

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	3 (three) SNKEs in the area of Negotiating Chapter 11, Agriculture and Rural Development, new CAP 2021-2027
Project Title:	Policy and Legal Advice Centre (PLAC III), Serbia
Ref:	EuropeAid/139295/DH/SER/RS
Service Contract No.:	(CRIS) 2018/404-529
Main beneficiary:	The Ministry for European Integration of the Republic of Serbia
Target Beneficiaries:	Negotiating Group 11; Ministry of Agriculture, Forestry and Water Management
Budget Line/Expert Category:	Three Senior Non-Key Experts
Duration of the assignment:	50 working days (WD) from June until December 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 Union acquis and to contribute to further building of capacities of relevant national structures for the 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 11 – Agriculture and Rural Development

Agriculture and rural development are one of the most challenging and complex policies in the Union acquis, having in mind that implementation of the Common Agricultural Policy (CAP) requires a lot of common rules and principles for all MSs, providing joint EAGF and EAFRD funds for its implementation. The implementation of CAP requires strong management and control systems as well. Nevertheless, the CAP allows limited adjusting to the national-specific characteristics, which shall be approved by the relevant EU bodies before implementation.

Following the screening of the acquis in Chapter 11, the EU Council informed Serbia that the EU considers that the opening of this chapter could be envisaged once it is agreed by the EU that all opening benchmarks are met, including the requirement to present the action plan, which will serve as a basis for the transposition, implementation and enforcement of the acquis in agriculture and rural development (hereinafter the “opening benchmark”).

The Action Plan was prepared and adopted by the Government of the Republic of Serbia on the 18th of October 2018.

The document was sent to the European Commission (EC) on the 1st of November 2018 as an official response to the opening benchmark. According to the Country Progress Report of the EC for Serbia for 2022, the opening benchmarks within Chapter 11 can be considered fulfilled (Country Progress Report of the EC for Serbia for 2022 p. 124), however, the Opening Benchmarks Assessment Report (OBAR) for CH 11 is still pending.

The EC invited Serbia “to update and continue implementation of the action plan for the Union acquis alignment in agriculture and rural development” (Country Progress Report of the EC for Serbia for 2022 p. 124). In particular, the EC expects that the revision and update of the action plan is “finalised in the course of 2022” (Ibid.).

Since the Action Plan was prepared for the period 2018-2021, the document has undergone further adjustments under the IPA 2015 project “Capacity Building for the Alignment with the acquis in the areas of agriculture, rural development, food safety, veterinary and phytosanitary policy”.

However, during the project, the EU regulations implementing new CAP covering 2023-2027 were not yet adopted, hence, the update of the Action Plan under the IPA 2015 project considered only rules applicable to CAP for the 2014-2020 period.

In the meantime, most implementing EU regulations were adopted and entered into force requiring further adjusting of the Action Plan to the new acquis.

Namely, the EU Council formally adopted the new CAP which will apply for the period 2023-2027 on the 6th of December 2021. The three regulations that make up the CAP reform package were signed by both the Council and the Parliament and were published in the Official Journal on the 6th of December 2021:

- Regulation (EU) 2021/2116 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013;
- Regulation (EU) 2021/2115 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013;
- Regulation (EU) 2021/2117 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality

schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union

The new rules shall apply as of 2023 and they seek to enhance the contribution of agriculture to EU environmental and climate goals as it provides more targeted support to smaller farms and allows greater flexibility for Member States in adapting measures to local conditions.

In order to make the Action Plan up-to-date, there is a need for the inclusion of the new planned activities/measures/interventions for full harmonisation with the new CAP 2023-2027.

The revised Action Plan is going to serve as a plan for the harmonisation of the national agricultural and rural development policies with the CAP in the current strategic period (2021-2027), as well as a base for the adjusting of the Draft Negotiating Position for Chapter 11.

There are no ongoing or planned assistance projects regarding the revision of the Action Plan as the activity covered by this ToR.

3. Description of the assignment:

3.1 Specific objectives

The specific objective of this assignment is to assist the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Negotiating Group for Chapter 11 (NG 11) aimed at updating the Action Plan (the document that was presented to the EC on the 1st of November 2018) to the new CAP 2023-2027 legal framework and taking into account the progress and legislative changes in Serbia made in the meantime. The revised Action Plan, based on the new CAP legal framework and the current state of play in Serbia, is going to serve as a planning document for further transposition, implementation and enforcement of the *acquis* in agriculture and rural development.

The experts' engagement would be focused on the legal/policy and institutional gap assessment of the measures envisaged by the Action Plan adopted in 2018 and the integration of the new CAP measures/activities/interventions into the current text of the Action Plan, and, as a result, drafting the new updated Action Plan that includes new/changed rules under the new reformed CAP which will apply for the period 2023-2027.

The revised Action Plan shall meet the requirements of the opening benchmark for Chapter 11 as a planning document for completing full harmonisation with the new *acquis* in accordance with the Negotiating Framework and Screening Results in Chapter 11.

The experts will cooperate with the representatives of the sub-groups within NG 11, in charge of the contents of certain chapters in the Action Plan, individually, and during a workshop through group work.

In particular, within the scope of the assignment, the following services are expected:

- a. Assisting the MAFWM and NG 11 in preparing legal/policy and institutional gap analysis between the activities/measures envisaged in the current Action Plan for Chapter 11 and the requirements of the new relevant EU legislation under the CAP for 2023-2027,
- b. Providing a recommendation to the MAFWM and NG 11 with the proposal of the activities/measures/interventions and their combination to be integrated into the new revised Action Plan for Chapter 11 as necessary steps to complete full harmonisation with the CAP for 2023-2027;
- c. Drafting a new revised Action Plan for Chapter 11 envisaging

activities/measures/interventions required to complete full harmonisation with the reformed CAP for 2023-2027;

- d. Preparing and holding a 2 to 3-day workshop for the members of NG 11, on which the document is going to be elaborate through group work.

3.1 Requested services

The Senior NKE in the area in the area of the financing, management and monitoring of the CAP (SNKE 1) is expected to provide the following services:

1. To prepare a gap analysis and develop proposals for revision of the Action Plan for the Union acquis in the area related to the establishment of the horizontal institutional structure for implementation of Regulation (EU) 2021/2116;
2. To draft a new revised Action Plan for Chapter 11, envisaging activities/measures/interventions required to complete full harmonisation with the reformed CAP for 2023-2027 in the area of Regulation (EU) 2021/2116;
3. Assist the MAFWD and NG 11 in the drafting of a new revised Action Plan for Chapter 11 aligned to the new CAP 2023 – 2027 legal framework and consolidating outputs of SNKE 2 and SNKE 3;

The Senior NKE in the area of CAP strategic plans, Common Market Organisation and quality policy (SNKE 2) is expected to provide the following services:

1. To prepare a gap analysis and develop proposals for revision of the Action Plan for the Union acquis alignment in the area of CAP strategic plans (Regulation (EU) 2021/2115), Common Market Organisation and quality policy;
2. To draft a new revised Action Plan for Chapter 11 envisaging activities/measures/interventions required to complete full harmonisation with the reformed CAP for 2023-2027 in the area of CAP strategic plans (Regulation (EU) 2021/2115), Common Market Organisation and quality policy;

The Senior NKE in the area of Rural Development and organic farming (SNKE 3) is expected to provide the following services:

1. To assess new legislative and institutional developments in Serbia as of November 2018 onwards including national legislation in all fields covered by the current Action Plan;
2. To prepare a gap analysis regarding unfulfilled actions from the Action Plan version of November 2018 and develop proposals for revision of the Action Plan for the fulfilment of mentioned non-implemented actions if still relevant in all fields covered by the AP;
3. To prepare a gap analysis and develop proposals for revision of the Action Plan for the Union acquis alignment in the area of Rural Development and organic farming;
4. To draft a new revised Action Plan for Chapter 11 envisaging activities/measures/interventions required to complete full harmonisation with the reformed CAP for 2023-2027 in the area of Rural Development and organic farming.

3.2 Outputs

SNKE 1 is expected to deliver the following outputs:

1. Legal/policy and institutional gap analysis, with the proposal of the activities/measures/interventions to be integrated into the new revised Action Plan for

- Chapter 11 in the area related to the establishment of the horizontal institutional structure for implementation Regulation (EU) 2021/2116 (CAP horizontal institutional structures), drafted;
2. New revised sections of the Action Plan for Chapter 11 in the area of Regulation (EU) 2021/2116 (CAP horizontal institutional structures), drafted;
 3. New revised consolidated text of the Action Plan for Chapter 11 in the area of CAP horizontal structures integrating all areas of the CAP acquis (in collaboration with SNKE 2 and SNKE 3), drafted;
 4. 2 to 3-day workshop held (in collaboration with SNKE 2 and SNKE 3).

SNKE 2 is expected to deliver the following outputs:

1. Legal/policy and institutional gap analysis, with the proposal of the activities/measures/interventions to be integrated into the new revised Action Plan for Chapter 11 in the area of CAP strategic plans (Regulation (EU) 2021/2115), CMO and quality policy, drafted;
2. New revised sections of the Action Plan for Chapter 11 in the area of CAP strategic plans, (Regulation (EU) 2021/2115), CMO and quality policy, drafted;
3. 2 to 3-day workshop held (in collaboration with SNKE 1 and SNKE 3).

SNKE 3 is expected to deliver the following outputs:

1. A gap analysis regarding unfulfilled actions from the Action Plan version of November 2018 and develop proposals for revision of the Action Plan for the fulfilment of mentioned non-implemented actions if still relevant in all fields covered by the AP, drafted;
2. Legal/policy and institutional gap analysis, with the proposal of the activities/measures/interventions to be integrated into the new revised Action Plan for Chapter 11 in the area of Rural Development and organic farming, drafted;
3. New revised sections of the Action Plan for Chapter 11 in the area of Rural Development and organic farming, drafted;
4. 2 to 3-day workshop, held (in collaboration with SNKE 1 and SNKE 2).

3.3 Reporting

The Senior NKEs 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 SNKEs 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 version of the Final 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 SNKEs 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.



3.4 Specifics

The SNKEs shall work under the guidance and follow the instructions of the Team Leader. The SNKEs 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.

3.5 Expert input

3.5.1 Total working days

50 working days (WDs) in total have been planned for the Senior NKEs for this assignment (25 WDs for SNKE 1, 10 WDs for SNKE 2 and 15 WDs for SNKE 3).

3.5.2 Period of the assignment and starting day

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

3.5.3 Location/place of assignment

The SNKEs 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.

3.5.4 Working language

English

4. Experts' profile – Senior NKE 1 (25 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 agriculture, law, economy 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 Union acquis in the area of agriculture and rural development, 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 the Union acquis in the area of the



Common Agricultural Policy;

- Knowledge of the Serbian legislation will be an advantage.

5. Experts' profile – Senior NKE 2 (10 working days):

5.1 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 agriculture, law, economy 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.

5.2 General professional experience (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to the Union acquis in the area of agriculture and rural development, gained in an EU Member State, a candidate or a potential candidate country.

5.3 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 the Union acquis in the area of the Common Agricultural Policy and the Common Market Organisation;
- Knowledge of the Serbian legislation will be an advantage.

6. Experts' profile – Senior NKE 3 (15 working days):

6.1 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 agriculture, law, economy 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.

6.2 General professional experience (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to the Union acquis in the area of agriculture and rural development, gained in an EU Member State, a candidate or a potential candidate country.

6.3 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 the Union acquis in the area of the Common Agricultural Policy;
- Knowledge of the Serbian legislation will be an advantage.

7. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to mbayard@dmiassociates.com and akhani@dmiassociates.com no later than 26 May 2023, 17:00 hrs, titled:

“Application for the position – Senior NKEs in the area of Agriculture and Rural Development, Ch. 11, new Common Agricultural Policy 2021-2027”.

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: mbayard@dmiassociates.com or Arianne Khani: akhani@dmiassociates.com.