

Policy and Legal Advice Centre (PLAC III)

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

Technical assistance requested:	1 (one) Junior Non-Key Expert in the area Ch.15 - Energy; Energy Efficiency – Labelling of energy-related products
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. 15; Serbian Ministry of Mining and Energy
Budget Line /Expert Category:	One Junior Non-Key Expert
Duration of the assignment:	15 working days (WD), from June 2021 until August 2021

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 15 – Energy – Energy Efficiency

The energy efficiency remains the focus of the Serbian Ministry for Mining and Energy (hereinafter the Ministry, the MoME) in the next period. The Country Report for Serbia 2020 issued by the European Commission states that “Serbia achieved some progress in energy efficiency through adopting secondary legislation that implements rules on labelling, amendments to the Law on efficient use of energy improving energy audits and energy management, and the implementation of eco-design requirements and secondary legislation implementing this law.” In respect to this the Ministry of Mining and Energy (MoME) continues its efforts to align the Serbian legislation with that of the EU, but the human resource capacity in the Ministry of Mining and Energy’s department for energy efficiency remains insufficient as rightly pointed out in the Report.

The Ministry of Mining and Energy – MoME and Department for Energy Efficiency has prepared a new Law on Energy Efficiency and Rational Use of Energy (Law on EERUE), which has to lead to compliance of Serbian regulation with Union regulation in domain of energy efficiency. The new Law on Energy Efficiency and Rational Use of Energy ("RS Official Gazette", No. 40/21) was adopted in April 2021. Within the article 63, the Law creates conditions for transposition and adoption of the new energy labelling regulation, based Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 on setting a framework for energy labelling and repealing Directive 2010/30/EU.

The PLAC project has already assisted the Ministry in period 2014-2018 in drafting secondary regulation regarding labelling of products in accordance with Directive 2010/30/EU as repealed by the Regulation. Specifically, in 2016, PLAC I assistance provided to MoME resulted in delivering a draft version of 5 rulebooks, transposing Delegated Regulations No: 65/2014, 392/2012, 811/2013, 812/2013 and 665/2013 into the national legal system. By the end of 2018, all acts were adopted.

PLAC III project also assisted the Ministry during I and II Q of 2021 in drafting 6 new delegated acts supplementing Regulation (EU) 2017/1369 regarding new energy labelling: 2019/2013, 2019/2014, 2019/2015, 2019/2016, 2019/2017 and 2019/2018. Three of them have been already adopted while the rest will be adopted in forthcoming period.

Considering that Law on EERUE prescribes adoption of the Decree which will transpose Regulation (EU) 2017/1369 in full, now it is necessary to prepare the Governmental Decree. Adoption of this act is the subject of two negotiation chapters (Ch. 1 – Free movement of goods and Ch. 15 – Energy).

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 the expert assistance to the Serbian Ministry of Mining and Energy in transposition of Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 on setting a framework for energy labelling and repealing Directive 2010/30/EU.

The selected PLAC expert will support the Ministry in drafting a Governmental Decree that will transpose the Regulation. The expert will assist the Ministry in drafting the Decree in line with the national legal framework and rules set in the Methodology for drafting legal acts in Serbia¹ in order to successfully complete harmonisation.

3.2 Requested services

The Junior NKE in the area of Energy Efficiency is expected to provide the following services:

To assist the Ministry in drafting a Governmental Decree transposing Regulation (EU) 2017/1369 on setting a framework for energy labelling of energy-related products placed on the market or put into service

3.3 Outputs

The Junior NKE is expected to deliver the following outputs:

A Decree on Labelling of energy-related products drafted.

3.4 Reporting

The JNKE 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 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 JNKE 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

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

15 working days (WDs) in total have been planned for Junior Non-Key Expert for this assignment.

¹ The national guidelines on the uniform methodology for drafting legislation (primary and secondary legislation) adopted by the Parliament and the Government respectively (OG RS, no. 21/10 and no. 75/2010)

3.6.2 Period of the assignment and Starting day

It is expected that the work will be performed in the period from June 2021 until August 2021. However, the exact starting date will be agreed at a later stage.

3.6.3 Location/Place of assignment

The JNKE has to deliver 100% of the input in Belgrade, Serbia, unless otherwise agreed due to extraordinary circumstances (i.e. COVID-19). All 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 – Junior NKE (15 working days):

4.1 Qualifications and skills (25 points)

- A level of education, which corresponds to completed university studies of at least 3 years in the field of Law
- 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 responsibilities they take on

4.2 General professional experience (25 points)

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

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4.3 Specific professional experience (50 points)

- Postgraduate professional experience in harmonization of Union acquis related to Ch.15 – Energy
- Postgraduate professional experience in drafting national laws and regulations, and/or advising and commenting legal instruments in the energy efficiency sector, preferably on energy labelling 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 ehoward@dmiassociates.com no later than 9 June 2021, 17:00 hrs. titled:

“Application for the position – Junior NKE in the area of Ch. 15 – Energy Efficiency; Labelling of energy-related products”

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 .