

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	1 (one) Senior and 1 (one) Junior Non-Key Expert in the area of Ch.12 - Ionizing radiation in conservation of food or food ingredients - a support in establishing functional mechanisms to facilitate implementation
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 and the Negotiating Team
Target Beneficiaries:	Negotiating Group Ch. 12; Ministry of Agriculture, Forest and Water Management (MAFWM) and Ministry of Health (MoH)
Budget Line /Expert Category:	One Senior and One Junior Non-Key Expert
Duration of the assignment:	49 working days (WD), from September 2021 until February 2022 (25 WD SNKE and 24 WD for JNKE)

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 EU 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 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 the 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, the PLAC III Project shall support local line institutions and negotiating structures both in performance of

quality operational work in relation to the harmonisation process and in the effective coordination during various stages and phases in the process relevant to different negotiation chapters..

2. Background information in relation to Chapter 12 – Food Safety, Veterinary and Phytosanitary Policy

Republic of Serbia (RS) is intensively preparing for negotiations with the EU regarding Chapter 12. The 2020 Country Report issued by the European Commission states that Serbia is moderately prepared in the area of food safety, veterinary and phytosanitary policy. In the coming year, Serbia should among other things, develop a comprehensive strategy for transposition, implementation and enforcement of the acquis on food safety, veterinary and phytosanitary policy, substantially strengthen the administrative capacity of the veterinary, phytosanitary and national reference laboratories directorates and consistently apply and further improve the application of the risk-based approach to official controls for imports.

The Law on Food Safety, (OG RS No. 41/09) divides the competences in the area of food safety between the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Ministry of Health (MoH), depending on the type of food and the stage of the production and sale.

The use of radiation sources for ionizing and the performance of radiation activities are regulated by the Law on radiation and nuclear security and safety (OG RS, No. 95/18), which is harmonized with EU regulations in the field of radiation protection, responsibility under Ministry of Energy and Mining (MoEM). The Agency for Serbian Radiation and Nuclear Safety and Security (SRBATOM) is conducting regulatory, professional and other related executive duties in the field of radiation and nuclear safety and security.

EU Directive 1999/2/EC and 1999/3/EC are related to food and food ingredients irradiation with the aim to secure food safety and the free movement of foodstuffs. Directive 1999/3/EC is laying down conditions for the implementation of the Framework Directive 1999/2/EC, which sets out an initial list of foods and food ingredients that may be subjected to ionizing radiation and the maximum permitted radiation doses. Certain parts of Directive 1999/2/EC concerning foods and food ingredients treated with ionising radiation and Directive 1999/3/EC on the establishment of a Community list of foods and food ingredients treated with ionising radiation are related to the Law on radiation and nuclear security and safety regarding issues such as conditions for approval (license), technical requirements, appointment of a responsible person, approval for use of ionizing radiation sources, as well as registration and notification of ionizing radiation sources.

The list of products that can be treated with ionizing radiation and the maximum permissible radiation doses, when it comes to trade and import of food treated with ionizing radiation, are prescribed by the Rulebook on conditions under which food and general use items preserved by ionizing radiation may be placed on the market ("OG FRY", No. 42/98), which was adopted on the basis of the Law on Health Safety of Foodstuffs and Items of General Use, which was repealed by the Law on Food Safety ("OG RS", No. 41/09).

As regards the list of products that can be treated with ionizing radiation and the maximum permissible radiation dose, the above-mentioned Rulebook, in addition to dried aromatic herbs and spices and herbs prescribed by Directive 1999/3/EC, contains other types of products than food that can be treated with ionizing radiation and maximum permissible radiation doses. The Rulebook prescribes items of general use (items for personal hygiene and care of persons and bodies and food packaging material) that can be treated with ionizing radiation and the maximum permissible radiation dose, which are not subject of Directive 1999/3/ EC and were not repealed by the Law on food safety.

Based on the division of competencies prescribed in the Law on Food Safety and the conditions set by the Law on Radiation and Nuclear Safety and Security (OG RS, No. 95/18 and 10/19), it is necessary to create an institutional framework for enacting and implementing legislation in this area. considering the following facts:

1. that there is no clearly determined which body is competent for the adoption of regulations in the field of treatment of food and food ingredients with ionizing radiation
2. that there are no approved operators for treatment of food in RS
3. that there are institutions licensed to perform certain analyses according to the Law on radiation and nuclear security and safety but not of food and food ingredients

The PLAC III project assistance is therefore crucial for the implementation of the NPAA in this sector and in meeting the opening benchmarks set for Ch. 12.

There is an ongoing Project - IPA 2015 "Capacity building for the alignment with the acquis in the area of, agriculture, rural development, food safety, veterinary and phytosanitary policy", EuropeAid/138038/DH/SER/RS, but there is no planned assistance under that Project for the activities covered by this ToR.

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 to the Ministry of Agriculture, Forestry and Water Management and Ministry of Health in implementation of the acquis-compliant legislation for using ionizing radiation in conservation of food and food ingredients as follows:

- Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation,
- Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation,
- 2002/840/EC: Commission Decision of 23 October 2002 adopting the list of approved facilities in third countries for the irradiation of foods

The selected experts' support to the MAFWM and MoH is needed in preparing national administration for the practical aspects and challenges related to the transposition and implementation of EU legislation and in supporting establishing of functional mechanisms to facilitate the implementation in this specific area of food safety.

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

- Assisting the Ministries in preparing a legal and institutional gap analysis including recommendations for a division of responsibilities based on different implementation possibilities
- Based on the examples of the systems adopted in selected EU MS, support the Ministries in understanding the complexity of the systems and provide recommendations for a possible solution for RS

- Assisting the Ministries to define the legal basis for transposition of the relevant EU acquis in area of ionizing radiation related to conservation of food and food ingredients
- Assisting the Ministries in drafting rulebooks transposing the following EU legislation:
 - Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation
 - Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation
 - 2002/840/EC: Commission Decision of 23 October 2002 adopting the list of approved facilities in third countries for the irradiation of foods
- Assisting the Ministries in organising a system of official controls by drafting procedures for official controls based on the national legislation
- Hold a workshop to present the results of the assignment including the examples of the systems adopted in the selected EU MS.

3.2 Requested services

The Senior NKE in the area of ionizing radiation in conservation of food or food ingredients is expected to provide the following services:

1. Drafting legal and institutional gap analysis including:
 - an assessment of the current status of Serbia's food safety infrastructure in view of its compliance with the EU requirements
 - recommendations for the implementation and the organisation of the system when using ionizing radiation in conservation of food and food ingredients based on the best practices in the EU MS including a proposal for a division of responsibilities according to the administrative and other capacities of the relevant institutions.
2. Assisting the Ministries in defining a legal basis for transposition of the relevant EU acquis in the area of ionizing radiation in conservation of food and food ingredients (Directive 1999/2/EC on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation) by preparing **a road map** for the transposition of the EU acquis in this area having regard to the proposal for the division of responsibilities drafted under 3.2.1.
3. Organise and hold a workshop presenting the results of the assignment including the best practice from the selected EU MS related to the system of official controls in this field

The Junior NKE in the area of ionizing radiation in conservation of food or food ingredients is expected to provide the following services:

1. Assisting the Ministries in drafting two Rulebooks transposing Directive 1999/3/EC on the establishment of the Community list of foods and food ingredients treated with ionising radiation and Commission Decision 2002/840/EC: adopting the list of approved facilities in third countries for the irradiation of food:
 - a. Rulebook on the list of food and food ingredients treated with ionising radiation
 - b. Rulebook on the list of approved facilities for the irradiation of food

2. Assisting the Ministries in drafting a procedure for official controls
3. Assisting the Ministries in drafting and/or updating Tables of Concordance (ToC) of Directive 1999/2/EC, Directive 1999/3/EC and Commission Decision 2002/840/EC
4. Organise and hold a workshop presenting the results of the mission

3.3 Outputs

SNKE is expected to deliver the following outputs:

- 1) Legal and institutional gap analysis including the proposal for a division of responsibilities drafted.
- 2) A road map for the transposition of the EU acquis including identifying and drafting proposal for the legal basis for the transposition of relevant EU acquis in area of ionizing radiation, drafted
- 3) Workshop held

JNKE is expected to deliver the following outputs:

- 1) Rulebook on the list foods and food ingredients treated with ionising radiation drafted
- 2) Rulebook on the list of approved facilities for the irradiation of food drafted
- 3) A procedure for official control drafted
- 4) ToCs drafted
- 5) Workshop held

3.4 Reporting

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

- Final Mission Report, not later than one week after the completion of tasks under this assignment. This report will include the description of all activities and outputs provided by the SNKE and JNKE in the context of this assignment.
- A brief interim report - only upon request of the PLAC III team: the TL and/or KE2

Submission of reports:

- A draft mission report shall be submitted to the Team Leader of the Project for review and comments by the end of the mission.
- The final version of the 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 JNKE and the Team Leader, responsible for endorsing the reports.
- The reports and all prepared documents shall be submitted in hard copy and electronic version to the Team Leader of the project.

3.5 Specifics

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

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

3.6 Expert input

3.6.1 Total working days

49 working days (WDs) in total have been planned for this assignment - 25 WDs for Senior Non-Key Expert and 24 WDs 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 September 2021 until February 2022. However, the starting date will be confirmed at the later stage.

3.6.3 Location/Place of assignment

The SNKE and JNKE has to deliver 100% of the input in Belgrade, 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. Experts' Profile – Senior NKE (25 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 in law, food safety, agriculture or similar, relevant to the assignment.
- Computer literacy
- Proficiency in report drafting
- Excellent communication and analytical skills
- Proficiency in the English language
- Independent and free 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 in harmonisation of legislation related to EU acquis Ch. 12 gained in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- Postgraduate professional experience in transposition or implementation of the EU acquis related to official controls gained in an EU MS or a candidate country

- Postgraduate professional experience transposition or implementation of EU *acquis* related to foods and food ingredients treated with ionising radiation gained in an EU member state, candidate or potential candidate country, will be an asset

5. Experts' Profile – Junior NKE (24 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 law, food safety, agriculture or similar, relevant to the assignment

- Computer literacy

- Proficiency in report drafting

- Excellent communication and analytical skills

- Proficiency in the English language

- Independent and free from conflicts of interest in the undertaken responsibilities

5.2 General professional experience (25 points)

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

5.3 Specific professional experience (50 points)

- Postgraduate professional experience in drafting legislation harmonised with the EU *acquis* in Ch. 12 - food safety, veterinary and phytosanitary policy

- Knowledge of Serbian legal system, will be an asset.

6. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to mbayard@dmiassociates.com and ehoward@dmiassociates.com no later than 4 August 2021, 17:00 hrs, titled:

“Application for the position – Senior or Junior NKE in the area of Ch. 12, establishing of functional mechanisms to facilitate implementation of legislation in conservation of food or food ingredients using ionizing radiation”

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 or Elizabeth Howard ehoward@dmiassociates.com