

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. 27, Environment and Climate Change, CO ₂ storage
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. 27 Environment; Ministry of Mining and Energy (MoME)
Budget Line /Expert Category:	One Senior Non-Key Expert
Duration of the assignment:	20 working days (WD), from January 2022 until May 2022

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 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 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 27 – Environment and Climate Change

The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 27 – Environment and Climate change, which is one of the most ambitious and far-reaching chapters of the EU acquis. Due to its complexity and volume, the chapter represents a major challenge for all candidate countries.

The authorities responsible for transposition of Directive 2009/31/EC of the European parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC are Ministry of Mining and Energy in cooperation with the Ministry of Environmental Protection and Ministry of Construction, Transport and Infrastructure.

The Ministry of Mining and Energy is responsible for issuing the relevant regulations concerning geological research pertaining to identification of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of CO₂, and for the licensing for geological research, except in the case when geological research are performed in the territory of the autonomous province, where licensing is the responsibility of the provincial authorities.

Ministry of Environmental Protection is responsible for control and monitoring of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

Ministry of Construction, Transport and Infrastructure is responsible for the licensing CO₂ storage sites.

Transposition of the remaining provisions relating to geological research will be achieved through the adopting of a Government Regulation on the conditions, criteria, procedure and manners of issuing of approvals and other special requirements relating to geological research pertaining to separation of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of CO₂ by the end of 2023.

The main principles and priorities identified in the Directive 2009/31/EC are partially transposed through the Law on Mining and Geological Research (“Official Gazette of the Republic of Serbia”, No. 101/15, 95/18 and 40/21). The Law of Mining and Geological Research created the legal basis for the adoption of secondary legislation, which will establish full compliance with the EU Directives relating to geological research pertaining to identification of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of CO₂.

According to Article 21 of the Law on Mining and Geological Research, the Government will define the conditions, criteria, procedure and manners of issuing of approvals and other special requirements relating to geological research pertaining to identification of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing of CO₂.

Therefore, an expert’s assistance in drafting a Government Regulation transposing the requirements Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide is needed.

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 opening benchmarks set for Chapter 27.

This is also in harmony with the recommendations from the new EC Country Report for Serbia 2021 which in Cluster 4, Green Agenda and Sustainable Connectivity, Ch. 27 states that

Serbia needs to “developing an ambitious national energy and climate plan in a transparent manner, consistent with the European Green Deal’s zero emission target for 2050 and the Green Agenda for the Western Balkans; adopt and start implementing the plan”.

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 objective of the assignment is to assist the MoME to achieve a full transposition of the remaining parts of the Directive which will be finalised in the cooperation with the relevant institutions. The implementation of the Directive is in the initial stage, but the competent authorities have been identified.

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

- The expert will conduct an analysis of the discrepancies between the national legislation and the Directive 2009/31/EC as well as of the implementation practices and prepare information on relevant EU cases in the area
- Assist the beneficiary in drafting a Governmental Regulation transposing the Directive
- The selected expert will hold a workshop to present the best practices from three selected EU Member States implementing the Directive and present the results of the analysis and the draft Governmental Regulation

3.2 Requested services

The Senior NKE in the area of CO₂ storage is expected to provide the following services:

1. Conduct a gap analysis including implementation practices in the selected EU MS and information on relevant EU cases in those areas

The selected expert shall conduct a legal gap analysis (LGA) and prepare a report on the discrepancies and shortcomings of the national legislation which will highlight the level of harmonisation of the national legislation with the EU acquis in the field of CO₂ storage. The report will propose the legislative measures needed to achieve full harmonisation with the acquis as well as proposing the measures and activities needed to improve the institutional framework including the accountability of institutions/authorities in particularly on how the responsibilities and competencies can be shared between Serbian authorities based on the examples of the best practice in three selected EU Member States.

The expert shall also prepare a short overview of the most relevant cases in the area.

2. Assist the beneficiary in drafting a Governmental Regulation transposing the Directive regarding the conditions, criteria, procedure and manner of issuing permits and other special conditions regarding geological research related to the allocation of favourable geological formations and structures as well as depleted mineral deposits. raw material for CO₂ storage.
3. Hold a workshop to present best practices from the selected EU Member States implementing the Directive focussing on the institutional framework regarding the efficient implementation of CO₂ storage and present the results of the analysis and the draft Governmental Regulation

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

1. Gap analysis report including implementation practices in the selected EU MS and information on relevant EU cases drafted
2. Governmental Regulation drafted
3. WS 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 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's input

3.6.1 Total working days

20 working days (WDs) in total have been planned for Senior 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 January 2022 until May 2022. However, the starting date will be confirmed at the later stage.

3.6.3 Location/Place of assignment

The SNKE 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. Expert's 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, mining, and geology science 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 undertaken responsibilities

4.2 General professional experience (25 points)

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

4.3 Specific professional experience (50 points)

- At least 3 (three) preferably 5 (five) years of postgraduate professional experience in energy and/or mining and geology sector
- Postgraduate professional experience in transposition and/or implementation of Directive 2009/31/EC 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 15 December 2021, 17:00 hrs, titled:

“Application for the position – Senior NKE in the area of EU Negotiating Ch. 27, Environment and Climate Change - geological storage of carbon dioxide.”

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 Arienne Khani mail to akhani@dmiassociates.com.