



Policy and Legal Advice Centre (PLAC IV)

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

No. 16

Technical assistance requested:	2 (two) Senior Non-Key Experts in the area of Negotiating Ch. 15, Energy - Directive (EU) 2023/2413 ("RED III" Directive)
Project Title:	Policy and Legal Advice Centre (PLAC IV), Serbia
Ref:	NEAR/BEG/2023/EA-RP/0175
Service Contract No:	(CRIS) 2024/453-315
Main beneficiary:	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team
Target beneficiaries	Negotiating Group Ch. 15; Ministry of Mining and Energy of the RS (MME)
Budget Line/Expert category	Two Senior Non-Key Experts
Duration of the assignment	50 working days (WD), from April 2025 until October 2025

1. Background information in relation to the PLAC IV project:

The scope of the PLAC IV project is to support relevant national institutions in charge of aligning national legal acts with the Union *acquis* and to contribute to further building of capacities of the relevant national structures to carry out accession negotiations successfully.

The PLAC IV 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 at fostering 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. After completing the screening process in 2015, Serbian public administration entered a 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 according to planned dynamics, preparedness and adequate institutional capacity of public administration with highly competent staff is crucial. In the core period of the negotiations, the PLAC IV project shall



support domestic line institutions and the negotiating structures both in performing quality operational work in relation to the harmonisation process and the effective coordination during various stages and phases in the process for different negotiation chapters.

2. Background information in relation to Chapter 15 – Energy

In accordance with the Treaty on the Establishment of the Energy Community, which was ratified in the Republic of Serbia in 2006, the Republic of Serbia undertook the obligations of harmonising national legislation in the energy field with the European Union's acquis.

The Stabilization and Association Agreement, which was signed in 2008 and entered into force in 2013, emphasised the necessity of regional cooperation in the field of energy with the aim of gradual integration into the European energy market.

Regulation of renewable energy sources is carried out and monitored within the framework of Negotiating Chapter 15—Energy, which opened negotiations in 2021.

Bearing in mind that since 2018, the European Union has been revising its energy policy and legal framework to support the transformation towards clean energy and the reduction of greenhouse gas emissions, the Ministerial Council of the Energy Community adopted Decision No: 2021/14/MC-EnC dated 30.11.2021, by which the Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources from 11 December 2018 (RED II), was included in the regulations of the Energy Community and adapted for use in the Energy Community. According to this decision, the Republic of Serbia, as a Contracting Party to the Treaty on the Establishment of the Energy Community, had an obligation to transpose the provisions of this directive into the national legislation by 31 December 2022, i.e. to bring into force the laws, regulations and administrative provisions necessary to comply with Directive (EU) 2018/2001. Also, the Ministerial Council of the Energy Community adopted Decision No: 2022/02/MC-EnC, dated 15.12.2022, on amending Decision No: 2021/14/MC-EnC.

After adopting the Law on Renewable Energy in April 2021 and amending it in 2023, Serbia continued aligning with RED II by adopting a set of by-laws for renewable energy sources (RES), including the Regulation on Biofuel Sustainability Criteria.

The European Commission adopted Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023, amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999, and Directive 98/70/EC as regards the promotion of energy from renewable sources and repealing Council Directive (EU) 2015/652 - RED III.

According to the RED III Directive, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 21 May 2025. By way of derogation from this, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, point (6), with regard to Article 15e of Directive (EU) 2018/2001, and Article 1, point (7), with regard to Articles 16, 16b, 16c, 16d, 16e and 16f of that Directive, by 1 July 2024.

In order to prepare for obligations regarding the “RED III” Directive, it is necessary to perform a detailed analysis of legal and institutional gaps in the existing national legal and institutional framework, propose key modifications to the existing institutional and regulatory framework, and prepare a proposal for a regulatory framework (drafts of legislative acts) that would transpose the provisions of the “RED III” Directive.

There are no ongoing 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 assist the Ministry of Mining and Energy (MME) in aligning Serbian legislation in renewables with Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources and repealing Council Directive (EU) 2015/652.

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

Expert support to MME is required to identify the legal and institutional gaps in the existing national legal and institutional framework concerning RED III Directive requirements. Activities shall cover the full transposition of the RED III Directive, but particular attention will be paid to the transposition of the amendments relating to Articles 15 b to e and 16 of the RED III Directive to determine the degree of amendments and modifications in the existing legislation needed to close the gap identified and to prepare drafts of legislative acts amending the existing regulatory framework and transposing the RED III and table of concordance.

At the end of the activity, the legal and institutional gap assessment, new drafts of legislation, changes to the institutional and regulatory framework envisaged by the new legislation, and their expected impacts will be presented.

3.2 Requested services

The Senior NKEs are expected to provide the following services:

1. Assist the MME and NG 15 in:
 - a. Preparing analysis of legal and institutional gaps in the existing national legal and institutional framework in relation to full transposition of RED III requirements.
 - b. Identifying the amendments and key modifications in the existing regulatory and institutional framework needed to close the gap identified, with which the alignment and full transposition of RED III would be achieved;
 - c. Preparing drafts of legislative acts amending and supplementing the existing regulatory framework to provide a legal basis enabling transposition and full implementation of the RED III;
 - d. Preparing table of concordance for RED III; and
 - e. Delivering a presentation on the achieved results (such as legal and institutional gap assessment, new drafts of legislation, changes to the institutional and regulatory framework envisaged by the new legislation and their expected impacts shall be held).



3.3 Outputs

The Senior NKEs are expected to deliver the following outputs:

1. Legal and institutional gap assessment report identifying amendments and modifications in the regulatory and institutional framework needed to close the gap, for RED III transposition drafted;
2. Legislative acts (laws if relevant) amending and supplementing the existing regulatory framework and enabling full transposition of the RED III, drafted;
3. By-laws (if relevant) enabling full transposition of the RED III, drafted;
4. Table of concordance, drafted;
5. Presentation held.

3.4 Reporting

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

- A brief Mission Report describing activities and outputs provided at the end of each month, in which tasks under this assignment have been carried out.
- Final Mission Report, no later than one week after completing tasks under this assignment. This report will include a description of all activities and outputs provided by the NKE in the context of this assignment.

Submission of reports:

- All reports prepared with the relevant quality shall be submitted to the Project Team Leader for review, comments, and final approval. The reports shall be signed by the NKE and the Team Leader responsible for endorsing them.
- The reports and all prepared documents shall be submitted to the Project Team Leader in hard copy and electronic format.

3.5 Specifics

The SNKEs shall work under the guidance and instructions of the Team Leader. They shall collaborate with the project team, other experts involved, and representatives of the relevant beneficiary institutions.

The **Comprehensive analysis** will be considered completed when the Working Group formed by MME approves it.

The timing and duration of each short-term mission shall be agreed upon with the Beneficiary and the PLAC team before each planned mission.



3.6 Expert input

Total working days	50 working days (WDs) in total have been planned for this assignment (25 WDs for SNKE 1 and 25 WDs for SNKE 2). An additional number of WDs may be allocated for this ToR should the needs of the main beneficiary require an extension for the activity areas mentioned in this ToR.
Period of the assignment	April 2025 until October 2025
Starting day	The work is expected to be performed from April 2025 onwards. However, the exact starting date will be agreed upon later.
Location/place of assignment	The base of operation will be in Belgrade, Serbia, and the Project will provide office facilities.
Working language	English

4. Experts' Profile – 2 Senior NKEs (50 working days)

Senior NKE 1 (25 working days)

Qualification and skills (25 points)	<ul style="list-style-type: none"> • A level of education corresponding to completed university studies of at least 4 (four) years in the relevant field attested by a diploma such as energy engineering, law, economy or similar, relevant to the assignment • Computer literacy • Be proficient in report drafting • Excellent communication and analytical skills • Proficiency in English language • Be independent and free from conflicts of interest in the responsibilities they take on.
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 8 (eight) years of relevant professional experience related to the EU <i>acquis</i> in the energy field, gained in an EU Member State or a candidate country.
Specific professional experience (50 points)	<ul style="list-style-type: none"> • At least 5 (five) years of postgraduate professional experience in the field of drafting and/or implementing legislation in relation to the RED Directive. • Knowledge of the Serbian legal system, as well as experience in drafting Serbian regulations, will be an advantage.



Senior NKE 2 (25 working days)

<p>Qualification and skills (25 points)</p>	<ul style="list-style-type: none"> • A level of education which corresponds to completed university studies of at least 4 (four) years in the relevant field attested by a diploma such as energy engineering, law, economy, or similar, relevant to the assignment • Computer literacy • Be proficient in report drafting • Excellent communication and analytical skills • Proficiency in English language • Be independent and free from conflicts of interest in the responsibilities they take on.
<p>General professional experience (25 points)</p>	<ul style="list-style-type: none"> • Minimum 8 (eight) years of relevant professional experience related to the EU <i>acquis</i> in the energy field, gained in an EU Member State or a candidate country.
<p>Specific professional experience (50 points)</p>	<ul style="list-style-type: none"> • At least 5 (five) years of postgraduate professional experience in drafting and/or implementing legislation related to the RED Directive. • Knowledge of the Serbian legal system as well as experience in drafting Serbian regulations will be an advantage.

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to domi@ibf.be with a copy to bortolameazzi@ibf.be no later than 17:00 hrs, 3 April 2025, titled:

“Application for the position – Senior Non-Key Expert 1 or 2 in the area of Negotiating Ch.15- Directive (EU) 2023/2413 (RED III)”.

References must be available on request. Only shortlisted candidates will be contacted.

The Project is an equal-opportunity employer that encourages applications from women and minorities. All applications will be considered strictly confidential.

The advertised posts are unavailable to civil servants or other public administration officials in the Republic of Serbia, the beneficiary country.

For more information, please contact the Project Director at IBF: bortolameazzi@ibf.be