

Terms of Reference (ToR) for a Short-Term assignment No. 17

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| Technical assistance requested: | One (1) Senior Non-Key Expert in the area of Negotiating Ch. 15 - Energy – Methodology for control measurements taking into consideration the procedure of measuring, collecting and processing necessary data |
| 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) |
| Target beneficiaries: | Negotiating Group Ch. 15; Ministry of Construction, Transport and Infrastructure |
| Content of the assignment: | Technical assistance in drafting the Methodology for control measurements, taking into consideration the procedure of measuring, collecting and processing necessary data, related to Energy Performance of Buildings Directive 2010/31/EU (amended by Directive 2018/844/EU and Regulation 2018/1999/EU), that is, Energy Performance of Buildings Directive 2024/1275/EU |
| Budget Line/Expert category | 1 (one) Non-Key Short-Term Senior Expert |
| Duration of the assignment | 20 working days (20 WDs for SNKE), from January 2025 until April 2025 |

1. Background information concerning 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 purpose of the Project 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 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 strengthening the capacities of involved carriers of the EU integration process in the Republic of Serbia.

Energy efficiency in the building sector is recognised as one of the most challenging and complex aspects of the Union *acquis* when it comes to harmonising national legislation with EU legal requirements and implementing policy measures adopted by EU institutions.

The Government of Serbia submitted the negotiating position for Chapter 15 – Energy (Negotiating Position) to the European Commission (EC) on June 7th, 2021. Serbia opened negotiations in Ch. 15 on December 14th, 2021, as part of Cluster 4 – Green Agenda and Sustainable Connectivity. To progress in negotiations in Cluster 4, Serbia needs to make significant efforts to align its legislation further with the energy efficiency *acquis* in Chapter 15.

Following the main conclusions from the meeting of the Sub-Committee on Transport, Energy, Environment, Climate Change and Regional Development of the Stabilization and Association Agreement, held on December 9th, 2021 (Operational conclusions, p. 1), the EC invited Serbia to announce if there are any concrete actions or plans such as a National Energy and Climate Plan and the Long-Term Building Renovation Strategy that IPA can contribute to.

In order to implement Article 2a of the EPBD (recast), Serbia adopted the Long-Term Renovation Strategy for Encouraging Investments in Renovation of the National Building Stock of the Republic of Serbia by 2050 (*Official Herald RS*, No. 27/2022-05) in February 2022 (hereinafter referred to as the Building Renovation Strategy).

The Building Renovation Strategy indicates the need for Serbia to adopt a new methodology for calculating the energy performance of buildings, to set stricter levels of energy efficiency in buildings, i.e. new minimum energy performance requirements, to define nearly zero energy building level (NZEB), increase percentage of use of renewable energy sources (RES), to update existing system of certification of energy performance of buildings, to fortify a system of accredited expert who are responsible for EPC, and introduce a system of independent professional control and establishing penal provisions and sanctioning improper certification of the energy performance of buildings.

The Serbia Progress Report for 2023 of the European Commission states that "Serbia continued to progress in aligning with the EU *acquis* on energy efficiency by adopting 22 acts of implementing legislation under the new Law on Energy Efficiency and Rational Use of Energy, these focused on energy savings, eco-design and energy labelling frameworks." (...) "Nevertheless, only limited progress was made in aligning with the Energy Performance of Buildings Directive (Directive (EU) 2018/844) and setting up an implementing legislation

framework for the renovation of building stock. Serbia is missing a national calculation methodology for energy performance of buildings, nearly zero-energy buildings standards for all new public and commercial buildings, and a legislative framework for the increased use of renewable energy, such as an electric vehicle charging infrastructure." (Serbia 2023 Progress Report, p. 132). The 2024 Progress Report reiterated the need for further alignment of national legislation with the Energy Performance of Buildings Directive.

In conclusions from the meeting of the Sub-Committee on Transport, Energy, Environment, Climate Change and Regional Development of the Stabilization and Association Agreement, held on December 7th and 8th, 2023 (Operational conclusions, p. 5), the Ministry of Construction, Transport and Infrastructure emphasised an obligation to adopt a new methodology for calculating the energy resources of buildings because the existing methodology is only partially aligned with the EPBD Directive.

The National Programme for Adoption of *Acquis* 2024-2027 (NPAA) envisages amending the Rulebook on the energy efficiency of buildings and the Rulebook on the conditions, content, and manner of issuing certificates on the energy properties of buildings by the end of IVQ 2025, as well as amending the Law on Planning and Construction, as steps to fully transpose the EPBD (recast).

Through the PLAC III technical support programme (EuropeAid/139295/DH/SER/RS; (CRIS) 2018/404-529), technical assistance for drafting amendments to the **Law on Planning and Construction** and amendments to the **Rulebook on energy efficiency of buildings** and **Rulebook on the conditions, content and manner of issuing certificates on the energy properties of buildings** has been provided, as well as in the drafting of a new by-law, a draft of **the Rulebook on the manner of conducting an energy audit for the purpose of certification of energy performance of buildings with Annex to the Rulebook** – a detailed methodology defining steps and technical procedures of conducting an energy audit for the purpose of certification of energy performance of buildings.

Through the development of those bylaws, and especially for successful and complete implementation of the measures from the draft of the Rulebook on the manner of conducting an energy audit for the purpose of certification of the energy performance of buildings and its Annexes, it was concluded that it would be necessary to develop a detailed methodology of control measurements taking into consideration the procedure of measuring, collecting and processing necessary data (in compliance with EPBD 2010/31/EU (recast) and its Article 8 and Articles 14-16).

Therefore, expert support is needed to assist the Ministry of Construction, Transport and Infrastructure (MCTI) in drafting the Methodology of control measurements, taking into consideration the procedure of measuring, collecting and processing necessary data related to the Energy Performance of Buildings Directive 2010/31/EU (amended by Directive 2018/844/EU and Regulation 2018/1999/EU), that is, Energy Performance of Buildings Directive 2024/1275/EU.

There is no ongoing project assistance for the activities covered by this ToR.

2. Description of the assignment

a. Specific objectives

The specific objective of this assignment is to assist the Ministry of Construction, Transport and Infrastructure (MCTI) and the Negotiating Group Ch. 15 (NG 15) to enhance the effective implementation and enforcement of Directive (EU) 2010/31/EU of May 19th 2010 on the energy performance of buildings as amended by Directive (EU) 2018/844 and Regulation (EU) 2018/1999 (recast) and specific articles of Directive (EU) 2024/1275/EU of April 24th 2024 on the energy performance of buildings (recast), by defining all necessary steps and procedures of measuring, collecting and processing necessary data for control measurements in the process of conducting energy audit for certification of energy performance of buildings.

In the scope of this objective, the selected expert shall assist the MCTI in developing a **methodology for control measurements, taking into consideration the procedure for measuring, collecting, and processing necessary data.**

In Serbia's national legal system, there is no regulation that refers to this matter.

In accordance with this observation, it is necessary to analyze established practices and all possibilities to define unified models and conditions for control measurements in the process of conducting energy audits for the purpose of certification of the energy performance of buildings.

The Methodology will cover:

- general conditions and definitions;
- authorised persons for control measurements;
- procedures;
- necessary technical documentation;
- necessary equipment;
- data collecting;
- data processing;
- conclusions (final report);
- forms with the results;
- financing of conducting control measurements;
- other issues.

MCTI shall determine the specific scope of the Methodology for control measurements, taking into consideration the procedure of measuring, collecting and processing necessary data in coordination with the experts.

The activity's results will be presented to the MCTI and 15 NG representatives. The experts shall consider inputs from the presentation received from representatives in their final outputs.

b. Requested services

The Senior NKE in the area of energy efficiency legislation is expected to provide the following services:

- a) Assist MCTI in drafting analysis regarding national regulation and established practices related to control measurements in the process of conducting energy audits for the purpose of certification of energy performance of buildings;
- b) Assist MCTI in drafting the Methodology for control measurements, taking into consideration the procedure of measuring, collecting and processing necessary data in the process of conducting an energy audit for the purpose of certification of the energy performance of buildings;
- c) Prepare and hold a workshop to present the assignment's outputs.

c. Outputs

The outputs delivered by the Senior NKE shall be as follows:

- Analysis of national regulation and established practice related to control measurements in the process of conducting energy audits for the purpose of certification of energy performance of buildings, drafted;
- Methodology for control measurements, taking into consideration the procedure of measuring, collecting and processing necessary data, drafted;
- Workshop(s) held.

d. Reporting

The NKE 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 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 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 format.

e. Specifics

The Senior NKE shall collaborate with the Project Technical Assistance Team on preparing and drafting the Methodology for control measurements, considering the procedure for measuring, collecting, and processing necessary data. The NKE activities and outputs mentioned above may be adjusted by the Team Leader at any stage during the

implementation of the Project, depending on the evolving needs of the Project and the main beneficiary.

The Senior NKE shall ensure that the Methodology for control measurements, taking into consideration the procedure of measuring, collecting and processing necessary data is aligned with the EPBD 2010/31/EU (amended by Directive 2018/844/EU and Regulation 2018/1999/EU), that is, EPBD 2024/1275/EU. The Senior NKE shall closely coordinate the activities with the Ministry of Construction, Transport and Infrastructure 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

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| Total working days | 20 working days (WDs) in total 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 | January 2024 until April 2025. |
| Starting day | The work is expected to be performed from January 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

Senior Non-Key Expert

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| <p>Qualification and skills (25 points)</p> | <ul style="list-style-type: none"> • Relevant university degree, preferably in fields related to architecture, 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. |
| <p>General professional experience (25 points)</p> | <ul style="list-style-type: none"> • Minimum 8 (eight) years of relevant professional experience • At least 5 (five) years of experience related to the Union <i>acquis</i>, gained in an EU Member State, a candidate or a potential candidate country |
| <p>Specific professional experience (50 points)</p> | <ul style="list-style-type: none"> • At least 3 (three) preferably 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation in relation to Union <i>acquis</i> in the area of energy performance of buildings; • Knowledge of the Serbian legal system will 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 than 17:00 hrs, 10 January 2025, titled: "Application for the position – Senior Non-Key Expert for drafting Methodology for control measurements taking into a consideration the procedure of measuring, collecting and processing necessary data"

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 unavailable 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.