



Policy and Legal Advice Centre (PLAC IV)

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

No. 19

Technical assistance requested:	One (1) Senior Non-Key Expert and one (1) Junior Non-Key Expert in the area of Chapter 1 – Free Movement of Goods - Construction Products
Project Title:	Policy and Legal Advice Centre (PLAC IV)
Ref:	NEAR/BEG/2023/EA-RP/0175
Service Contract No:	(CRIS) 2024/453-315
Main beneficiary:	The Ministry of European Integration (MEI)
Direct beneficiary:	The Ministry of for Construction, Transport and Infrastructure
Content of the assignment:	Technical assistance to ensure the drafting of the amendments of the Law on Construction Products and related bylaws for the purpose of achieving full alignment with the relevant EU acquis
Budget Line/Expert category	Non-Key Short-Term Senior and Non-Key Short-Term Junior Expert
Duration of the assignment	80 SNKE and 50 JNKE working days from January – June 2025

1. Background information in relation to the PLAC IV project

The overall objective of the PLAC IV is for the Serbian administration to effectively conduct accession negotiations and successfully manage overall EU integration and pre-accession assistance geared towards EU membership.

The purpose of the project is: "to achieve a high level of effective alignment of national legislation with the Union acquis and its implementation".

PLAC IV should achieve 2 results:

- R1: Enhanced compatibility of national legislation with EU legislation and its effective implementation.
- R2: Enhanced capacities of relevant national structures for successful carrying out of accession negotiations

The Negotiation Chapter 1 – Free movement of goods covers the general principle of the free



movement of goods, which is one of the four fundamental freedoms of the single market of the European Union. Removing barriers to trade is achieved by the harmonisation of technical regulations, while ensuring a high level of safety of life and health, protection of animals and plants, environmental protection and consumer protection. The free movement of goods is a key element in creating and developing the internal market, as laid down in Articles 34, 35 and 36 of the Treaty on the Functioning of the European Union (TFEU), preventing Member States from adopting and maintaining unjustified restrictions on trade within the EU.

In a number of sectors, as well as the construction products sector, the general principle of free movement of goods is complemented by a harmonised regulatory framework. Horizontal measures define the quality infrastructure, which Member States should put in place in areas such as standardisation, conformity assessment, accreditation, metrology and market surveillance. The EU harmonised product legislation, which needs to be transposed by each candidate Member State, represents the largest part of the *acquis* under Chapter 1. It is based on the “old approach” (imposing precise product specifications) and the “new and global approach” (imposing general product requirements).

The Negotiating Group, coordinated by the Ministry of Economy, has been established to conduct Serbia's negotiations within Chapter 1. Other institutions responsible for particular areas within Chapter 1 are also involved.

Explanatory and bilateral screening meetings for Chapter 1 were held in 2014, and as a result of this process, the Screening report of the EC was delivered in 2015 stating that Serbia has to fulfil two benchmarks in order to open negotiations: 1) provide an action plan for compliance with Articles 34-36 of the TFEU, and 2) present a strategy and an action plan for the implementation of the EU legislation in this chapter. The first drafts of the strategic documents were submitted to the EC in 2017. At the beginning of 2023, after several rounds of adjustments, the European Commission approved the Drafts of strategic documents prepared to meet the criteria for opening Chapter 1. The documents were adopted by the Government of the Republic of Serbia in the fall of 2024.

All the while the harmonisation of national legislation with the EU *acquis* is ongoing, in accordance with the deadlines envisaged in the adopted action plans. Responsible institutions have been working actively on these issues but several sectors are still not fully harmonised, including the sector of construction products of which the Ministry of Construction, Transport and Infrastructure - MCTI is in charge.

The area of construction products is regulated by the Law on Construction Products, adopted in 2018, as well as its bylaws and technical regulations. By this law, the Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (Text with EEA relevance), consolidated version, 16/06/2014, was transposed into the Serbian legal system. Also, based on the Law, the following seven bylaws were adopted in order to provide proper implementation of the Law and harmonisation with Regulation (EU) 305/2011 and several other decisions, implementing and delegated regulations:

1. Rulebook on the contents and manner of drawing up the declaration of performance,
2. Rulebook on the form and contents of the Serbian technical assessment,
3. Rulebook on the procedure of drawing up, manner of adoption and contents of the Serbian assessment document,
4. Rulebook on the manner of carrying out assessment and verification of constancy of performance of construction products,
5. Rulebook on requirements for the designation of the bodies for assessment and verification of constancy of performance,
6. Rulebook on requirements for the designation of technical assessment bodies and
7. Rulebook with the list of Serbian standards by means of which harmonised standards



have been transposed, which are implemented in accordance with the Law on Construction Products and the list of adopted Serbian assessment documents. The aforementioned rulebooks primarily transpose the provisions contained in the Annexes of the Regulation (EU) No 305/2011 but also provisions of the additional EU legal acts:

- Regulation (EU) No 574/2014 of 21 February 2014 amending Annex III to Regulation (EU) No 305/2011 of the European Parliament and of the Council on the model to be used for drawing up a declaration of performance on construction products,
- Commission Delegated Regulation (EU) No 568/2014 of 18 February 2014 amending Annex V to Regulation (EU) No 305/2011 of the European Parliament and of the Council as regards the assessment and verification of constancy of performance of construction products,
- Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website,
- Commission Implementing Regulation (EU) No 1062/2013 of 30 October 2013 on the format of the European Technical Assessment for construction products,
- Commission Decision of 17 January 1994 on common procedural rules for European technical approval and
- Commission Decision 97/571/EC of 22 July 1997 on the general format of European Technical Approval for construction products.

The Law on Construction Products and its bylaws apply to both harmonised and non-harmonised areas of construction products, while Regulation (EU) 305/2011 covers only the harmonised area. The mandatory implementation of Serbian standards, by means of which harmonised standards have been transposed for all but 46 standards, out of 444 in total, began on January 1st, 2023. The tables of concordance have also been developed to assess the level of harmonisation of the Law and the bylaws with the relevant EU acquis.

Although harmonising the national legislation with the EU acquis for the construction products has brought significant achievements, it is necessary to complete additional activities towards further alignment. This was noted in the Serbia 2021 Report of the EC, which stated that the legislation on construction products remains partially aligned with the acquis. Also, the Serbian Strategy for Harmonized Area affirms the commitment of Serbia to the process of harmonisation of legislation in the area of construction products by proclaiming that “In order to facilitate the performance assessment and administrative burdens for making construction products available on the market, the legislation on construction products will be revised and amended and barriers removed within the deadlines set up in the Action Plan.”

Further steps in achieving complete alignment with EU acquis should be taken whilst ensuring the uninterrupted functioning of the construction product market in Serbia with most of the key elements of the Regulation (EU) 305/2011 already transposed: common technical language, responsibility of the manufacturer for the declared performance of construction products, responsibilities of other economic operators when placing or making available construction products on the market, 5 systems of assessment and verification of constancy of performance (AVCP), designated/notified bodies performing third-party tasks within the applicable systems of AVCP, market surveillance of construction products, etc.

Taking into account that the Project supports Serbia's EU accession negotiation process through the activities in selected negotiation chapters, among which Chapter 1 covers the sector of construction products, as well as the relevance of the mentioned topic, the Project will provide expertise for further alignment of national construction products legislation with the EU acquis.



2. Description of the assignment

a. Specific objectives

The specific objective of this assignment is to prepare amendments to the Law on Construction Products and its bylaws, together with accompanying documents, to achieve full alignment with the EU acquis within the timeframe adopted by the government of the Republic of Serbia in the strategic documents of the Negotiating Chapter 1. Thus, this assignment contributes to creating conditions for two benchmarks to be met and negotiations in this chapter to be open.

b. Requested services

The requested Senior NKE is expected to provide the following services:

- a) Analyse the existing legal framework, regarding the achieved degree of alignment with the conclusion on how to proceed towards full alignment. Analysis should include the current legal set-up in which all provisions of the Law on Construction products apply to both harmonised and non-harmonised areas of construction products and whether it is possible to achieve full alignment by amending the Law or whether it is necessary to separate harmonised and non-harmonised area within the Law in which case it would be necessary to draft the new law on construction products;
- b) Based on the result of the analysis, draft either the Law on the amendments and supplements of the Law on Construction Products or the new Law on Construction Products;
- c) Support the Junior NKE in drafting the necessary by-laws for the implementation of the new legal act and for the full alignment with 7 EU legal acts that have been transposed so far;

The requested Junior NKE is expected to provide the following services:

- d) With the support of Senior NKE, draft the necessary by-laws for the implementation of the new legal act and for the full alignment with 7 EU legal acts that have been transposed so far;
- e) Evaluate the degree of the alignment of new legislation with 7 EU legal acts (Regulation (EU) No 305/2011, Regulation (EU) No 574/2014, Commission Delegated Regulation (EU) No 568/2014, Commission Delegated Regulation (EU) No 157/2014, Commission Implementing Regulation (EU) No 1062/2013, Commission Decision of 17 January 1994, Commission Decision 97/571/EC of 22 July 1997) by completing the Tables of Concordance.

c. Outputs

The outputs delivered by the NKE shall be as follows:

- Gap analysis of the existing legal framework with the recommendation on how to proceed towards achieving full alignment;
- Alternatively: Draft Law on the amendments and supplements of the Law on Construction Products or the draft of the new Law on Construction Products;
- The drafts of the by-laws for the implementation of the new legal act;
- Tables of concordance for 7 EU legal acts.



d. Reporting

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

- Brief Mission Report with a description of activities and outputs provided at the end of each month, in which tasks under this assignment have been carried out,
- Final Mission Report, no later than one week after completing tasks under this assignment. This report will include a description of all activities and outputs provided by the NKE in the context of this assignment.

Submission of reports:

- All reports prepared in the relevant quality shall be submitted to the Project Team Leader for review, comments, and final approval. The reports shall be signed by the NKE and the Team Leader responsible for endorsing them.
- The reports and all prepared documents shall be submitted to the project Team Leader in hard copy and electronic form.

e. Specifics

The Senior NKE shall collaborate with representatives of the MCTI and the Project Technical Assistance Team on preparing the analysis of the existing legal framework and drafting the new legislation and with the Junior NKE on drafting the bylaws. The NKE's activities and outputs mentioned above may be adjusted by the Team Leader at any stage in the implementation of the Project, depending on the evolving needs of the Project and main beneficiary.

The Junior NKE shall collaborate with the Senior NKE on drafting the bylaws and with the Project Technical Assistance Team on preparing the Tables of Concordance. The Team Leader may adjust the NKE's activities and outputs mentioned above at any stage in the project's implementation, depending on the evolving needs of the Project and main beneficiary.

The Junior NKE shall ensure that Tables of Concordance are aligned with the draft legislation. The Junior NKE shall closely coordinate the activities with representatives of MCTI and others, as relevant, to ensure that aspects related to implications of EU integration for Serbia are incorporated into all activities carried out by the Project.



3. Expert's input

Total working days	80 SNKE and 50 JNKE working days (WDs) have been planned for this assignment. An additional number of WDs may be allocated for this ToR should the needs of the main beneficiary require an extension for the activity areas mentioned in this ToR.
Period of the assignment	January 2025 – June 2025
Starting day	The work is expected to be performed from January 2025 onwards. However, the exact starting date will be agreed upon later.
Location/place of assignment	The base of operation will be in Belgrade, Serbia, and the Project will provide office facilities.
Working language	English

4. Senior Expert's profile

Qualification and skills (25 points)	<ul style="list-style-type: none"> • Relevant university degree, preferably in fields of law or engineering • Excellent analytical, interpersonal and communication skills
General professional experience (25 points)	<ul style="list-style-type: none"> • Minimum 8, preferably 10 years of relevant professional experience • At least 7 years of experience in the required area of expertise (i.e. in the area of drafting and implementation of EU regulation on construction products) • Excellent analytical, interpersonal and communication skills • Computer literacy (MS Office applications)
Specific professional experience (50 points)	<ul style="list-style-type: none"> • Experience in the implementation of activities on harmonising legislation on construction products in at least 3 international donor funded projects • Knowledge of the Serbian language would be an advantage • Knowledge of the Serbian legal system would be an advantage



5. Junior Expert's profile

<p>Qualification and skills (25 points)</p>	<ul style="list-style-type: none"> • Relevant university degree, preferably in the field of law • Excellent analytical, interpersonal and communication skills
<p>General professional experience (25 points)</p>	<ul style="list-style-type: none"> • Minimum 5, preferably 7 years of relevant professional experience • At least 4 years of experience in the required area of expertise (i.e. in the area of European integrations i.e. transposition of EU technical legislation in Serbia) • Excellent analytical, interpersonal and communication skills • Computer literacy (MS Office applications)
<p>Specific professional experience (50 points)</p>	<ul style="list-style-type: none"> • Experience in legislation drafting and alignment evaluation activities acquired in at least 2 EU funded projects • Knowledge of the Serbian language would be an advantage • Knowledge of the Serbian legal system would be an advantage

6. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to domi@ibf.be with a copy to bortolameazzi@ibf.be by 17:00 hrs, 10 January 2025, titled: "Application for the position – Senior/Junior Non-Key Expert in Chapter 1 – Construction Products".

References must be available on request. Only short-listed candidates will be contacted.

The Project is an equal-opportunity employer that encourages applications from women and minorities. All applications will be considered strictly confidential.

The advertised post is not available to civil servants or other public administration officials in Serbia, the beneficiary country.

For more information, please contact the Project Director at IBF: bortolameazzi@ibf.be.