



## Policy and Legal Advice Centre (PLAC III)

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

<b>Technical assistance requested:</b>	1 (one) Senior and 1 (one) Junior Non-Key Expert in the area of Negotiating Ch. 12, Food Safety, Veterinary and Phytosanitary Policy; Feed hygiene.
<b>Project Title:</b>	Policy and Legal Advice Centre (PLAC III), Serbia
<b>Ref:</b>	EuropeAid/139295/DH/SER/RS
<b>Service Contract No.:</b>	(CRIS) 2018/404-529
<b>Main beneficiary:</b>	The Ministry of European Integration of the Republic of Serbia and the Negotiating Team
<b>Target Beneficiaries:</b>	Negotiating Group Ch. 12, The Ministry of Agriculture, Forestry and Water Management (MAFWM)
<b>Budget Line / Expert Category:</b>	Senior Non-Key Expert (SNKE) and Junior Non-Key Expert (JNKE)
<b>Duration of the assignment:</b>	55 working days (WD), from October 2020 until May 2021 (35 WD for SNKE and 20 WD for JNKE)

#### 1. Relevant background information

Background information in relation to PLAC III project:

The scope of 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 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 completion of 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, PLAC III Project shall support domestic line institutions and the negotiating structures both in performance of quality operational work in relation to 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 12 – Food Safety, Veterinary and Phytosanitary Policy**

Chapter 12 is one of the most demanding part of the Union acquis because of a wide range of legislation that have to be transposed and implemented. Most of the provisions, beside the demanding rules for animal and plant health, safety of food, feed and animal products, require a significant investment in food establishments, agriculture, biosecurity measures which also represent trade challenges. The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 12 – Food Safety, Veterinary and Phytosanitary policy. The Country progress report 2019 of the European Commission and audits done by EU unit for Health and Food Audit and Analysis Health Audit and Assessment state that Serbia has some improvement in the area Food Safety, Veterinary and Phytosanitary policy. Some progress has been made in further aligning with the acquis, strategic planning and addressing the recommendations from previous reporting years.

In the coming year, Serbia should in particular:

1. develop a comprehensive strategy for transposition, implementation and enforcement of the acquis on food safety, veterinary and phytosanitary policy
2. substantially strengthen the administrative capacity of the veterinary, phytosanitary and national reference laboratories directorates and retain highly competent staff
3. consistently apply and improve the risk-based approach to sanitary control at borders.

In connection to the first point of the EC report, the implementation of feed legislation is precondition for food safety and animal health, as well as organization of official control of feed and food.

Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene combines different types of feed: feed materials, feed additives, compound feed including pet food, medicated feed which makes this area quite important part of agri-food chain.

The Regulation lays down general requirements for feed hygiene, conditions and arrangements ensuring traceability of feed, conditions and arrangements for registration and approval of establishments, in particular the activities of feed business operators at all stages, from and including primary production of feed, up to and including, the placing of feed on the market; the feeding of food-producing animals; imports and exports of feed.

At this moment, there are certain legal acts that covers some aspects of the Regulation (EC) 183/2005, but the important elements are missing e.g. provisions on feed additives, feed catalogues, pet food, by-laws that regulate official controls for feed, etc. Some provisions are



implemented and stipulated in different laws or by-laws (Law on Veterinary Matters, Law on Food Safety), but the transposition has not been done at the desirable level, which cause significant issues in trade and during the EU audits. Namely, residues of antibiotics or contaminants present in animal feed could be transferred to food of animal origin which constitute a potential public health risk. The comprehensive controls of feed at any stage of production and placing on the market is not properly addressed and regulated.

Regulation EC 183/2005 besides mentioned requirements, prescribes penalties and strong obligations to the feed operators and gives legal basis for by-laws/rulebooks. In Serbian system, this kind of provisions could be completely transposed only within Laws.

PLAC III project's support is needed in drafting national Law related to the requirements for feed hygiene - Feed Law and a Rulebook on the placing on the market and use of feed in line with Regulation (EC) No 767/2009 on the placing on the market and use of feed<sup>1</sup> and Regulation (EC) 183/2005 laying down requirements for feed hygiene.

At present, there is no on-going 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 assistance and support to the MAFWM in drafting a Law on the requirements for feed hygiene and a Rulebook on the placing on the market and use of feed in line with relevant provisions of Regulation (EC) 183/2005, Regulation (EC) 178/2002, and Regulation (EC) No 767/2009 to harmonise the conditions for the placing on the market and the use of feed, in order to ensure a high level of feed safety and thus a high level of protection of public health, as well as to provide adequate information for users and consumers and to strengthen the effective functioning of the market.

With adoption of the Law, it will be given more possibility to transpose complete "Feed Hygiene Package" which covers feed additives, feed catalogues, medicated feed, pet food, but also drafting a necessary rules and procedures on the registration and approval of feed establishments (the nature of the act tbd.in the inception) based on the draft Feed Law.

#### **3.2. Requested services**

**The Senior NKE in the area feed hygiene is expected to provide the following services:**

- Assisting the Ministry in drafting of national Law related to the requirements for feed hygiene transposing provisions of Regulation (EC) 183/2005, certain provisions of Regulation (EC) 178/2002 (EU Food Law) and the relevant supporting regulations;

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<sup>1</sup> Consolidated text: Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (Text with EEA relevance)Text with EEA relevance



- Provide the support to the Ministry in drafting the Rulebook related to the placing on the market and use of feed, as per the criteria stipulated in in line with Regulation (EC) 767/2009.

**The Junior NKE in the area of feed hygiene is expected to provide the following services:**

- Assisting the MAFWM preparation and/or update of the Table of Concordance for the EU Regulations: Regulation (EC) 183/2005 and Regulation (EC) No 767/2009, and Regulation (EC) 178/2002 based on the drafted legislation and legislation in force
- Assisting the MAFWM in preparation and drafting of rules and procedures for registration and approval of feed establishments, a legal basis for which will be established in the draft Feed Law (which type of the act to be decided in the inception).

### 3.3. Outputs

**Senior NKE is expected to deliver the following outputs:**

- A Feed Law drafted
- A Rulebook for the placing on the market and use of feed drafted

**Junior NKE is expected to deliver the following outputs:**

- ToCs drafted
- Rules and procedures on registration and approval of feed establishments, based on the new draft Feed Law, drafted

### 3.4. Reporting

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

- **Final Mission Report**, no later than 1 week after completion of tasks under this assignment. This report will include description of all activities and outputs provided by the SNKE and JNKE in the context of this assignment.
- A brief interim report - only upon a request of the PLAC III team: TL and/or KE2

**Submission of reports:**

- Draft mission report shall be submitted to the Team Leader of the Project for review and comments at the end of the mission.
- Final version of the mission report prepared in the agreed quality shall be submitted to the Team Leader of the Project for a review, comments and the final approval.
- The reports shall be signed by the NKEs 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**

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

Each of the short-term missions, the timing and duration shall be agreed with the Beneficiary and the PLAC team prior to each planned mission.

### **3.6. Expert input**

#### **3.6.1. Total working days**

35 working days (WD) in total have been planned for Senior Non-Key Expert and 20 working days (WD) for Junior Non-Key Expert for this assignment.

#### **3.6.2. Period of the assignment and Starting day**

It is expected that the work will be performed during several missions in the period from October 2020 until May 2021. However, the exact starting date will be agreed at a later stage.

#### **3.6.3. Location/Place of assignment**

The SNKE and JNKE has to deliver 100% of the input in 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 PLAC III project.

#### **3.6.4. Working language**

English

## **4. Expert's Profile - Senior NKE (35 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 veterinary, food safety, law, agriculture or similar relevant to the assignment
- Proficiency in English language
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- Be independent and free from conflicts of interest in the responsibilities they take on

### **4.2. General professional experience (25 points)**

- At least 8 (eight) years of general postgraduate professional experience, related to the harmonisation of legislation in relation to Ch. 12 Union acquis, gained in an EU member state, candidate or potential candidate country

### **4.3. Specific professional experience (50 points)**

- Postgraduate professional experience in harmonisation of requirements of Union acquis related to feed (e.g. feed hygiene, traceability of feed, feed additives, feed catalogues,



- medicated feed, pet food, and/or the placing on the market and use of feed).
- Postgraduate professional experience in developing a system of official controls in line with the Union acquis requirements, gained in an EU member state, candidate or potential candidate country will be an advantage

## **5. Expert's Profile - Junior NKE (20 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 in veterinary field, law, food safety or similar, relevant to the assignment
- Proficiency in English language
- Computer literacy
- Be proficient in report drafting
- Excellent communication and analytical skills
- Be independent and free from conflicts of interest in the responsibilities they take on

### **5.2. General professional experience (25 points)**

- At least 5 (five) years of general postgraduate professional experience related to harmonisation of legislation in relation to Union acquis gained in an EU member state, candidate or potential candidate country

### **5.3. Specific professional experience (50 points)**

- Postgraduate professional experience in drafting national legislation aligned with Ch. 12 Union acquis and drafting Tables of Concordance (ToC)
- Knowledge of 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](mailto:mbayard@dmiassociates.com) and [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com) no later than 15 October 2020, 17:00 hrs, titled:

“Application for the position – Senior **or** Junior NKE in the area of Ch. 12, harmonisation of legislation with that of Union acquis related to feed hygiene”

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](mailto:mbayard@dmiassociates.com) or Elizabeth Howard [ehoward@dmiassociates.com](mailto:ehoward@dmiassociates.com) .

