

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	One (1) Senior Non-Key Expert and one (1) Junior Non-Key Expert in the area of Negotiating Ch. 27, Environment and Climate Change, Waste Management – End of waste status
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; Ministry of Environmental Protection
Budget Line /Expert Category:	One Senior and One Junior Non-Key Expert
Duration of the assignment:	50 working days (WD), from December 2021 to May 2022 (25 WD SNKE and 25 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 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 Negotiating Chapter 27 – Environment and Climate Change

The EU promotes strong climate action, sustainable development, and environmental protection. The EU's environmental policy is based on preventive actions; the polluter pays principle, the fight against environmental damage at source, shared responsibility, and the integration of environmental protection into other EU policies. In recent years, Serbia has made progress in aligning its legal framework with the EU acquis in the field of environmental protection, but the implementation of environmental law requires significant further investments.

The progress country report of the European Commission (EC) for Serbia for 2020, states that Serbia "has achieved a certain level of preparation in the field of environment and climate change." There has been limited progress in further alignment with the acquis and strategic planning".

As far as the waste management is concerned, there is a good level of compliance with the acquis, but implementation is at an early stage. According to Serbia's National for Program the Adoption of the Acquis (NPAA), Serbia must complete the alignment with the acquis and implement the necessary reforms to show that it will be fully prepared to implement EU requirements on the day of accession. Therefore, the full transposition of the acquis is planned by the end of 2021. In this regard, in the area of waste management, further alignment of national legislation with the acquis is expected.

The Waste Framework Directive (WFD) 2008/98/EC and the Ecolabel Regulation 66/2010, the EU Ecolabel and GPP criteria, the EU Textile Ecolabel have been partially transposed through the following legal framework: Law on Waste Management (Official Gazette of RS, No. 36/09, 88/10, 14/16 and 95/2018 - second law), Rulebook on technical requirements and other special criteria for certain types of waste that cease to be waste "Official Gazette of RS", No. 78 of 1 November 2019 and Rulebook on the content of the request for entry in the Register of by-products and the Register of waste that has ceased to be waste ("Official Gazette of RS", No. 76 of October 25, 2019).

According to the latest version of the Negotiating Position for Chapter 27, in the field of waste management - Serbia must redouble its efforts to reduce waste, full transposition will be achieved by the end of 2022 by revising the following legal acts: amendments to the Law on Waste Management; amendments to the Rulebook on technical requirements and other special criteria for certain types of waste that cease to be waste; amendments to the Rulebook on the content of the request for entry in the Register of by-products and the Register of waste that has ceased to be waste and amendments to other bylaws related to products that cease to be waste, economic incentives for the end of waste status and collection of reports from economic operators, and competent institutions.

Alignment with EU legislation in the field of end of waste will be done by harmonization with the latest consolidated WFD no. 2008/98/EC and Ecolabel Regulation 66/2010, EU Ecolabel and GPP criteria, EU Ecolabel for textiles in the EU, including amendments set out in 2018 by Directive 2018/849. It is also necessary to take into account bylaws. Moreover, Directive 2018/851 amending the WFD 2008/98/EC sets new requirements for collective schemes that apply extended producer responsibility.

An institutional framework has been established, but in order to complete the transposition process, administrative capacity needs to be strengthened to ensure the planning, monitoring and implementation of the requirements of the WFD 2008/98/EC. It is important to emphasize that it is necessary to create conditions for close cooperation of competent authorities, and that it is necessary to further strengthen the administrative capacity of inspection bodies.

The expert assistance is needed to make a further progress towards the full transposition and implementation of the EU acquis in the field of waste management and identify tailored implementation measures for Serbia, including end of waste, implementation in the waste management strategy and other bylaws, monitoring and implementation.

There are currently 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 task is to assist the Ministry of the Environmental Protection (MoEP) in transposing EU acquis in the waste sector, in particular:

- Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (WFD)
- Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste;
- Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel and GPP (Green Public Procurement) criteria EU Eco-label for textiles.

The selected expert shall perform a legal gap analysis in relation to the above EU acts and make recommendations in relation to the gaps and discrepancies.

Expert support to the MoEP is also needed to assess the existing institutional framework to determine how responsibilities arising from the new EU policy will be assigned to the circular economy in which the waste hierarchy is promoted, and the former waste is returned to the economy.

3.2 Requested services

The Senior NKE in the area of environment and climate change is expected to provide the following services:

- a) Perform a legal gap analysis (LGA) and identify shortcomings and gaps and propose measures to overcome them
- b) Assist the Ministry in updating the Tables of Concordance (ToCs) on the WFD Directive 2008/98/EC
- c) Assist the Ministry in drafting legal acts and/or amending the relevant national laws in force in accordance with findings of the LGA
- d) Assisting the Ministry in drafting a Rulebook on technical requirements for certain types of waste that in accordance with EU acquis, fulfil the criteria for end of waste status, such as paper, rubber, textiles, and aggregate, as well as the conformity assessment procedure, technical

requirements for certain types of waste and other special criteria for determining the cessation of the waste status (end of waste status).

e) Organize and hold training (workshop) presenting the results of the assignment and the main aspects of the latest EU policy development to a representative of the Ministry of Environment and present examples of the best practice in waste disposal in the selected Member States and advise on a mechanism or other instruments to ensure compliance with relevant EU acquis

The Junior NKE in the area of environment and climate change is expected to provide the following services:

- a) Prepare a report on the institutional and legal framework in the Republic of Serbia related to the waste management sector with a focus on end of waste status (for e.g. paper, rubber, textiles, and aggregate) including implementation of the waste management strategy and bylaws, monitoring and implementation
- b) Prepare recommendations on new identified responsibilities arising from the recent EU policy and how they will be assigned to the circular economy in which the waste hierarchy is promoted and the former waste is returned to the economy.
- c) Organize and hold training (workshop) presenting the results of the assignment

3.3 Outputs

Senior NKE is expected to deliver the following outputs:

- LGA report drafted
- ToC for the WFD 2008/98/EC drafted
- Amendments to the legislation drafted
- Rulebook on technical requirements for certain types of waste to fulfil the criteria for end of waste status drafted
- Workshop held

Junior NKE is expected to deliver the following outputs:

- A report on the institutional and legal framework in the RS in waste management sector related to end of waste status drafted
- Recommendations on the identified responsibilities arising from the EU policy and how they will be assigned to the circular economy in which the waste hierarchy is promoted and the former waste is returned to the economy, including the fulfilment of the targets, drafted
- Workshop held

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 both 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

25 working days (WDs) in total have been planned for Senior Non-Key Expert and 25 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 December 2021 to May 2022. 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. 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 of law, environmental 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)

- Minimum 8 years of postgraduate professional experience related to EU acquis gained in an EU member state, candidate, or potential candidate country

4.3 Specific professional experience (50 points)

- At least 3 (three) but preferably 5 (five) years of postgraduate professional experience in drafting legislation and/or drafting and/or implementing strategies, policies in the waste management sector, gained in an EU member state, candidate or potential candidate country
- Postgraduate professional experience in transposition and/or implementation of EU legislation on end-of waste status, will be an asset
- Knowledge of Serbian legal system will be an advantage.

5. Experts' Profile – Junior NKE (25 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 natural, environmental, technical 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.

5.2 General professional experience (25 points)

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

5.3 Specific professional experience (50 points)

- Postgraduate professional experience in waste management sector i.e. in developing waste management plans, waste characterization and/or morphology

- Postgraduate professional experience in performing reviews of institutional and /or legal framework related to environmental sector including the aspects on end-of waste, will be an asset
- 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 and mail to akhani@dmiassociates.com no later than 10 December 2021, 17:00 hrs, titled:

“Application for the position – Senior or Junior NKE in the area of Environment and Climate Change, Ch. 27, Management of end of waste”.

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.