

## 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. 27, Environment and Climate Change, Bathing Water 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 and the Negotiating Team
<b>Target Beneficiaries:</b>	Negotiating Group Ch. 27; Ministry of Health; Ministry of Environmental Protection
<b>Budget Line /Expert Category:</b>	One Senior Non-Key Expert
<b>Duration of the assignment:</b>	20 working days (WD), from October 2021 until March 2022

### 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 successful carrying out of accession negotiations**

In general, the project aims at fostering the process of accession negotiations of the Republic of Serbia by supporting effective alignment of national legislation with the EU acquis and its implementation and by further building the capacities of involved carriers of the EU integration process in the Republic of Serbia. After completion of the screening process in 2015, Serbian public administration has entered into much more demanding and obliging exercise 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, adequate institutional capacity of public administration with highly competent staff is of crucial importance. In the core period of the negotiations, the PLAC III Project shall support local line institutions and negotiating structures both in performance of quality operational work in relation to the harmonisation process and in the effective coordination during various stages and phases in the process relevant to different negotiation chapters.

## 2. Background information in relation to Chapter 27 – Environment and Climate Change

Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 - Environment and Climate Change.

Environmental protection is recognized as one of the most challenging and complex EU acquis when it comes to harmonizing national legislation with EU standards and norms, especially in water quality policy. The application of legal norms in the environmental sector requires significant investments. Also, an adequate and efficient institutional establishment and capacities at the national and local level are imperative for the application and implementation of the EU acquis in the field of environment.

One of the goals of Republic of Serbia (RS) is to harmonize its legislation regarding bathing water as part of its water quality policy.

In view of the above and bearing in mind a lack of an adequate and efficient institutional capacity in the field of bathing water legislation, Serbia has not yet made a significant progress in aligning with the EU bathing water acquis by transposing Directive 2006/7/ EC of the European Parliament and of the Council of 15 February 2006 on the management of bathing waters quality and repealing Directive 76/160 / EEC (BWD).<sup>1</sup>

It is envisaged that the directive will be transposed mainly through a rulebook, and to a lesser extent through the Law on Waters. The legal basis for the adoption of the rulebook will be in the Law on Waters.

The outputs of this task, the draft rulebook, will provide safe bathing water, and will also contribute to the process of preparing the negotiating position for Ch. 27.

At present, there is no on going 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 Health (MoH) and the Negotiating Group Ch. 27 in order to enhance harmonization with relevant EU legislation and its proper implementation. By strengthening the administrative capacities of the Ministry of Health and the Negotiating Group Ch. 27, the crucial support will also be provided in meeting the opening benchmarks set for Ch. 27.

The selected expert support to the MoH is needed in drafting harmonized legislation in the bathing water sector in order to be fully EU compliant and to accurately anticipate implications of its implementation.

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

Assist the MoH in drafting Table of Concordance on the BWD and in drafting a Rulebook on bathing water fully harmonized with the relevant EU law. At the end of the activity a workshop on presentation and the implementation of the draft rulebook on bathing water shall be held.

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<sup>1</sup> Consolidated version also encompasses Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 and Council Directive 2013/64/EU of 17 December 2013.

### **3.2 Requested services**

Senior NKE in the area of bathing water legislation is expected to provide the following services:

- Assist the MoH in drafting Table of Concordance of the BWD
- Assist the MoH in drafting of a Rulebook on bathing water fully harmonised with the relevant EU law
- Organise and hold a Workshop on presentation and implementation of the draft rulebook on bathing water

### **3.3 Outputs**

The Senior NKE is expected to deliver the following outputs:

- Table of Concordance on BWD drafted
- Rulebook on bathing water drafted
- Workshop held

### **3.4 Reporting**

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

- Final Mission Report, not later than one week after the completion of tasks under this assignment. This report will include the 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: the 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 by the end of the mission.
- The 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 JNKE and the Team Leader, responsible for endorsing the reports.
- The reports and all prepared documents shall be submitted in 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 Team Leader. The SNKE shall collaborate with the project team, other experts involved and the representatives of the relevant beneficiary institutions.

Each of the short-term missions, their timing and duration shall be agreed with the Beneficiary and the PLAC project team prior to each planned mission.

## **3.6 Expert input**

### **3.6.1 Total working days**

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

### **3.6.2 Period of the assignment and Starting day**

It is expected that the work will be performed during several missions in the period from October 2021 until March 2022. However, the starting date will be confirmed at the later stage.

### **3.6.3 Location/Place of assignment**

The SNKE has to deliver 100% of the input in Serbia, unless otherwise agreed due to extraordinary circumstances (i.e. COVID-19). Home-based days are subject to a 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 (20 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, environmental engineering, political science or similar, relevant to the assignment
- Computer literacy
- Proficiency in report drafting
- Excellent communication and analytical skills
- Proficiency in the English language
- Independent and free 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 Ch 27, EU environmental and climate change acquis, gained in an EU member state, candidate or potential candidate country

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

- Postgraduate professional experience in the field of harmonisation of legislation in relation to EU acquis in water sector
- Postgraduate professional experience in transposing and/or implementing the BWD will be an advantage
- Knowledge of 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 [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com), no later than 30 August 2021, 17:00 hrs, titled:

**“Application for the position – Senior NKE in the area of Environment and Climate Change, Ch. 27, Bathing Water Legislation.”**

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

Pre-selected experts will be requested to sign Statement of Availability (SoA) in which they acknowledge and confirm the 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 Project Manager at DMI Associates Marion Bayard: mail to [mbayard@dmiassociates.com](mailto:mbayard@dmiassociates.com) or Elizabeth Howard [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com).