

REQUEST FOR EXPRESSIONS OF INTEREST (CONSULTING SERVICES – INDIVIDUAL CONSULTANTS)

Republic of Serbia

The Western Balkan Trade and Transport Facilitation Project (WBTF)

Project ID No. P162043

Assignment Title:

Individual Consultant – Legal Expert of the PIU to support National Single Window (NSW) in Republic of Serbia, Reference No. SER- WBTF-IC-CS-21-18

The International Bank for Reconstruction and Development (IBRD) has granted to the Republic of Serbia (RoS) EUR 35 million loan for The Western Balkans Trade and Transport Facilitation Project (WBTF). WBTF project is a part of a Multiphase Programmatic Approach covering in the first phase Serbia, Albania and North Macedonia supporting a combination of investments, technical assistance and regulatory and institutional reforms. WBTF project aims to support Western Balkan governments to promote deeper economic integration, within the region and the EU by assisting with the implementation of measures aiming at: facilitating cross-border movement of goods, enhancing transport efficiency and predictability and enhancing market access for trade in services and investments.

RoS intends to apply part of the proceeds to payments for consulting services to be procured under this project.

The Legal Expert of the PIU to support National Single Window (NSW) in the Republic of Serbia will be responsible for the following duties:

- Undertake a study (including e-Commerce legal benchmarking and ‘gap analysis’ studies) to determine an appropriate set of measures that may need to be taken to address legal issues related to national and cross-border exchange of trade data required for Single Window operations (The International Trade Single Window legal framework);
- Use the UN/CEFACT checklist and its guidelines (Annexes I and II) to ensure the most frequent legal issues related to the establishment of a National Single Window, including those related to national and cross-border exchange of trade data are included in the framework;
- Amend existing legislation, regulations, decrees, etc., if necessary, to address the identified legal issues and gaps;
- Drafting of Service Level Agreements (SLAs), Memoranda of Understanding (MOUs) and End User Agreements (MOUs);
- Utilize international standards, international legal instruments, and soft law instruments, where available, throughout the entire process of creating a legally enabling environment for an International Trade Single Window;
- Using inputs given in the NSW Blueprint and accepted by the Steering Committee of the Project, guidance provided by the stakeholders and Technical Expert of the PIU to support NSW, to prepare and finalize Law on NSW, and other relevant legal documents;
- Review the TOR and RFP Documents to ensure that the legal basis of the National Single Window for Serbia is correctly represented in them;
- Organize and conduct public consultations on proposed draft NSW law;
- Draft and finalize required legal documents for establishment and operation of the NSW;

- Close cooperation with the Technical Expert of the PIU to support NSW and the consultant to be selected for management support, supervision and quality assurance of the NSW implementation, and
- Any other task assigned by the Head of the PIU.

The consultancy will commence in November 2021 and it is expected that the period over which the consultant shall provide the Services will be 18 months with the possibility for prolongation. The estimated number of person-days required for the assignment is 255 (part time engagement with an average of 14 working days per months). However, the Consultant is free to propose its own level of effort based on the needs of the assignment as per this Terms of Reference.

In order to be selected, the Consultant must possess the following qualifications:

- Educational qualifications: University Degree in law. Master's degree preferred;
- Minimum 10 years of general professional experience;
- Minimum 6 years of professional experience in customs operation/freightage/trade procedures/transport and logistics procedures;
- Knowledge/experience in the ICT, data protection, customs and trade laws in Serbia is essential;
- Knowledge of European Union Customs laws (Union Customs Code) and the European Data Protection law is highly desirable;
- Knowledge of institutional and organizational arrangements of import-export operations in Serbia is essential;
- Experience in drafting legal documents/laws/bylaws/regulations, etc. will be an advantage;
- Experience working with and/or for the public sector will be an advantage;
- Excellent knowledge of Serbian language;
- Good knowledge of English language will be an advantage;
- Computer skills: MS Office tools.

The detailed Terms of References for the above referenced consulting services is posted on the official website of the Ministry of Construction, Transport and Infrastructure <https://www.mgsi.gov.rs/en/dokuments/request-expressions-interest-consulting-services-individual-consultants>.

The CFU of the Ministry of Finance now invites eligible individual consultants to indicate their interest in providing the above services. Interested consultants must provide Cover Letter and CV representing description of similar assignments, experience in similar conditions and availability of appropriate skills (scanned diplomas to be sent with CV).

The evaluation criteria for the assignment:

- Specific Experience relevant to the Assignment (60 Points)
- Qualifications and Competence relevant to the Assignment (40 Points)

The attention of interested Consultants is drawn to paragraph 3.16 and 3.17 of the **World Bank's Procurement Regulations for IPF Borrowers – Procurement in Investment Project Financing Goods, World, Non-Consulting and Consulting Services, July 2016, revised November 2017** ("the Regulations") setting forth the World Bank's policy on conflict of interest.

A Consultant will be selected in accordance with the *Open Competitive Selection of Individual Consultants* as set out in the Regulations.

Interested consultants may obtain further information from the CFU at the address below from 09:00 to 15:00 hours.

Expressions of interest **in English language** must be delivered to the e-mail address below by **October 14, 2021, 12:00 Noon**, local time.

When submitting Expressions of interest please indicate assignment and reference number for which you are applying.

Contact:	E-mail:	Address:
To:	zorica.petrovic@mfin.gov.rs Ms. Zorica Petrović Procurement Specialist	Ministry of Finance Central Fiduciary Unit 3-5 Sremska St 11000 Belgrade, Serbia
Cc:	ljiljana.dzuver@mfin.gov.rs ljiljana.stojic@mgsi.gov.rs	Tel/Fax: (+381 11) 202-15-30

**Western Balkans Trade and Transport Facilitation Project
(Part referred to Republic of Serbia)**

**TERMS OF REFERENCE
Legal Expert of the PIU to support
National Single Window (NSW) in Republic of Serbia**

Background

The International Bank for Reconstruction and Development (IBRD) launched the Multiphase Programmatic Approach to facilitate the achievement of the Western Balkans Governments' goal of reducing trade costs and increasing transport efficiency. The Program includes two phases: i) phase 1 includes Albania, North Macedonia and Serbia, and ii) phase 2 other beneficiaries in the Western Balkan. Each country, beneficiary in Phase 1 has set up a Project Implementation Unit (PIU) to help with the execution, implementation and monitoring of its part of the Programme.

For the purpose of financing of the Western Balkan Trade and Transport Facilitation Project (Project), part of Phase 1 of the Program, IBRD has granted to the Republic of Serbia (RoS) EUR 35 million loan to support a combination of investments, technical assistance and regulatory and institutional reforms.

Objective of the Project is to reduce trade costs and increase transport efficiency in RoS. The Project consists of the following parts:

Component 1: Facilitating movement of goods across the Western Balkans. The component focuses on (a) the design and adoption and implementation of the National Single Window (NSW); (b) implementation of Electronic Data Interchange (EDI) for railways.

Component 2: Enhancing transport efficiency and predictability. This component will focus on (a) the adoption of an Intelligent Transport System (ITS), (b) the improvement of Railway Level Crossings (RLC) and c) development of National Transport Strategy.

Component 3: Improve market access in services and foster regional investments (this Component is covered by grant resources from other development partners, which complements the support from the World Bank Group) and

Component 4: Support project implementation unit (PIU) and provide additional technical support, including for policy coordination, operating costs, and monitoring and evaluation of the project.

At the regional level, the Secretariat for Transport Community Treaty (TCT) will play the role of the regional coordination and liaison office for the Western Balkans Six, for all the transport related dimensions of the project. The CEFTA Secretariat will play the same role for the trade elements of the proposed project.

At the national level, Project Implementation Unit (PIU), within the Ministry of Construction, Transport and Infrastructure (MCTI), has primary responsibility for Project

execution ensuring that the Project development objectives are met. To coordinate activities between the relevant institutions and stakeholders, solving of key issues and decision making regarding the Project, Government of Serbia established Steering Committee. To coordinate activities of the Customs administration and other government agencies involved in the NSW development and implementation (the Beneficiaries), the Steering Committee nominated Working Group.

In the previous period, PIU engaged two experts to support activities of the Beneficiaries related to the NSW part of the Project, respectively Trade and Customs Expert and Technical Expert of the PIU to support National Single Window. Further, engagement of the consulting company to provide services for management support, supervision and quality assurance of the NSW implementation is foreseen in the upcoming period.

The purpose of these Terms of Reference is to define the scope of work and tasks of the (national) Consultant to be selected to support the Project Implementation Unit (PIU) in development of legal and regulatory framework necessary for introduction of a National Single Window (NSW) in Republic of Serbia. In performing tasks, the selected Consultant will be supported and will closely collaborate with other consultants for the NSW in the PIU.

Design, development and implementation of an NSW solution and the associated reform and modernization of Customs administration and other border management agency requirements in the Republic of Serbia will be financed within the Project. The NSW solution will improve transparency and integrity, lower trade transaction costs, improve inter agency coordination and reduce the time taken to clear goods. Republic of Serbia has identified the establishment of a National Single Window as a national trade facilitation measure, part of its National Strategy for EU accession and an element of meeting regional and international commitments and goals, including World Trade Organization's Trade Facilitation Agreement and the norms of the European Union.

Two stages are envisaged for introducing NSW – (i) preparation and design; and (ii) development and implementation. First stage, i.e. preparation and design are on-going and will be completed by the October 2021. Namely, the World Bank Group has hired a Consulting firm to assist the Government with the preparation and design aspects of the future NSW. As a final result, the consultant will deliver “NSW Blueprint”. The Blueprint will capture the analysis and key decisions to be taken by the Government of Serbia on several important aspects of the Serbian NSW including, the governance structure to oversee the NSW, the operational model and fee structure to sustain operations, a program of change management and inter alia a NSW implementation plan.

Ministry of Construction, Transport and Infrastructure (the Client) intends to engage a highly qualified consultant (individual expert) to provide services as Legal Expert of the PIU for development of legal and regulatory framework of the National Single Window (NSW) in the Republic of Serbia. The successful candidate will work closely with the Client and other relevant stakeholders to ensure that his/her activities are in compliance with the objectives of the Project Appraisal Document (PAD), the Project's Legal Agreement and Financing Agreement, and the Project Operations Manual. The consultant, always aligned with the Head of the PIU shall interact and liaise with a significant number of different Ministries through their Focal Points, Units and agencies (internal) and also with the World Bank at the same time. Creativity, initiative, analytical capacity and team work are therefore required to cope with such diverse demands and

actors, which makes working experience in the country and similar working experience on a customs operation essential. The main challenge is to ensure that the proposed legal and regulatory framework is produced an acceptable quality of work within budget allowances and time, so that the objectives of the Project are achieved.

General information

Individual Consultant Title: Legal Expert of the PIU to support National Single Window (NSW) in the Republic of Serbia, Western Balkans Trade and Transport Facilitation Project. The Consultant shall report to the Head of the PIU, linked to the Ministry of Construction, Transport and Infrastructure (MCTI) of the Republic of Serbia.

Position in organization

Immediate superior: Head of the Project Implementation Unit

Main position objective

Generally, the Consultant is responsible for support to the implementation of the Sub-Component 1.1: “Design and Installation of a National Single Window”.

In this respect he/she will provide technical assistance to define and develop legal and regulatory framework needed for introduction of the NSW in Republic of Serbia to ensure trade facilitation and achievement of Project objectives and establishment of efficient and operational NSW. This will be done in close cooperation with the Head of the PIU, Ministry of Finance and Customs Administration of Serbia and other agencies involved in the customs procedure (as described in the Project Operation Manual and compliance with current legislation).

Principle responsibilities

The Legal Expert of the PIU to support National Single Window (NSW) in the Republic of Serbia will be responsible for the following duties:

- Undertake a study (including e-Commerce legal benchmarking and ‘gap analysis’ studies) to determine an appropriate set of measures that may need to be taken to address legal issues related to national and cross-border exchange of trade data required for Single Window operations (The International Trade Single Window legal framework);
- Use the UN/CEFACT checklist and its guidelines (Annexes I and II) to ensure the most frequent legal issues related to the establishment of a National Single Window, including those related to national and cross-border exchange of trade data are included in the framework;
- Amend existing legislation, regulations, decrees, etc., if necessary, to address the identified legal issues and gaps;
- Drafting of Service Level Agreements (SLAs), Memoranda of Understanding (MOUs) and End User Agreements (MOUs);
- Utilize international standards, international legal instruments, and soft law instruments, where available, throughout the entire process of creating a legally enabling environment for an International Trade Single Window;

- Using inputs given in the NSW Blueprint and accepted by the Steering Committee of the Project, guidance provided by the stakeholders and Technical Expert of the PIU to support NSW, to prepare and finalize Law on NSW, and other relevant legal documents;
- Review the TOR and RFP Documents to ensure that the legal basis of the National Single Window for Serbia is correctly represented in them;
- Organize and conduct public consultations on proposed draft NSW law;
- Draft and finalize required legal documents for establishment and operation of the NSW;
- Close cooperation with the Technical Expert of the PIU to support NSW and the consultant to be selected for management support, supervision and quality assurance of the NSW implementation, and
- Any other task assigned by the Head of the PIU.

Deliverables and timeline

The consultancy will commence in November 2021 and it is expected that the period over which the consultant shall provide the Services will be 18 months with the possibility of prolongation. The estimated number of person-days required for the assignment is 255 (part time engagement with an average of 14 working days per months). However, the Consultant is free to propose its own level of effort based on the needs of the assignment as per this Terms of Reference.

Preparation of law, by-laws, regulations and ordinances to establish legal and regulatory framework of the future NSW will be the main task of the Consultant.

Deliverables	Due date
Phase 1 – Law	
Draft Law on NSW To include: the establishment, bodies and activities of the NSW, beneficiaries, NSW operator, relations between the NSW and beneficiaries (agencies, institutions, traders), financing, as well as other issues of importance for the NSW operation	3 months
Public Consultations	3,5 months
Final Law on NSW Following public consultations, to finalize the Law considering the comments received, if any	4 months
Phase 2 – Bylaws	
By-laws, decrees, regulations (app. up to 20) Exact number is not known at the moment. To develop all by-laws, decrees and regulations required for efficient operation of the NSW, in order to elaborate in detail the relationship(s) regulated by law, in accordance with the purpose and goal of the law.	12 months

Deliverables	Due date
<p>Procedures and instructions (app. up to 20) Exact number is not known at the moment. To develop all procedures and instructions required for efficient operation of the NSW at Ministerial, i.e. Agency level to determine the manner in which state administration bodies and holders of public authority will execute certain provisions of a law and/or relevant bylaw</p>	<p>18 months</p>

Services to be provided by the Client

The Client will be responsible for provision of the following:

- Fully equipped office space, with access to Internet, local telephone line, printing, photocopying and document binding;
- Access to necessary documents; and
- Where the Consultant is required to travel, to site or elsewhere in accordance with the Client’s instruction, transportation costs will be borne by the Client.

Knowledge, experience, skills and competencies

- Educational qualifications: University Degree in law. Masters degree preferred;
- Minimum 10 years of general professional experience;
- Minimum 6 years of professional experience in customs operation/freightage/trade procedures/transport and logistics procedures;
- Knowledge/experience in the ICT, data protection, customs and trade laws in Serbia is essential;
- Knowledge of European Union Customs laws (Union Customs Code) and the European Data Protection law is highly desirable;
- Knowledge of institutional and organizational arrangements of import-export operations in Serbia is essential;
- Experience in drafting legal documents/laws/bylaws/regulations, etc. will be an advantage;
- Experience working with and/or for the public sector will be an advantage;
- Excellent knowledge of Serbian language;
- Good knowledge of English language will be an advantage;
- Computer skills: MS Office tools.

Terms of Payment

The Consultant should note that the proposed contract for this assignment will be lump-sum, and the payments will be with milestones against submission of deliverables as follow:

- **30%** of Total lump sum amount will be paid upon Client’s receipt and acceptance of the draft NSW Law;
- **10%** of Total lump sum amount will be paid upon adoption of the NSW Law by the National Assembly of Republic of Serbia;
- **30%** of Total lump sum amount will be paid upon Client’s receipt and acceptance of the draft NSW by-laws, decrees, regulations;

- **15%** of Total lump sum amount will be paid upon adoption of the NSW by-laws, decrees, regulations by the Government of Republic of Serbia;
- **10%** of Total lump sum amount will be paid upon Client's receipt and acceptance of the draft NSW procedures and instructions;
- **5%** of Total lump sum amount will be paid upon Client's receipt and acceptance of the final NSW procedures and instructions.

Confidentiality

The Consultant undertakes to maintain confidentiality on all information that is not in the public domain and shall not be involved in another assignment that represents a conflict of interest to the prevailing assignment.

Selection of Consultant

The Consultant will be selected applying Open competitive method.

The Consultant is eligible and his selection does not create any conflict of interest as provided in the Bank's Procurement Regulations.