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Projekat za bolje uslove poslovanja  
Business Enabling Project

## **USAID Business Enabling Project in Serbia JOB DESCRIPTION AND STATEMENT OF WORK**

**Position:** Alternative Investment Funds Legal Expert

**Employer:** Cardno Emerging Markets USA Ltd., Washington DC, Belgrade Representative Office

**Component 3:** Financial Market Development

**Location:** Belgrade

### **SCOPE OF WORK**

#### **About the Project**

The Serbia Business Enabling Project (“BEP”) is a seven-year USAID-funded project awarded to Cardno Emerging Markets USA, Ltd. to assist the Government of Serbia in strengthening the business environment, fiscal and macroeconomic management, financial market development, and business education throughout the country. It provides long-term technical assistance and other financial support to help advance legal and regulatory reforms, build institutional and professional capacity, and other activities as may be requested by the GoS. The project is organized around three components, each implemented by a resident team of Serbian and international professionals: Component 1 – Business Regulation and Economic Governance; Component 2 – Macroeconomic Policy and Public Financial Management; Component 3 – Financial Markets Development.

BEP Component 3, Financial Markets Development, helps Serbian financial markets increase the competitiveness and affordability of financial services, and develop risk management instruments. This includes technical assistance to help counterparts draft or/and implement new legislation, strengthen their institutional capacity, and help to influence policies that will shape the evolution of the financial sector and its role in economic development.

The main counterparts for this assignment will be the Ministry of Finance and the Working Group tasked with drafting the Alternative Investment Funds (AIF) Law and Amendments to the Investment Funds (IF) Law.

#### **Background to SoW**

Micro, small, and medium-sized enterprises (MSMEs) are extremely important to the Serbian economy. They constitute 99.5% of active businesses and employ 66% of the labor force, yet their contribution to the GDP is relatively low when compared to neighboring countries: while MSMEs’ contribution to GDP stands above 50% in Bulgaria, Hungary and Croatia, it is only 32% in Serbia.



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Although MSMEs are the backbone of the Serbian economy, they face numerous challenges. Poor access to finance is one of these challenges, as recognized by the European Commission, World Bank, and World Economic Forum.

In late 2016, the Government of Serbia became increasingly interested in the development of the alternative investment fund market, emphasizing venture capital as especially important. To that end, and due to USAID BEP's previously successful contributions to reforms of the financial system, the Ministry of Finance sought USAID BEP's assistance with drafting amendments to the Investment Funds Law so as to ensure that this legislation reflects the requirements of the EU Undertaking for Collective Investment in Transferable Securities (UCITS) Directive. Furthermore, USAID BEP was asked to participate in the development and implementation of a separate AIF Law, which would transpose the EU Alternative Investment Fund Managers (AIFM) Directive.

Based on this initiative of the Ministry of Finance, USAID BEP's subcontractor analyzed the investment funds industry and prepared a transposition table of the IF Law indicating its alignment with selected EU Directives and a Concept Paper for the AIF Law. USAID BEP is now seeking a seasoned professional to develop and draft the AIF Law based on the above materials, and especially the Concept Paper, and taking into account comments made by the Working Group.

## **Objective**

The main objective of this effort is to provide support to the Working Group chaired by the Ministry of Finance in drafting the AIF Law. In doing so, the Consultant will take into account the materials delivered by the USAID BEP's subcontractor under subcontract RFP-2017-11 and the comments received from the Working Group in the course of the drafting process.

## **Tasks**

The Consultant will use the existing AIF Law Concept Paper and the IF Law Transposition Table, and develop a Draft AIF Law. Additionally, special emphasis will be placed on the alignment of this law with EU Directives while ensuring that the legislation reflects the specific needs of the Serbian investment funds industry.

In doing so, the Consultant will work closely with the USAID BEP's Component 3 and report to the USAID BEP's Component 3 Financial Market Development Expert.

The Consultant will perform the following tasks:

- 1) Analyze selected EU Directives and appropriate materials provided by the USAID BEP team.** The Consultant will analyze the UCITS and AIFM Directives and the materials cited above that will be provided by USAID BEP.



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- 2) **Draft the AIF Law.** Based on the materials cited above, the Consultant will draft the AIF Law, which is to be reviewed by USAID BEP's Component 3 and the Ministry of Finance's Working Group.
- 3) **Provide support to the Working Group as needed.** The Consultant will respond to any comments made by the Working Group by providing clarification.
- 4) **Review the final draft, and include any recommendations for improvement.** The Consultant will make adjustments to the Draft AIF Law based on the comments of the Working Group.

### Period of Performance

The period of performance of this SoW is September 20, 2017 – November 15, 2017. The maximum number of days under this LOE cannot exceed 30 (thirty) days.

### Deliverables

Deliverables under this SoW include:

1. Draft of the AIF Law;
2. Written final STTA report/ memo on the activities performed and results achieved.

Technical documentation, including the draft of the Law, should be prepared in Serbian. The final STTA report/ memo should be prepared in English.

Drafts of all deliverables must be submitted to USAID BEP Task Management teams in accordance with the previously provided schedule. The final report/ memo should be provided within ten working days following the end of the Period of Performance.

### Application Details

1. **Requirements** for eligible candidates:
  - a) Advanced degree in Law, with more than 10 years of experience in Serbian financial markets;
  - b) More than 5 years of experience in equity-based financing and access to finance for micro, small, and medium-sized enterprises;
  - c) Proven knowledge of EU Directives and financial legislation;
  - d) Proven expertise in drafting legislation;
2. **Desired** experience:
  - a) Previous experience in consulting on international cooperation and development projects;
  - b) Previous experience in working in EU Member States and candidate countries.



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3. Applications, including a CV clearly showing the appropriate technical background and relevant professional experience, should be e-mailed to [info@bep.rs](mailto:info@bep.rs) by September 15, 2017 CoB (Close of Business). Only short-listed candidates will be contacted.