshop presenting outputs of the assignment to MIT and representatives of NG 3.

3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Program for the development of postal services in the Republic of Serbia for the period 2026-2030 drafted;
2. Action plan for the implementation of the Program for the period 2026-2030 drafted;
3. 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 one week after completing tasks under this assignment. This report will include a 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:

- A draft mission report shall be submitted to the Team Leader of the Project for review and comments at the end of the mission.
- A final version of the mission report prepared with the agreed-upon quality shall be submitted to the project Team Leader for review, comments, and final approval.
- The reports shall be signed by SNKE 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.

3.5 Specifics

SNKE shall work under the guidance and instructions of the Team Leader and collaborate with the project team, other experts involved, and representatives of the relevant beneficiary institutions.

The timing and duration of each short-term mission shall be agreed upon with the Beneficiary and the PLAC team before each planned mission.

3.6 Expert's input

Total working days	25 working days for Senior Non-Key Expert have been planned for this assignment.
Period of the assignment and Starting day	The work is expected to be performed between April 2025 and October 2025. However, the exact starting date will be agreed upon later.
Location/place of assignment	The SNKE has to deliver 100% of the input in Belgrade, Serbia, unless otherwise agreed due to extraordinary circumstances.
Working language	English



4. Expert's Profile - Senior NKE in the field of postal services (25 WD):

<p>Qualification and skills (25 points)</p>	<ul style="list-style-type: none"> • A level of education, which corresponds to completed university studies of at least 3 years attested by a diploma such as law 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
<p>General professional experience (25 points)</p>	<ul style="list-style-type: none"> • At least 8 (eight) years of general postgraduate professional experience in the field of postal services gained in an EU Member State, candidate, or potential candidate country
<p>Specific professional experience (50 points)</p>	<ul style="list-style-type: none"> • At least 3 years of previous professional experience related to harmonisation with Union acquis in Chapter 3 gained in an EU Member State, candidate, or potential candidate country • Knowledge of the legal system of the Republic of Serbia will be an advantage

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to bortolameazzi@ibf.be or domi@ibf.be, no later than 17:00 hrs, 24 March 2025, titled:

“Application for the position – Senior NKE in the area of Negotiating Ch. 3, Right of Establishment and Freedom to Provide Services, Postal Services – Third Directive on Postal Services to provide services”

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.

Please note that pre-selected experts are requested to sign a Statement of Availability (SoA) to acknowledge and confirm their availability to accomplish this assignment within the indicated period, at the indicated starting date (if any), and within the number of working days requested.