

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

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of Negotiating Ch.13, Fisheries; Institutional Capacity Assessment
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 of European Integration of the Republic of Serbia and the Negotiating Team
Target Beneficiaries:	Negotiating Group (NG) Ch. 13; Ministry of Agriculture, Forestry and Water Management
Budget Line /Expert Category:	One Non-Key Senior Expert
Duration of the assignment:	20 working days (WD), from September 2021 until March 2022

1. Relevant background information

Background information relevant 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 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 Union 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 13 – Fisheries

Republic of Serbia started the accession negotiations in January 2014 when the Intergovernmental Conference on the Accession of the Republic of Serbia to the EU was held. On that occasion, the Opening Statement of the Republic of Serbia stipulated that Republic of Serbia is committed to better and constant building of the institutional and strategic framework necessary for the efficient management of the Structural Funds and the Cohesion Fund, which will require intensive and committed cooperation with the EU. Additionally, Republic of Serbia has been using the Instrument for Pre-accession (IPA) for gradual adjustment and establishment of the best European practices in the areas of strategic planning, sound financial management and creation and implementation of various investment programmes in the national system. This is the best way to prepare for the participation in the EU Cohesion Policy as well as to contribute to economic growth and employment as a future Member state.

As part of the preparation for the negotiation process, the Negotiating Group (NG), consisting of 10 institutions, and lead by Ministry of Agriculture, Forestry and Water Management, was nominated for conducting negotiations within Chapter 13 - Fisheries. The following institutions are recognized as key participants under Chapter 13: Ministry of Finance, Ministry of Mining and Energy, Ministry of Health, Ministry of Construction, Transport and Infrastructure, Ministry of Environmental Protection, Ministry of European Integration, Institute for Standardization of Serbia, Statistical Office of the Republic of Serbia and Republic Secretariat for Legislation.

The analytical review and conformity assessment with the EU acquis, i.e. explanatory screening for Chapter 13 took place 30 September 2014, while bilateral screening was held 29 November 2014. As a result of the screening process, the European Commission issued a Screening Report recommending that Serbia be considered sufficiently prepared for negotiations in this chapter. Therefore, the Commission has recommended the opening accession negotiations with Serbia on Chapter 13 – Fisheries, which was done at the eighth meeting of the Accession Conference with Serbia at Ministerial level in June 2018.

The following benchmark needs to be met for the provisional closure of the Chapter 13 – Fisheries: “Serbia presents an action plan that will ensure full compliance with the requirements of the EU legislation by the date of accession, in particular regarding organisation of the markets, aquaculture, data collection and control measures against illegal, unreported and unregulated fishing”.

The Action Plan (AP) will be the main instrument for the on-going process of alignment of national legislation and the EU acquis in the area of fisheries and will be subject to regular updates depending on the developments.

As a land-locked country, Serbia has neither any marine fisheries activities nor any fishing vessels operating at sea under the Serbian flag. Since Serbia does not have access to the sea and does not have any maritime fisheries activities, the substantial part of the fisheries acquis will not require implementation efforts. Certain measures will however need to be implemented and national legislation adapted to ensure the correct application of the EU acquis.

Relevant legal framework of the Republic of Serbia for the area of fisheries is:

- Law on Protection and Sustainable Use of the Fish Stocks ("Off. Gazette of RS" No. 128/14 and 95/18 – other law);
- Law on Animal Husbandry ("Off. Gazette of RS", No. 41/09, 93/12 and 14/16);
- Law on Agriculture and Rural Development ("Off. Gazette of RS", No. 41/09, 10/13 and 101/16 –other law);
- Law on Subsidies in Agriculture and Rural Development ("Off. Gazette of RS", No. 10/13, 142/14, 103/15 and 101/16);

- Law on Organic Production ("Off. Gazette of RS", No. 30/10);
- Law on Nature Protection ("Off. Gazette of RS", No. 36/09, 88/10 and 91/10 - corr. 14/16 and 95/18 – other law);
- Law on Veterinary Matters ("Off. Gazette of RS", No. 91/05, 30/10 and 93/12);
- Law on Food Safety ("Off. Gazette of RS", No. 41/09 and 17/19);
- Official Statistics Law ("Off. Gazette of RS", No. 104/09);
- Law on State Aid Control ("Off. Gazette of RS", No. 51/09).

In accordance with the Law on Ministries, the MAFWM is the main institution responsible for the area of fisheries. There is no department in the MAFWM dedicated specifically to fisheries, but the implementation of above-mentioned legislation in this area is in responsibility of different organizational units: Sector for Agrarian Policy, Sector for Rural Development, Veterinary Directorate and Directorate for Agrarian Payments.

In addition to the MAFWM, the Ministry of Environmental Protection is responsible for protection and sustainable use of the fish stocks, Statistical Office of the Republic of Serbia for statistics in the area of fisheries and the Ministry of Finance for state aid control issues related to the fisheries.

At present, there is no on going and/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 the expert assistance to the Ministry of Agriculture, Forestry and Water Management and other relevant institutions in the assessment of the institutional and administrative capacity (the Assessment) needed for implementation of EU acquis relevant for the Republic of Serbia.

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

- Based on documents and legislation received and relevant EU and Serbian legal and policy framework, as well as the consultations and meetings with the relevant institutions, an Assessment document including recommendations, shall be developed
- WS will be held in order to present the first draft of the Assessment report to representatives of NG for Ch. 13 and to provide explanations, reasoning and justifications for proposed solutions and recommendations
- Finalisation of the Assessment report by taking into account discussions and comments from the representatives of NG for Ch. 13
- Hold the final WS to present the final draft of the Assessment to representatives of NG for Ch. 13

3.2 Requested services

The Senior NKE in the area of state aid is expected to provide the following services:

1. Assess the institutional and administrative capacity needed for implementation of the EU acquis relevant for the Republic of Serbia.

2. Organise and hold workshops to present the draft Assessment report findings and recommendations to the representatives of NG13

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

1. The assessment report on the institutional and administrative capacity for implementation of the EU acquis with recommendations, drafted
2. WSs 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 date

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

3.6.3 Location/Place of assignment

The SNKE shall deliver 100% of the input in Belgrade, 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 in Law, Natural Sciences, Agriculture, Economy 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 in the field of Ch. 13, Fisheries, gained in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- At least 3 years of professional experience in the field of harmonisation of legislation related to the EU acquis Chapter 13, gained in an EU member state, candidate or potential candidate country
- Postgraduate professional experience in implementation of legislation in the field fisheries will be an asset
- Knowledge of the Serbian legal system would 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 and ehoward@dmiassociates.com no later than 30 July, 17:00 hrs, titled:

“Application for the position – Senior Non-Key Expert in the area of Ch. 13, Fisheries, Institutional Capacity Assessment.”

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 or Elizabeth Howard ehoward@dmiassociates.com .