

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	2 (two) Senior Non-Key Expert in the area of Negotiating Ch. 15, Energy - energy audit for certification of performance of buildings (Directive 2010/31/EU)
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
Target Beneficiaries:	Negotiating Group Ch. 15; Ministry of Construction, Transport and Infrastructure and Ministry of Mining and Energy
Budget Line/Expert Category:	Two Senior Non-Key Experts
Duration of the assignment:	47 working days (12 WDs for SNKE1 and 35 WDs for SNKE2), from November 2023 until February 2024

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 is 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 15, Energy - Energy Performance of Buildings Directive 2010/31/EU

Energy efficiency in the building sector is recognised as one of the most challenging and complex of the Union *acquis* when it comes to harmonising national legislation with EU legal requirements and implementation policy measures adopted by the 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 for Cluster 4, Serbia needs to make significant efforts to further align its legislation with the energy efficiency *acquis* in Ch. 15.

The Serbia progress report for 2022 of the European Commission states that “Serbia continued to progress in aligning with the EU *acquis* on energy efficiency by adopting implementing legislation under the new Law on energy efficiency and rational use of energy” and notes that in “February 2022, Serbia adopted a long-term building renovation strategy until 2050 with targets to renovate the existing public buildings stock by 2050 and to introduce nearly zero energy buildings (NZEB) standards for all new public and commercial buildings” (Serbia 2022 Progress Report, p. 118). However, „Serbia still needs to adopt further primary and secondary legislation to achieve full alignment with the Directive on the energy performance of buildings 2010/31/EU (EPBD) and on energy labelling, including defining NZEB standards” (Ibid.).

In accordance with 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) Serbia was invited by the EC 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 Gazette of the 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 the percentage of use of renewable energy sources (RES), to update the existing system of certification of energy performance of buildings, to fortify a system of accredited experts 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 National Programme for Adoption of *Acquis* 2022-2025 (NPAA) envisages the adoption of amendments to the Rulebook on energy efficiency of buildings and the Rulebook on the conditions, content and manner of issuing certificates on the energy properties of buildings, and consequently amendments to the Law on Planning and Construction, by the end of IIIQ 2024 as steps to fully transpose the EPBD (recast) (NPAA, p.291).

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 the Rulebook on the conditions, content and manner of issuing certificates on the energy properties of buildings (support program is in progress) has been provided.

Namely, during the implementation of the abovementioned activity of PLAC III, adoption of a specific bylaw governing the procedure for carrying out an energy audit for the purposes of certification of the energy performance of buildings has been recognised as an appropriate measure for full and effective implementation of EPBD requirements in Articles 11-13 given that such approach is identified in many EU countries.

As a result, without a clearly defined procedure for conducting an energy audit for the purpose of energy certification, the building certification itself can be conducted incorrectly, with insufficient quality assurance, and possibly with a misleading display of actual energy performance.

Therefore, expert support is needed to assist the Ministry of Construction, Transport and Infrastructure (MoCTI) in drafting a rulebook prescribing a detailed procedure and methodology on the manner of conducting an energy audit for the purposes of complementing the procedure for issuing of certification on energy performance of buildings, taking into account the best practices in the Member States.

At present, there is no ongoing assistance on 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 Construction, Transport and Infrastructure (MoCTI) and the Negotiating Group for Ch. 15 (NG 15) to enhance the effective implementation and enforcement of Directive (EU) 2010/31/EU of 19 May 2010 on the energy performance of buildings as amended by Directive (EU) 2018/844 and Regulation (EU) 2018/199 (EPBD recast) by defining detail and complete procedure on the manner of conducting an energy audit for the purposes of complementing the procedure for the issuing of certification on the energy performance of buildings in accordance with Articles 11-13 of the EPBD (recast).

In the scope of this objective, the selected experts shall assist the MoCTI in the development of a new Rulebook and methodology on the manner of conducting an energy audit for the purpose of certification of energy performance of buildings, in accordance with EPBD 2010/31/EU (recast), related to Article 11-13;

The Rulebook, together with the detailed methodology as the annex to the Rulebook defining the set of actions and the manner for conducting the audit, will cover definitions and procedures for the conducting of an energy audit for the purposes of certification for all categories of buildings for which energy certification is mandatory, in particular:

- The manner of preparation and conducting of an energy audit for the purposes of certification;
- Review of the project documentation and developer's statements on the performed works and building maintenance conditions;
- Measuring and collecting necessary data;
- Building envelope and energy analysis;
- The manner of calculation and determination of energy class;
- A proposal of measures for additional improvement of energy efficiency;



- Visual inspection of the building;
- The content and form of a report on the conducted procedure of the energy audit (audit report);
- Control of the audit report;
- A database for the audit report; and
- Other issues.

The specific scope of the Rulebook and the Annex to the Rulebook (Methodology) shall be determined with the MoCTI.

During and at the end of the activity, workshops presenting the results of the activity to the representatives of the MoCTI and NG 15 shall be held. The experts shall take into account inputs from workshops received from representatives in their final outputs.

3.2 Requested services

The Senior NKE 1 in the area of energy efficiency legislation is expected to provide the following services:

1. Assist the MoCTI in:
 - a. Drafting a Rulebook on the manner of conducting an energy audit for the purpose of certification of energy performance of buildings, in accordance with Articles 11-13 of EPBD 2010/31/EU (recast) (in collaboration with SNKE 2); and
2. Prepare and hold one workshop and present the outputs of the assignment (in collaboration with SNKE 2).

The Senior NKE 2 in the area of energy efficiency legislation is expected to provide the following services:

1. Assist the MoCTI in:
 - a. Drafting an 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 (in collaboration with SNKE 1); and
2. Prepare and hold two workshops and present the outputs of the assignment (in collaboration with SNKE 1).

3.3 Outputs

The Senior NKE 1 is expected to deliver the following outputs:

1. Rulebook on the manner of conducting an energy audit for the purpose of certification of energy performance of buildings in accordance with Articles 11-13 of EPBD 2010/31/EU (recast), drafted;
2. Workshop held.

The Senior NKE 2 is expected to deliver the following outputs:

1. Annex to the Rulebook – A detailed methodology defining the steps and technical procedures of conducting an energy audit for the purpose of certification of energy performance of buildings, drafted;
2. Workshop held.

3.4 Reporting

The SNKEs 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 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 SNKE 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 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.

3.6 Expert input

3.6.1 Total working days

47 working days (WDs) in total have been planned for this assignment (12 WDs for SNKE 1 and 35 WDs for SNKE 2).

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 November 2023 until February 2024. However, the starting date will be confirmed at a later stage.

3.6.3 Location/place of assignment

The SNKE must deliver 100% of the input in Serbia.

3.6.4 Working language



English

4. Experts' profile – Senior NKE 1 (12 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, 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.

4.2 General professional experience (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to the Union acquis, 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 Union acquis in the area of energy performance of buildings;
- Knowledge of the Serbian legal system will be an advantage.

5. Experts' profile – Senior NKE 2 (35 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 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.

5.2 General professional experience (25 points)

- At least 8 (eight) years of general postgraduate professional experience related to the Union acquis, 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 Union acquis in the area of energy performance of buildings;
- 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 and akhani@dmiassociates.com no later than 14 November 2013, 17:00 hrs., titled:

“Application for the position - 2 (two) Senior Non-Key Expert in the area of Negotiating Ch. 15, Energy - energy audit for certification of performance of buildings (Directive 2010/31/EU)”

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.