



### 3 Policy and Legal Advice Centre (PLAC IV)

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

#### No. 28

<b>Technical assistance requested:</b>	One (1) Senior Non-Key Expert in the area of Ch. 28 - Consumer and health protection – consumer protection
<b>Project Title:</b>	Policy and Legal Advice Centre (PLAC IV)
<b>Ref:</b>	NEAR/BEG/2023/EA-RP/0175
<b>Service Contract No:</b>	(CRIS) 2024/453-315
<b>Main beneficiary:</b>	The Ministry of European Integration (MEI)
<b>Direct beneficiary:</b>	The Ministry of Internal and Foreign Trade (MIFT)
<b>Content of the assignment:</b>	Technical assistance in preparing a Regulatory Impact Assessment, an Explanatory Note and a Report on the Public Debate on the Law on Consumer Protection.
<b>Budget Line/Expert category</b>	Non-Key Short-Term Senior Expert
<b>Duration of the assignment</b>	20 working days, from February until July 2025

#### 1. Background information in relation to the PLAC IV project

The overall objective of the PLAC IV project 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 aims 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

The Negotiation Chapter 28 – Consumer and health protection concerns protecting citizens' interests, notably the protection of consumers' safety and economic interests, and public health. The *acquis* in this area include legislation on product safety and the EU's Rapid Alert System (RAPEX), cross-border enforcement cooperation, consumer redress, injunctions for the protection of consumer interests, sale of consumer goods and associated guarantees, unfair contract terms, price indications, consumer rights, distance marketing of financial



services, consumer credit, misleading and comparative advertising, unfair commercial practices, timeshare contracts, and package travel.

The Ministry of Internal and Foreign Trade – MIFT leads the negotiation group to conduct negotiations within Chapter 28. Analytical review and conformity assessment of the acquis, i.e. the explanatory meeting for Chapter 28 was held in December 2014, while the bilateral one was in February 2015. As a result of those meetings, the Screening report was delivered in June 2016. As regards consumer protection, it was stated that a general framework is in place. Still, the enforcement of consumer rights and implementation of consumer policies need to be further improved, as well as cooperation between line ministries and consumer organisations. The report resulted in no benchmarks being required to open negotiations, and Serbia has been invited to prepare and present the Negotiation Position for Chapter 28. The Negotiating Position was forwarded to the European Commission in February 2022.

The Law on Consumer Protection („Official Gazette of RS“, No. 88/2021) came into force on December 22<sup>nd</sup> 2021. It is harmonised with the following directives: Directive 2011/83/EU on consumer rights, Directive 93/13/EEC on unfair terms in consumer contracts, Directive 1999/44/EC on sale of consumer goods, Directive 90/314/EEC on package travel, Directive 2008/122/EC on timeshare contracts, Directive 85/374/EEC on liability for defective products, Directive 2009/22/EC on injunctions, Directive 2005/29/EC concerning unfair business-to-consumer commercial practices (UCPD) and Directive 2013/11/EU on consumer ADR. Also, the Law achieved a partial harmonisation with the Directive 2009/72/EC (Common rules for the internal market in electricity), Directive 2009/73/EC (Common rules for the internal market in natural gas), and Directive 2002/22/EC (Universal service and users' rights relating to electronic communications networks and services) in the Chapter X - Services of general economic interest, while sectorial laws are designed to be aligned with those Directives.

A legal gap analysis of the Law on Consumer Protection was finalized during the IPA 2018 Project “Reinforcement of consumer protection in Serbia as a response to the new market challenges”. The gap analysis and assessment of the Law on Consumer Protection and its rulebooks focused on recommendations for further alignment with the following directives: Directives (EU) 2019/2161 (Modernisation Directive), 2019/771 (new Consumer Sales Directive), 2020/1828 (Representative Action: limited to the aspect of injunction).

In 2023, the procedure for drafting the new Law on Consumer Protection started with establishing the Working group for drafting the Law and launching the public consultations within the drafting process, which ended on September 15, 2023. It should be noted that Directive 2015/2302/EU on package travel and linked travel arrangements has been partially transposed into the draft Law on Consumer Protection. The MIFT plans to achieve full compliance through sectorial law – Law on Tourism to be drafted during the NPAA 2024-27 implementation. It will result in excluding Chapter XI - Protection of consumers in exercising their rights stemming from contracts on tourist travel and timeshare - from the Law on Consumer Protection.

The National Programme for the Adoption of the Acquis (NPAA) 2024- 2027 obliged the MIFT to take measures necessary for full harmonisation of national legislation with three EU Directives - Directive 2019/2161 on modernisation of Union consumer protection rules, Directive 2019/770 on contracts for the supply of digital content and digital services, Directive 2019/771 on contracts for the sale of goods by III Q 2025. However, due to the



accelerated integration process, the new deadline for II Q 2025 is set, resulting in the accelerated procedure for adopting the Law. The draft Law on Consumer Protection is completed and fully harmonised with the named three directives. The remaining steps in the legislative process are the preparation of the Public Debate Report, the Regulatory Impact Assessment and the Explanatory Note of the Law.

## **2. Description of the assignment**

### **a. Specific objectives**

The specific objective of this assignment is to draft and finalise the Regulatory Impact Assessment, the Report on the Public Debate and the Explanatory Note on the Law on Consumer Protection. Achieving the said objective requires the Public Policy Secretariat to approve the final version of the Regulatory Impact Assessment of the draft Law before sending the Law accompanied by the necessary documents to the relevant stakeholders to obtain their opinion.

### **b. Requested services**

The requested Senior NKE is expected to provide the following services:

- a) Producing the Regulatory Impact Assessment of the Law on Consumer Protection approved by the Public Policy Secretariat;
- b) Producing the Explanatory Note on the Law on Consumer Protection;
- c) Producing the Report on the Public Debate on the Law on Consumer Protection.

### **c. Outputs**

The outputs delivered by the NKE shall be as follows:

- Regulatory Impact Assessment approved by the Public Policy Secretariat (in Serbian, with a resume in English)
- Report on the Public Debate (in Serbian, with a resume in English)
- Explanatory Note on the Law on Consumer Protection (in Serbian, with a resume in English)

### **d. Reporting**

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

- Brief Mission Report with 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 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 Senior NKE shall collaborate with the Project Technical Assistance Team on the preparation and implementation of the Regulatory Impact Assessment, the Explanatory Note Report, and the Report on the Public Debate on the Law on Consumer Protection. The NKE's activities and outputs mentioned above may be adjusted by the Team Leader at any stage in the project's implementation, depending on the evolving needs of the Project and main beneficiary.

The Senior NKE shall ensure that outputs are aligned with the Law on Planning System, accompanying Regulations, and Rules of Procedure of the Government. The Senior NKE shall closely coordinate the activities with the competent departments of the Ministry of Internal and Foreign Trade 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	20 working days (WDs) 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	From February until July 2025.
Starting day	The work is expected to be performed from February 2025 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

<p><b>Qualification and skills (25 points)</b></p>	<ul style="list-style-type: none"> <li>• University degree: LLM, Law graduate or the relevant equivalent to that title</li> <li>• Excellent analytical, interpersonal and communication skills</li> <li>• Proficiency in English language</li> <li>• Be proficient in report drafting</li> <li>• Computer literacy (MS Office applications)</li> </ul>
<p><b>General professional experience (25 points)</b></p>	<ul style="list-style-type: none"> <li>• At least 8 (eight) years of experience in participation in the legislative process in an EU country, candidate or potential candidate country;</li> </ul>
<p><b>Specific professional experience (50 points)</b></p>	<ul style="list-style-type: none"> <li>• At least 5 (five) years of professional experience related to drafting documents required in the legislative process</li> <li>• At least 3 (three) years of experience related to harmonisation with Union acquis concerning the internal market</li> <li>• Knowledge of the legal system of the Republic of Serbia will be an advantage</li> <li>• Knowledge of the Serbian language will be an advantage.</li> </ul>

#### 5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to [domi@ibf.be](mailto:domi@ibf.be) with a copy to [bortolameazzi@ibf.be](mailto:bortolameazzi@ibf.be) no later than 17:00 hrs, 11 February 2025, titled: "Application for the position – Senior Non-Key Expert in the area of Ch. 28 - Consumer and health protection – consumer protection"

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](mailto:bortolameazzi@ibf.be)