

## Development of System for Management of Cohesion Policy

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### Terms of Reference for Assignment of a Senior Non-Key Expert on Legal Framework

#### Result 1: Legal and institutional framework for implementation of EU Cohesion Policy in place

#### 1. Background

This assignment shall be carried out within the framework of the project “Development of the System for the Management of Cohesion Policy” financed by European Union under IPA III, whose Project Partner and Main Beneficiary the Ministry of European Integration (MEI).

The Project started on 11 July 2019 and will run until 10 July 2024. **The Contracting Authority** for the above-mentioned project is the **EU Delegation to the Republic of Serbia (EUD)**. The Contractor is **GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in consortium with Mott MacDonald, Archidata and Ismeri**.

The overall objective is to prepare the Serbian public administration for the effective implementation of the EU Cohesion Policy in the Republic of Serbia. The contract aims to build and improve the capacities of all relevant stakeholders for timely and efficient preparation, implementation, monitoring and evaluation of programmes and projects supported by the Structural Funds and the Cohesion Fund.

The results to be achieved by the Contractor are as follows:

**Result 1:** Legal and institutional framework for the implementation of EU Cohesion Policy in place.

**Result 2:** Relevant planning and programming documents for IPA III multi-annual programming prepared.

**Result 3:** Capacities of institutions and bodies nominated for preparation / implementation of multi-annual Operational Programmes under IPA with a view of their future role under Cohesion Policy, as well as partners and potential beneficiaries at national level, and as appropriate at sub-national level, increased via Capacity Building programmes.

Project started on 11 July 2019 and will last 36 months.

**The assignment of the Senior Non-Key Expert on Legal Framework shall be framed within the first project component** focusing on preparation of legal and institutional framework for implementation of EU Cohesion Policy in Serbia. The expert shall continue the work of the initially appointed Legal Framework Expert who completed the assigned tasks but is not available to undertake new tasks due to other ongoing commitments.

As part of the project implementation, the draft *Law on establishing and functioning the system for Cohesion Policy management* was prepared by the Beneficiary with the support of the project team, discussed with the members of the Inter-ministerial Group preparing the Law and published on the special Government website for public consultations. Additionally, the ex-ante analysis for

the law and other necessary accompanying documents were developed. At the end of August 2023, the draft law was sent to the European Commission for informal consultations.

During the last months, work has begun on a draft by-law to the *Law on establishing and functioning the system for Cohesion Policy management* in the context of Goal 1 of the EU Cohesion Policy (Investment for jobs and growth), which sets out the requirements for programme authorities and bodies for Cohesion Policy implementation, as their functions and tasks. The draft by-law will be the subject of further works in the coming months. Additionally, the by-law on the Goal 2 of the Cohesion Policy related to the European Territorial Cooperation (Interreg) is to be developed.

It is planned to submit the *Law on establishing and functioning the system for Cohesion Policy management* as well as two by-laws, to the Government for approval and to send it to Parliament for adoption at the end of 2023 – beginning of 2024.

## **2. Approach**

The selected Expert will assist in the further development of the draft Law after the comments from the European Commission will be received, as well as in the alignment of the draft by-law for the Goal 1 of the EU Cohesion Policy and the preparation of the by-law for the Cohesion Policy Goal 2. If necessary, he/she may also be involved in preparation and/or fine-tuning the accompanying documents for the Law (ex-ante analysis and report on the ex-ante analysis conducted, explanatory note, Regulatory Impact Assessment, public consultations report, etc.). The expert will work with the Team Leader/Key Expert 1 – who according to the ToR is primarily responsible for organising of the activities foreseen under Component 1.

The Expert will work on the following draft documents prepared by the Project Team:

- Draft *Law on establishing and functioning the system for Cohesion Policy management*,
- Draft ex-ante analysis for the *Law on establishing the system for Cohesion Policy implementation, if needed*,
- Explanatory note for the a/m Law and
- Draft by-law related to Goal 1 of the EU Cohesion Policy.

The Expert will assist the Project Team in finalising the a/m documents as well as in developing the Regulatory Impact Assessment for the Law and other documents as needed.

The Expert will also be involved in the preparation of the by-law related to Goal 2 of the Cohesion Policy (European Territorial Cooperation).

At the request of the Beneficiary and the Team Leader, the Expert may also provide, as appropriate, the necessary training for the Beneficiary related to legislative drafting and preparation.

These activities will start in September 2023 and last until March 2024.

## **3. Description of assignment**

Based on the approach described in the previous section, the Expert will provide assistance in the development for on the establishment of the system of management of the Cohesion Policy Funds in Serbia.

The Expert is expected to provide inputs on the following outputs/deliverables:

1. Draft *Law on establishing and functioning the system for Cohesion Policy management* with all relevant supporting documents aligned to the Serbian legal system.
2. Support in drafting the by-laws to the a/m Law, as indicated in the draft Law and their presentation to other stakeholders, if necessary.
3. Support in development of the template inter-institutional agreements between the institutions and bodies implementing the EU Cohesion Policy in Serbia.
4. Necessary training and on-the job support for the Beneficiary in the activities related to the development of the legal framework for the implementation of the Cohesion Policy in Serbia.

The order of preparation of the above deliverables and the number of presentations and workshops will be proposed by the Expert in collaboration with the Team Leader.

The Expert may also be involved, if necessary, in other work related to the creation of the legal framework for the implementation of the EU Cohesion Policy in Serbia.

The Expert shall prepare short monthly reports describing the work carried out and its results, as well as recommendations that can be submitted to the Beneficiary from the expert's point of view. The monthly reports prepared by using the project template are to be submitted to the Team Leader.

#### **4. Expert profile**

### **SENIOR NON-KEY EXPERT ON LEGAL FRAMEWORK**

#### **Required Qualifications and Skills**

University degree with minimum of 3 (i.e. Bachelor's degree) years of studies in law.

Fluency in both written and spoken English

Fluency in both written and spoken Serbian language

Computer literacy (MS Office including Excel, PowerPoint, Internet)

Very good organisational, coordination and reporting skills.

#### **General Professional Experience**

Min. 8 years relevant general professional experience

#### **Specific Professional Experience**

A minimum of 5 years of specific experience in law.

Proven experience with contributing to drafting at least 2 laws and at least one by-law in the Republic of Serbia, including at least one by-law drafted during last two years.

#### **4. Location, duration, (provisional) start/end date**

Location: the expert will be working in Belgrade, Serbia, at Project Office and other locations in Belgrade,

Starting/ending date: September 2023 – March 2024.

Total number of working days: up to 100.

This project is funded by  
the European Union



**#EY**  
**ЗА ТЕБЕ**

Please send your CV and application letter by e-mail to [nikola.bajski@giz.de](mailto:nikola.bajski@giz.de) by 22.09.2023.