

## Policy and Legal Advice Centre (PLAC III)

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

<b>Technical assistance requested:</b>	1 (one) Senior Non-Key Expert in the area of Negotiating Ch. 15, Energy, risk-preparedness in the electricity sector (Regulation (EU) No 941/2019)
<b>Project Title:</b>	Policy and Legal Advice Centre (PLAC III), Serbia
<b>Ref:</b>	EuropeAid/139295/DH/SER/RS
<b>Service Contract No.:</b>	(CRIS) 2018/404-529
<b>Main beneficiary:</b>	The Ministry for European Integration of the Republic of Serbia
<b>Target Beneficiaries:</b>	Negotiating Group Ch. 15; Ministry of Energy and Mining
<b>Budget Line/Expert Category:</b>	One Senior Non-Key Expert
<b>Duration of the assignment:</b>	30 working days, from January until July 2023

### 1. Relevant background information

#### Background information in relation to the PLAC III project:

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

The PLAC III 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 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. Upon completion of the screening process in 2015, the Serbian public administration has entered into much more demanding and obliging exercises of accession negotiations, whereby each step and every decision should result in approaching actual membership in the EU. For this scenario to happen in accordance with planned dynamics, preparedness and adequate institutional capacity of public administration with highly competent staff are of crucial importance. In the core period of the negotiations, the PLAC III project shall support domestic line institutions and the negotiating structures both in the performance of quality operational work in relation to the harmonisation process and in the effective coordination during various stages and phases in the process for different negotiation chapters.

## 2. Background information in relation to Chapter 15 – Energy

In accordance with the Treaty on the Establishment of the Energy Community that entered into force in 2006, through the body of the Energy Community (EnC), the European Commission constantly monitors and reports on the degree of compliance of the Republic of Serbia's national legislations in the field of energy with the Union acquis.

The importance of the field of energy in the Treaty was confirmed by the Stabilization and Association Agreement (signed in 2008 and entered into force in 2013), which highlighted the necessity of regional cooperation in the energy field with the aim of gradual integration into the energy market of Europe.

In accordance with the new EU methodology for accession negotiations, Chapter 15 is a part of Cluster 4 – Green Agenda and Sustainable Connectivity. Cluster 4 includes four chapters: 14 - Transport policy, 15 - Energy, 21 - Trans-European networks and 27 - Environment and climate change. This cluster is the core of the Green Agenda for the Western Balkans, which Serbia approved in November 2020 and which is closely related to the Economic Program reforms of the Republic of Serbia and to the European Economic and Investment Plan for Western Balkans adopted by the European Commission.

The country progress report of the European Commission (EC) for Serbia for 2021 (Serbia 2021 Progress Report), states that in Cluster 4 Serbia has achieved limited progress, with the exception of energy and climate, in which Serbia increased the level of compliance with the EU acquis. In Chapter 15, Serbia has achieved good progress. In 2021, new legal regulations were adopted in the field of energy, which increased alignment with the EU, especially in the field of renewable energy. The level of alignment with the EU *acquis* on security supply has been assessed as high.

During the first half of 2021, Serbia submitted action plans on oil stocks and for the separation of activities in the gas sector, thus fulfilling the remaining conditions for opening the negotiations in Cluster 4 which opened on 14 December 2021.

Serbia transposed Directive 2005/89/EC concerning measures to safeguard the security of the electricity supply and infrastructure investment by Energy Law ("Official Gazette of RS", no. 145/14 and 95/18-dr.law).

However, Serbian legislation has not yet been aligned with Regulation (EU) 941/2019 of the European Parliament and of the Council on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC adopted by the European Parliament and the Council of the European Union on 5 June 2019 and entered into force on 4 July 2019.

Namely, Directive 2005/89/EC establishes the necessary measures that the Member States need to take in order to ensure the security of the electricity supply in general. The provisions of this Directive have largely been superseded by subsequent EU legislation regarding, in particular, the manner of the electricity market's organisation in order to ensure the availability of sufficient capacity, transmission system operator's cooperation to guarantee system stability, and ensuring that the appropriate infrastructure is in place.

Regulation (EU) 941/2019 addresses a specific issue of electricity crisis prevention and management. It also establishes common provisions for risk assessment, risk preparedness plans, managing electricity crises, evaluation and monitoring.

In order to fulfil the obligations which are undertaken by the Treaty establishing Energy

Community (decision of the Ministerial Council of the Energy Community 2021/13/MC-EnC dated 30.11.2021) and in line with the National Programme for the Adoption of Acquis 2022-2025 (NPAA, Section 3.15.1), the Republic of Serbia must bring into force the laws, regulations and administrative provisions necessary to comply with EU Regulation No 941/2019 by 31 December 2023.

Serbian legislation shall be aligned with the Regulation (EU) 941/2019 by means of the amendments of the Energy Law (Official Gazette of the RS, No. 145/2014, 95/2018 – other law and 40/2021) and adoption of the new by-law act.

Therefore, the outputs of this assignment (the legal gap assessment and preparation of a new draft law amending the Energy Law and new draft by-law act) will contribute to the progress in the accession negotiations in Cluster 4 and Ch. 15 and to the enforcement of the security supply in the electricity sector in compliance with all requirements of Regulation (EU) 941/2019 and decision of the Ministerial Council of the Energy Community 2021/13/MC-EnC.

At present, there are no ongoing or planned assistance projects for the activities covered by this ToR.

### **3. Description of the assignment:**

#### **3.1 Specific objectives**

The specific objective of this assignment is to provide assistance to the Ministry of Mining and Energy (MoME) and the Negotiating Group for Ch. 15 in order to align Serbian legislation governing the security of the supply in the electricity sector with Regulation (EU) 941/2019 and to comply with the obligation which Serbia undertook in accordance with the Treaty establishing the Energy Community and decision of the Ministerial Council of the Energy Community 2021/13/MC-EnC adopted on 30 November 2021.

Expert support to the MoME is required in drafting harmonised legislation on the security of the supply in the electricity sector in order to be fully compliant with the relevant Union acquis and fulfil the obligations established by the decision of the Ministerial Council of the Energy Community.

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

Assist the MoME in conducting the legal gap assessment, drafting and updating the Table of Concordance for Regulation 941/2019 based on the gap analysis, drafting the amendments of the Energy Law and new by-law in order to fully align the Serbian legislation with Regulation (EU) 941/2019. At the end of the activity, a workshop presenting the legal gap assessment, new drafts of the legislation and their implementation shall be held.

#### **3.2 Requested services**

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

1. Assist the MoME in drafting the following:
  - a. Legal gap analysis of Regulation (EU) 941/2019 with a report on best practices relevant to Serbia (from at least three Member States) and recommendations on methods for its full implementation;

- b. Table of Concordance having regard to the provisions of Regulation (EU) No 941/2019;
  - c. Amendment of the Energy Law fully harmonised with Regulation (EU) No 941/2019;
  - d. Government's decree fully harmonised with Regulation (EU) 941/2019;
  - e. Updated Table of Concordance having regard to the provisions of the drafted amendments of the Energy Law and draft Government's decree;
2. At the end of the assignment, to prepare and hold a workshop and present the outputs of the assignment.

### 3.3 Outputs

The Senior NKE is expected to deliver the following outputs:

1. Legal gap analysis with a report on best practices and recommendations to achieve full implementation of Regulation (EU) 941/2019 drafted;
2. Table of Concordance on Regulation (EU) 941/2019 drafted;
3. Amendment on Energy Law drafted;
4. Government's decree drafted;
5. Table of Concordance on Regulation (EU) 941/2019 having regard to the provisions of the draft Energy Law and draft Government's decree drafted
6. Workshop held.

### 3.4 Reporting

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

- A Final Mission Report, no later than 1 week after the completion of 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 request of the PLAC III team: TL and/or KE2.

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 in the agreed quality shall be submitted to the Team Leader of the Project for review, comments and final approval;
- The reports shall be signed by the SNKE and the Team Leader, responsible for endorsing the reports;
- The reports and all prepared documents shall be submitted in a hard copy and electronic version to the Team Leader of the Project.

### 3.5 Specifics

The SNKE shall work under the guidance and follow the instructions of the PLAC III Team Leader. The SNKE shall collaborate with the Project team, other experts involved and representatives of the relevant Beneficiary institutions.

For each of the short-term missions, the timing and duration shall be agreed upon with the Beneficiary and the PLAC III team prior to each planned mission.

### 3.6 Expert input

#### 3.6.1 Total working days

30 working days (WDs) in total have been planned for the Senior Non-Key Expert for this assignment.

#### 3.6.2 Period of the assignment and starting day

It is expected that the work will be performed through several missions during the period from January until July 2023. However, the starting date will be confirmed at a later stage.

#### 3.6.3 Location/place of assignment

The SNKE must deliver 100% of the input in Serbia, unless otherwise agreed due to extraordinary circumstances (i.e., COVID-19). All home-based days are subject to prior approval by the EU Delegation Project Manager responsible for the PLAC III project.

#### 3.6.4 Working language

English

## 4. Experts' profile – Senior NKE (30 working days):

### 4.1 Qualifications and skills (25 points)

- A level of education which corresponds to completed university studies of at least 3 years, attested by a diploma such as law, economy, energy 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.

### 4.2 General professional experience (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to the EU *acquis*, gained in an EU Member State, a candidate or a potential candidate country

#### 4.3 Specific professional experience (50 points)

- At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation in relation to EU *acquis* in the electricity sector;
- Knowledge of the Serbian legal system will be an advantage.

#### 5. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to [mbayard@dmiassociates.com](mailto:mbayard@dmiassociates.com) and mail to [akhani@dmiassociates.com](mailto:akhani@dmiassociates.com) no later than 9 December 2022, 17:00 hrs, titled:

**“Application for the position – Senior NKE in the area of Energy, Ch. 15, risk-preparedness in the electricity sector”.**

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

Pre-selected experts will be requested to sign a Statement of Availability (SoA) in which they acknowledge and confirm their availability to accomplish this assignment within the indicated period, at the indicated starting date and within the number of working days requested.

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.

For more information, please contact the Project Manager at DMI Associates Marion Bayard: mail to [mbayard@dmiassociates.com](mailto:mbayard@dmiassociates.com) or Arianne Khani: mail to [akhani@dmiassociates.com](mailto:akhani@dmiassociates.com).

#### 6. Disclaimer

The implementation of the requested technical assistance and the start of the short-term assignment is subject to the signing and entry into force of the addendum to Service Contract No. (CRIS) 2018/404-529 between the Contracting Authority and the Contractor on the extension of the period of implementation of the tasks of the Policy and Legal Advice Centre (PLAC III) project under IPA 2021 framework.