

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	1 (one) Senior Non-Key Expert in the area of Negotiating Ch. 10 – Information society and media; Electronic Government; Electronic Government
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. 10; Ministry of Public Administration and Local Self-Government (MPALSG)
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 working days (WD), from September 2021 until April 2022

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 EU 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 10 – Information Society and Media

The negotiating Chapter 10 is an important chapter in the process of Republic of Serbia's accession negotiations with EU, encompassing electronic communications, information society services and audio-visual policy.

Serbia was considered to be sufficiently prepared at that stage for negotiations on Chapter 10. Therefore, the Commission recommended the opening of accession negotiations with Serbia on Chapter 10 – Information Society and Media. Subsequently, Serbia was invited to present its Negotiating Position for Chapter 10. As a result of informal consultations with the Commission regarding the Draft Negotiation Position, in December 2020 Serbia was invited to finalize the Negotiation Position by aligning it with informal Commission's comments.

The current Law on electronic government was adopted on 26 April 2018. and it is in line with Directive 2013/37/EU (amended Directive 2003/98/EC). For the first time, the e-government Law has included re-use data from public sector (Article 25). Additionally, Article 26 says that the Authority shall allow the re-use of data in machine-readable and open form in accordance with a free license, unless otherwise specified. The Authority is obliged to publish open data from the scope of its competence on the national Open Data Portal in a way that enables their easy search and reuse. Republic of Serbia adopted Directive on Open Data Portal in 2018.

The last Covid-19 crisis has brought new challenges in data spaces, so European Union adopted new Open Data and Re-use of public information Directive (2019/1024/EU). A law on electronic government aims at full alignment and harmonization with the EU regulatory framework in this field so necessary changes in its text have to be prepared in order to start the new law adoption process.

In the Communication on EU Enlargement Policy from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – 2020 Country Report for Serbia, Serbia was assessed as moderately prepared in the field of information society and media.

One of the recommendations in the latest Report of Progress Republic of Serbia from 2020 is to improving the data presented on the Portal open data, primarily in terms of presenting data on machine tools in a legible language.

The assistance from PLAC III will contribute to and enhance harmonisation with relevant EU regulations and their proper implementation and provide a support in meeting the recommendations set for Chapter 10, specifically in the field of e-government and open data.

At present, there is no on-going 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 provide expert assistance to the Ministry of Public Administration and Local Self Government (MPALSG) that will enhance harmonisation with relevant EU regulation and their proper implementation.

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

Support in the process of adoption of the Law on Electronic Government by:

- Assisting and supporting the MPALSG in drafting amendments to the Law on Electronic Government transposing EU Directive (EU) 2019/1024 on open data and the re-use of public sector information
- Assisting and supporting the MPALSG in drafting Tables of Concordance (ToC) for Directive (EU) 2019/1024

3.2 Requested services

The Senior Expert in the area of electronic communications is expected to provide the following services:

1. Assist and support the MPALSG in drafting amendments to the Law on Electronic Government, transposing EU Directive (EU) 2019/1024 on open data and the re-use of public sector information
2. Assist the beneficiary in preparing a ToC for Directive (EU) 2019/1024

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

1. Amendments to the Law on Electronic Government drafted
2. ToC drafted

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 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 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 shall work under the guidance and follow the instructions of the Team Leader. The SNKE 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

20 working days (WDs) in total have been planned for the Senior Non-Key Expert

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 April 2022.

3.6.3 Location/Place of assignment

The SNKE 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 the PLAC III project.

3.6.4 Working language

English.

4. Experts' Profile – Senior NKE (20 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 law, 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 related to the Union acquis Ch. 10, gained in an EU member state, candidate or potential candidate country

4.3 Specific professional experience (50 points)

- At least 2 years of postgraduate professional experience in transposition and/or implementation of the EU electronic communication and eGovernment legislation
- Postgraduate professional experience working in an electronic communications regulatory body/authority or experience in drafting legal and strategic documents related to electronic society gained in an EU member state or EU candidate country, will be an asset
- Knowledge of Serbian legal system will be an advantage

5. Applications

Applications (EU format CV and application letter in English) need to be submitted by e-mail to mbayard@dmiassociates.com and mail to akhani@dmiassociates.com no later than 27 August 2021, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of Ch. 10, Information society and media; Electronic Government”

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 Arianne Khani mail to akhani@dmiassociates.com