

## 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 and 1 (one) Junior Non-Key Expert in the area of Negotiating Ch. 27, Environment and Climate Change – beverage deposit-return system legislation
<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 of European Integration of the Republic of Serbia
<b>Target Beneficiaries:</b>	Negotiating Group Ch. 27; Ministry of Environmental Protection
<b>Budget Line/Expert Category:</b>	One Senior and one Junior Non-Key Expert
<b>Duration of the assignment:</b>	60 working days (40 WD SNKE and 20 WD for JNKE), from March until November 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 27 – Environment and Climate Change

Waste management is one of the most challenging and complex parts of the Union acquis when it comes to harmonising national legislation with EU environmental law and policy requirements. The application of legal norms in the waste management sector requires significant investments. Also, adequate and efficient institutional establishment and capacities at a national and local level are critical for the implementation and enforcement of the Union acquis in the field of waste management.

The Government of Serbia submitted the negotiating position for Chapter 27 – environment and climate change (Negotiating Position) to the European Commission in January 2020. Serbia opened negotiations in Cluster 4 – Green Agenda and Sustainable Connectivity Green on 14 December 2021. Serbia annexed detailed Directive Specific Implementation Plans (DSIPs) for the Waste Framework Directive and Directive on Packaging and Packaging Waste to the negotiating position.

In the EU Common Position, the EU notes Serbia's good level of legislative alignment in the waste management sector. However, the EU invited Serbia to speed up the implementation of the acquis, in particular as regards waste prevention, waste reduction, waste separation, separate collection and waste recycling and extended producer responsibility. As a result, to close the negotiations in Chapter 27 Serbia must prepare and present waste management plans (WMP) - national and regional - that include information on all waste streams, including the solutions to manage them, type and capacity of waste management infrastructure, separate collection schemes and economic instruments such as pay-as-you-throw schemes and extended producer responsibility schemes.

The country progress report of the European Commission (EC) for Serbia for 2022 (Serbia 2022 Progress Report) SWD (2022) 338 final, confirms a good level of alignment. Serbia's National Waste Management Strategy, which includes a National Waste Management Plan for the years 2020–2025, has been developed through the IPA project "EU Support to Waste Management Policy." The case studies that have been made under the project show that a deposit refund system will most likely contribute to a larger amount of reuse of refillable beverage packaging on one hand, and higher recycling rates and better material quality on the other.

At an EU level, as part of a package of measures on the circular economy, Directive 2018/851 was adopted amending Directive 2008/98/EC of the European Parliament and of the Council on waste (Waste Framework Directive). Furthermore, Directives governing certain waste streams were amended in accordance with the EU Action Plan among which Directive (EU) 2018/852 amended Directive 94/62/EC on packaging and packaging waste (PPW Directive). Furthermore, the EU adopted Directive 2019/904 on the reduction of the impact of certain plastic products on the environment (SUP Directive) setting a separate collection target for beverage bottles that are single-use plastic products in the framework of the extended producer responsibility schemes to be achieved by establishing deposit-return schemes or by any other measure that the Member States find appropriate.

PPW Directive is partially transposed by the Law on Packaging and Packaging Waste ("Official Gazette of the Republic of Serbia", No. 36/09) and relevant bylaws. The Extended Producer Responsibility (EPR) scheme for packaging producers in Serbia has been partially implemented. The SUP Directive has yet to be transposed in Serbia.

Through the PLAC III project, the deposit-return system (DRS) for beverages was recommended as an affordable implementation option that can stimulate the use and placing on the market of reusable packaging and increase packaging reuse, based on EU Directives' requirements, hence, reducing waste generation at source. In addition, the PLAC III project delivered proposals for amendments to the Law on Packaging and Packaging Waste governing general conditions for the operation of the deposit-return schemes for beverages.

However, in order to implement and enforce basic conditions for the operation of the DRS for beverages, **PLAC III project recommended further legal framework modifications aimed at establishing a system administrator and the supervisory body**, in particular, the criteria and responsibilities of the system administrator to properly monitor the system compliance, data required to be reported by all stakeholders, and operation, functions and powers of the supervisory body.

The proposed modifications should be, as well, completed with **new legal proposals** prescribing the beverage container material, container volumes, and beverage types, returning/collection options for beverage glass containers selection process, returning/collection options for beverage glass containers must be described including manual collection for small retail, automatic collection through reverse vending machines and the reverse logistic infrastructure (back-hauling) for hotel / restaurant / catering (HORECA).

To accomplish the above, the assistance of experts is required to help the Ministry of Environmental Protection (MoEP) and Negotiating Group for Ch. 27 (NG 27) to **(i) identify the relevant stakeholders for implementation of DRS** for beverages and DRS infrastructure projects, **(ii) review best practices in Member States** relating to the DRS system administrator selection and responsibilities, DRS system monitoring and data required for reporting, **(iii) draft relevant amendments** to the packaging and packaging waste legislation in force.

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 assist the MoEP and NG 27 **to set up the system administrator of the DRS for beverages and the supervisory body for monitoring implementation of the DRS** system in compliance with PPW Directive (as amended by Directive (EU) 2018/852) and SUP Directive in particular:

- i. Identification of the relevant stakeholders for the implementation of DRS and system administrator and the DRS infrastructure projects in Serbia, and further development of a specific questionnaire aimed at the stakeholders identified in relation to the implementation of DRS and system administrator acquis requirements;
- ii. Review of the best practices in Member States for institutional setup governing the DRS system administrator selection and duties/responsibilities, system monitoring, and data required from stakeholders for reporting and monitoring compliance of DRS;
- iii. Draft the modified packaging and packaging waste legislative framework and implementation guidelines prescribing in detail the DRS system administrator's selection procedure, criteria and responsibilities, manner of operation, functions and powers of the supervisory body in charge of monitoring compliance of the DRS, and data/information required to be reported by all stakeholders.

The experts shall take into account outputs of the previous PLAC assignments, data and

information available in waste management strategies, plans, programmes adopted by Serbian authorities, the EU Common Position in Chapter 27 and the Serbian negotiating position in Ch. 27 including the Action Plan for the Development of Administrative Capacities (APDAC) and directive specific implementation plans (DSIPs) annexed to the negotiating position relevant to the assignment.

The list of stakeholders and DPR infrastructure project shall be compiled on the basis of publicly available information, data provided by the MoEP, NG 27, the Chamber of Commerce, business associations and civil society organisations active in the field.

At the end of the activity, a workshop presenting the outputs shall be held.

### 3.2 Requested services

**The Senior NKE in the area of waste management is expected to provide the following services:**

1. Assist the MoEP and NG 27 in developing a specific questionnaire taking into account relevant requirements of the Union acquis for the implementation of DRS for beverages and system administrator aimed at the DRS stakeholders (packaging producers/importers, waste packaging holders, packaging waste operators, circular economy, logistics, etc.) in Serbia (in collaboration with the JNKE);
2. Assist the MoEP and NG 27 in reviewing best practices in EU Member States and delivering a best practices report on beverage deposit-return systems, in particular:
  - Containing a list of EU Member States that apply to the DRS for beverages and a description of DRS in EU Member States comparable to Serbia in terms of size, population, and economy;
  - Analysis of the selected systems presenting best examples suitable to Serbia relating to practical DRS system implementation, system administrator selection and duties/responsibilities, system monitoring authority institutional setup and powers, and data required for proper reporting and monitoring.
3. Assist the MoEP and NG 27 in the drafting of the legislative acts modifying packaging and packaging waste legislation in force to align with the PPW Directive (as amended by Directive (EU) 2018/852) and SUP Directive, in particular:
  - Amendments prescribing the selection procedure, criteria and responsibilities of the DRS system administrator for beverages, monitoring system and data/information requirements for the DRS stakeholders for reporting and monitoring purposes, as well as the operations and functions of the supervisory body;
  - Amendments prescribing additional options for beverage container material, container volumes, and beverage types, returning/collection options for the beverage glass containers selection process such as manual collection for small retail, automatic collection through reverse vending machines and the reverse logistic infrastructure (back-hauling) for HORECA.
4. Assist the MoEP and NG 27 in drafting implementation guidelines for new legislative acts modifying packaging and packaging waste legislation in force regarding beverage DRS;
5. Prepare and hold a Workshop and present the outputs of the assignment.

**The Junior NKE in the area of waste management legislation is expected to provide the following services:**

1. Assist the SNKE in developing an acquis-specific questionnaire aimed at the DRS stakeholders in Serbia;
2. Develop the list of stakeholders relevant to the implementation of the DRS and system administrator for beverages in Serbia and the DRS infrastructure projects that are currently underway, scheduled, or completed (in collaboration with the Senior NKE) on the basis of publicly available data, data provided by the beneficiaries, the Chamber of Commerce (CoC), relevant business associations and CSOs;
3. Research and identify all deposit return system infrastructure projects for beverages completed in the last five years, in progress, or planned for the next years on the basis of publicly available data, data provided by the beneficiaries, the CoC, relevant business associations and CSOs;
4. Prepare a report outlining the DRS infrastructure projects that have been identified that shall include at least information on the geographical and population coverage, the municipalities involved, whether it is a state budget/local budget, privately financed, PPP (including national or international donors, if applicable), and the quantities of packages to be recovered;
5. Prepare a report on the state of play of institutions, laws and key stakeholders relevant to the implementation of the beverage deposit-return system in Serbia;
6. Prepare a report on the state of play of data reporting on packaging and packaging waste for the beverages produced in Serbia and recommend measures needed to improve the quality of data to comply with the PPW and SUP Directive reporting requirements;
7. Prepare and hold the WS and present the outputs of the assignment.

### **3.3 Outputs**

The Senior NKE is expected to deliver the following outputs:

1. An acquis-specific questionnaire aimed at the DRS stakeholders, drafted;
2. A best practices report on the selected Member States comparable to Serbia in terms of size, population, and economy focusing on practical DRS system implementation, system administrator selection and duties/responsibilities, system monitoring, and the data needed for proper monitoring, drafted;
3. Legal acts amending packaging and packaging waste legislation prescribing the selection procedure, criteria and responsibilities of the beverage DRS system administrator, DRS monitoring the system, data/information required to be reported by all stakeholders, manner of operation, functions and powers of the supervisory body, additional options for beverage container material, container volumes, and beverage types, returning/collection options for beverage glass containers selection process such as manual collection for small retail, automatic collection through reverse vending machines and the reverse logistic infrastructure (back-hauling) for HORECA, drafted;
4. Implementation guidelines for new legislative acts modifying packaging and packaging waste legislation in force regarding beverage DRS, drafted;
5. Workshop held.

The Junior NKE is expected to deliver the following outputs:

1. A list of stakeholders relevant to the implementation of DRS and system administrator for beverages in Serbia, drafted;
2. A list of beverage deposit return system infrastructure projects completed in the last five years as well as ongoing and planned projects in Serbia, drafted;
3. A report outlining the deposit return system infrastructure projects that have been identified, drafted;
4. A report on the state of play of institutions, laws and key stakeholders relevant to the implementation of the beverage deposit-return system in Serbia, drafted;
5. A report on the state of play of data reporting on packaging and packaging waste for the beverages produced in Serbia with recommendations on measures needed to improve the quality of data to comply with the PPW and SUP Directive reporting requirements, drafted;
6. Workshop held.

### 3.4 Reporting

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

40 working days (WDs) in total have been planned for the Senior Non-Key Expert and 20 working days (WDs) for the Junior 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 March until November 2023. However, the starting date will be confirmed at a later stage.

### 3.6.3 Location/place of assignment

The SNKE and the JNKE 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 (40 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 natural, environmental, or technical sciences 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 (15 points)

- At least 8 (eight) years of general postgraduate professional experience related to the Union acquis gained in an EU member state, candidate or 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 and/or strategies and policies in the waste management sector, gained in an EU member state, candidate or potential candidate country.
- Knowledge of the Serbian legal system will be an advantage.

## 5. Experts' Profile – Junior NKE (20 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 law, economics, natural or technical science 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 responsibilities they take on.

## 5.2 General professional experience (25 points)

- At least 5 (five) years of general postgraduate professional experience related to Union acquis gained in an EU Member State, candidate or potential candidate country.

## 5.3 Specific professional experience (50 points)

- Postgraduate professional experience in waste management i.e. in developing waste management plans, waste characterization and/or morphology
- Postgraduate professional experience in performing reviews of institutional and/or legal framework related to the environmental sector will be an advantage
- Knowledge of the Serbian legal system, will be an advantage.

## 6. 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 [akhani@dmiassociates.com](mailto:akhani@dmiassociates.com) no later than 24 March 2023, 17:00 hrs, titled:

**“Application for the position – Senior NKE or Junior NKE in the area of Ch. 27, Environment and Climate Change, Waste Management – beverage deposit-return system legislation”**

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](mailto:mbayard@dmiassociates.com) or Arianne Khani: [akhani@dmiassociates.com](mailto:akhani@dmiassociates.com)