

Development of System for Management of Cohesion Policy

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.

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. Based on the comments and guidance received from the EC, the draft law was amended in December 2023

– January 2024 and will be presented to the government after its establishment. The work on the by-law (Decree for 1st Cohesion Policy Goal) which sets out the requirements for programme authorities and bodies for Cohesion Policy implementation and their functions and tasks has also been finalised, including its amendment in line with the changes introduced to the Law and the Rationale accompanying the draft decree.

According to the plans, the second by-law on the Goal 2 of the Cohesion Policy related to the European Territorial Cooperation (Interreg) is also to be developed as well as template inter-institutional agreements between the bodies in the management and control system for both goals of Cohesion Policy.

2. Approach

The selected Expert will assist in the development of the draft by-law related to the Goal 2 of the Cohesion Policy (European Territorial Cooperation) together with the Rationale for the by-law. If necessary, he/she may also be involved in fine-tuning of the Law, by-laws and the accompanying documents. 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 and the Rationale for the by-law.

The Expert will be involved in the preparation of the following documents:

- Draft by-law related to Goal 2 of the Cohesion Policy (European Territorial Cooperation),
- Rationale for the draft by-law related to Goal 2 of the Cohesion Policy (European Territorial Cooperation),
- Template inter-institutional agreements between the bodies in the system for implementation of Cohesion Policy in the Republic of Serbia,
- Fine-tuning of the previously prepared documents (draft law, draft by-law and the accompanying documents, if applicable).

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 April 2023 and last until July 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. Support in drafting the by-law to the a/m Law, related to the Goal 2 of the Cohesion Policy, as indicated in the draft Law and their presentation to other stakeholders, if necessary.

2. Support in development of the template inter-institutional agreements between the institutions and bodies implementing the EU Cohesion Policy in Serbia.
3. Fine-tuning of the previously prepared legal documents (draft law, draft by-law and the accompanying documents), if necessary.
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: April – July 2024.
Total number of working days: up to 50.

Elaborated by: Danuta Jablonska

This project is funded by
the European Union



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Date: 04/04/2024, Version 1;