

Support to Commission for State Aid Control

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

Technical assistance requested: One (1) Senior Non-Key Experts in the area of State aid (Senior Non-Key Expert in the area of State aid No. 16)

Project Title: Support to Commission for State aid Control (CSAC),

Ref: EuropeAid/139349/IH/SER/RS

Service Contract No.: 48-00-0029/2017-28

Main beneficiary: Ministry of Finance of the Republic of Serbia

Target Beneficiaries: Commission for State Aid Control and Ministry of Finance

Content of the assignment: Support the Government of the Republic of Serbia, and in particular the existing State aid control and granting bodies, in further development and implementation of the system of rules and procedures in the area of State aid.

Expert Category: Senior Non-Key Expert

Duration of the assignment: 8- WDs for Senior Non-Key Expert (SNKE), spent during several missions in the period from October to November 2021

1. Relevant background information

Background information in relation to Support to Commission for State aid control project:

The overall objective of the project is to further support Serbia's progress on its EU accession path (among others through alignment with *acquis communautaire*) specifically for what relates to Chapter 8- competition Policy.

The Project purpose

Purpose of the project is to support the Government of the Republic of Serbia, and in particular the existing State aid control and granting bodies, in further development and implementation of the system of rules and procedures in the area of State aid.

Their main features can be summarised as follows:

Component 1- Alignment of State aid rules and schemes with *EU acquis*

Result 1: State aid rules and schemes aligned with *EU acquis*

Component 2 – Capacity building of the Department and the Commission for State Aid Control in decision making on solving state aid cases

Result 2: Improved capacity of the Department and the Commission for State Aid Control in decision making and solving state aid cases

Component 3 - Support in improving mechanisms of coordination between Commission, Department and other State aid stakeholders and in increasing awareness on state aid control

Result 3: Improved mechanisms of coordination between Commission, department and other State aid stakeholders and increased awareness on state aid control

Component 0 – Transversal activities - Support activities to the EU accession negotiating team for Chapter 8 in resolving the Opening Benchmarks (activity 0.1) and the management of communication and visibility (0.2)

2. Description of the assignment

2.1 Specific objectives

The purpose of this assignment is to provide support and assistance to the Commission for State aid control in relation to:

Component 2: Capacity building of the Department and the Commission for State Aid Control in decision making on solving state aid cases

Activity 2.3 Supporting Department and the Commission in strengthening their capacity through everyday advisory support, mentoring and on-the-job trainings in order to be able to implement state aid rules during handling state aid cases notified to the Commission

National Assembly of the Republic of Serbia adopted the new Law on State aid control (“Official newspaper of Republic of Serbia”, 73/2019).

New Law in article 49. Stipulates that If requested by the Government of the Republic of Serbia, the SACC may analyse a certain type of aid, its effects on the development of a particular branch of the economy or the market, in respect of which a report shall be submitted to the Government.

For the implementation of prescribed obligation, the Project propose that SNKE prepare the role model for this analysis by preparing Impact Assessment of granted aid. Impact Assessment will be done upon request from end-user covering implementation of the State aid rules and public service obligations rules applicable in Serbia during the COVID-19 outbreak

2.2 Requested services

The Senior NKE is expected to provide the following services:

Impact assessments of granted state aid applicable in Serbia during the COVID-19 outbreak

2.3 Outputs

The Senior NKE is expected to deliver the following outputs:

- Draft Report about Impact Assessment

2.4 Reporting

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

- Brief Mission Report with description of activities and outputs provided, at the end of each mission, during which tasks under this assignment have been carried out.
- 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 NKE in the context of this assignment.

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 relevant quality shall be submitted to the Team Leader of the Project for review, comments and final approval. The Reports shall be signed by the NKE and the Team Leader responsible for endorsing the Report. The Report and all prepared documents shall be submitted in hard copy and in electronic version to the Team Leader of the Project.

2.5 Specifics

The NKE shall work under the guidance and follow the instructions of the Team Leader. The NKE shall collaborate with the Project Team, other experts involved and representatives of beneficiary institutions and

national structures, as relevant.

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 beneficiaries. Each of the short-term mission, its timing and duration shall be agreed with the Team Leader prior to each mission.

2.6 Final use of intervention and perspectives for the future

This project takes place in the challenging context of Serbia's EU accession negotiations, and inscribes itself more specifically under the Chapter 8 – Competition policy, for which the screening report has been adopted.

The Screening report on Chapter is completed and concludes that "Serbia has broadly aligned its national legislation with the EU acquis on antitrust and merger. Serbia's legislation in the area of State aid is only partially aligned. A key challenge for Serbia will be to **strengthen its administrative capacity** and to build up a solid enforcement record, in particular in the area of State aid" and considers that Serbia is not yet sufficiently prepared to start negotiations on this chapter. This output would contribute to strengthen administrative capacity.

3. Expert input

3.1 Total working days

8 (eight) working days have been planned for this assignment.

3.2 Period of the assignment

October 2021 - (tentatively) November 2021

3.3 Starting day

It is expected that the work will be performed in the period from October 2021 - (tentatively) to November 2021. The exact starting date will be agreed at a later stage.

3.4 Location/ Place of assignment

Belgrade

3.5 Working language

English/ Serbian

4. Expert Profile

Required Candidate Qualifications

The candidate must possess the qualifications and skills as highlighted below.

4.1 Qualification and skills (25 points)

- A level of education which corresponds to completed University studies of at least four (4) years in the field for which the expert is mobilized,
- Good knowledge of requirements, directives, regulations and rules of EU competition/state aid or market regulation;
- Excellent knowledge of English language (at least average 2 on a scale of 1 to 5; where 1 – excellent as max and 5 – basic as min);
- Computer literacy (MS Office applications)
- Excellent communication and analytical skills
- Good knowledge of local language – Serbian language will be considered as an asset;

4.2 General professional experience (25 points)

- Minimum 5, preferably 7 years of postgraduate professional experience in the field law/economy/competition policy.
- Experience in the competition and/or state aid will be considered as an advantage;

4.3 Specific professional experience (50 points)

- Postgraduate professional experience in state aid
- Postgraduate professional experience in impact assessment of granted state aid
- Organizational management skills and practical experience in management/coordination within public administration
- Previous professional experience, and/or knowledge of the legislation of the Republic of Serbia or other IPA countries would be an advantage.

5. Applications

Applications (EU format CV and application letter, both in English) need to be submitted by e-mail to radmila@state-aid.rs and stevan@alternative-consulting.com no later than 15:00 hrs (CET) 25.10.2021,

titled: "Application for the position – Senior NKE in the area of State aid No 16".

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

The Project is an equal opportunity employer. All applications will be considered strictly confidential.

Advertised post is not available to civil servants or other officials of the public administration in the beneficiary country, Republic of Serbia.

For more information and for application, please contact:

Team Leader: Radmila Mihic radmila@state-aid.rs

Project Director: Stevan Pechitch stevan@alternative-consulting.com