

Development of System for Management of Cohesion Policy

Terms of Reference for Assignment of a Senior Non-Key Expert on Legal Framework

1. Background

This assignment is to be carried out within the framework of project titled “Development of System for Management of Cohesion Policy” financed by European Union under IPA, having as Project Partner and Main Beneficiary the Ministry of European Integration.

The Project started on 11 July 2019 and will last till 10 July 2024.

Contracting Authority for above-mentioned project is the **EU Delegation to the Republic of Serbia**.

Service Contractor is **GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH**.

The overall objective is to prepare the Serbian public administration for effective implementation of the EU Cohesion Policy in the Republic of Serbia. The purpose of the contract is to set up and enhance the capacities of all relevant stakeholders for timely and efficient preparation, implementation, monitoring and evaluation of programmes and projects supported by Structural Funds and Cohesion Fund.

The results to be achieved by the Contractor are as follows:

Result 1: Legal and institutional framework for implementation of EU Cohesion Policy in place.

Result 2: Relevant planning and programming documents for EU Cohesion Policy prepared.

Result 3: Capacities of institutions and bodies nominated for implementation of Cohesion Policy, as well as partners and potential beneficiaries at national and sub-national level, increased via Capacity Building programmes.

The assignment of the Senior Non-Key Expert on Legal Framework shall be framed within the first project component focusing on **preparation for effective and functioning management and control system for cohesion policy implementation which represents the first project component**.

Among the activities within the first project component the Terms of Reference enumerates **“Preparation of legal acts and other documents necessary for introduction of the Cohesion Policy in Serbia and formal establishment of the institutional framework for management of Operational Programmes”** (Activity 1.1).

The a/m Activities are in line with the Measure 1.1 of the Action Plan for Meeting the EU Cohesion Policy Requirements adopted by the Serbian Government in 2019. The Measure envisages the establishment of the legal framework for introduction of the EU Cohesion Policy in Serbia.

At the end of 2019 the Working Group on Preparation of the Law on Cohesion Policy was established by the Ministry of the European Integration. In August 2020 the work of the Project Team on the Law was started based on the draft structure prepared by the Beneficiary. Based on the revised structure of the Law prepared by the experts the detailed content of the Law was proposed by the Project Team in December 2021 as well as explanation of the articles and the draft ex-ante analysis. In the period May – July 2022 the full revision of the content of the Law was jointly developed by the MEI staff and the Project Team. The working title of the Law has been proposed: Law on Establishment of the System for the Management of the Cohesion Policy of the European Union.

2. Approach

The selected Expert shall support further development of the Law as well as the alignment of the legal framework with Cohesion Policy requirements, in collaboration with the Team Leader/Key Expert 1 – who in accordance with the ToR is primarily responsible for organization of activities envisaged under the Component 1.

The Expert shall work on the following draft documents prepared by the Project Team:

- Draft content of the Law on Establishment of the System for the Management of the Cohesion Policy of the European Union;
- Explanation of the proposed provisions of the a/m Law;

The main tasks of the Expert will be to align the draft content of the Law with the Serbian legal framework and in line with the methodological rules for legislative drafting and to ensure consistency between the relevant EU regulations and Serbian legislation, taking into account the Explanation for the Law.

The Expert shall support the Project Team in finalising the Explanation for the Law as well as in development of the Regulatory Impact Assessment for the Law and other documents necessary for starting public consultations of the Law, if necessary.

The Expert shall also be involved in the preparation of the selected bylaws, as indicated in the draft content of the Law on Establishment of the System for the Management of the Cohesion Policy of the European Union and in accordance with the agreement with the Beneficiary.

On the request of the Beneficiary and the Team Leader, the Expert may participate in the work of the Working Group on Preparation of the Law on Cohesion Policy. He/she shall also provide necessary training for the Beneficiary related to legislative drafting and preparation of the legal acts, as appropriate.

These activities shall start in August 2022 and continue until September 2022.

3. Description of assignment

On the basis of the approach outlined in the previous section, the Expert shall ensure the support in development of the legal framework on establishment of the system for management of the Cohesion Policy Funds in Serbia.

The Expert shall deliver inputs for the following outputs:

1. Draft “Law on Establishment of the System for the Management of the Cohesion Policy of the European Union” with all relevant supporting documents aligned to the Serbian legal system.
2. Presentation of the Draft Law to the Working Group on Preparation of the Law on Cohesion Policy. Support to the Working Group and the Beneficiary in further development of the Law, if needed.
3. Support in preparation of the bylaws, as indicated in the draft content of the Law and their presentation to the Working Group.
4. Necessary training and on-the job support for the Beneficiary in the activities related to development of legislative framework for implementation of Cohesion Policy in Serbia.

The sequence of preparation of the above outputs, as well as the number of presentations and workshops, shall be proposed by the Expert in collaboration with the Team Leader.

The Expert may also be involved in other works related to the establishment of the legal framework for implementation of EU Cohesion Policy in Serbia, if appropriate.

The Expert shall prepare brief monthly reports which describe the work that was conducted, its results, and put forward recommendations that can be made to the Beneficiary from the expert’s perspective. Monthly reports prepared by using the project template, shall be submitted to the Team Leader.

4. Expert profile

SENIOR NON-KEY EXPERT ON LEGAL FRAMEWORK

Required Qualifications and Skills

University degree with minimum 3 (i.e. Bachelor’s degree) years of studies in law.
Fluency in both written and spoken English
Fluency in both written and spoken Serbian language
Computer literacy (MS Office including Excel, PowerPoint, Internet)
Very good organisational, coordination and reporting skills.

General Professional Experience

Min. 8 years relevant general professional experience

Specific Professional Experience

A minimum 5 years of specific experience in law.
Proven experience with contributing to drafting at least 3 laws and at least one by-law in the Republic of Serbia, including at least one law drafted during last two years.

4. Location, duration, (provisional) start/end date

Location: the expert will be working in Belgrade, Serbia, at Project Office and other locations in Belgrade,

Starting/ending date: August – September 2022.

Total number of working days: up to 20.

5. Submission of curricula vitae by interested Candidates:

Curricula vitae are to be submitted in English to:
Nikola Bajski, GIZ RS <nikola.bajski@giz.de>
By using the European Commission PRAG Practical Guide format¹.

The deadline for submission of the curriculum vitae is: 03/08/2022.

Elaborated by: Danuta Jablonska

Date: 29/12/2020, Version 1; 31/12/2020, Version 2; 20/09/2021, Version 3; 15/07/2022, Version 4; 20/07/2022 Version 5, 27/07/2022 Version 6.

¹ <http://ec.europa.eu/europeaid/prag/> Annex B8h