

TERMS OF REFERENCE

Job title:	International Consultant to design a fully-fledged integrated F-gas database system and a harmonized reporting system for the Republic of Moldova
Duty Station:	Home based (with one three-days mission in Chisinau, Republic of Moldova)
Reference to the project:	EU4Climate
Contract type:	Individual Contracts (IC)
Contract duration:	Up to 20 working days in the period October – December 2019
Starting date:	October 2019

1. BACKGROUND

The goal of EU4Climate Project¹ is to contribute to climate change mitigation & adaptation and the development towards a low-emissions and climate-resilient economy in line with the Paris Agreement² in Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine.

To realize this project goal, the following results should be achieved:

- Result 1:** Finalized or up-dated nationally determined contributions communicated to the UNFCCC;
- Result 2:** Improved inter-institutional awareness and coordination at political and technical level of the Paris Agreement and the corresponding national commitments;
- Result 3:** Established or strengthened MRV systems, with countries getting on track with Paris Agreement transparency requirements;
- Result 4:** Advanced alignment with EU climate acquis as provided by bilateral agreements with EU and in the context of Energy Community Treaty on climate matters that are not covered by the EU4Energy programme;
- Result 5:** Establishment of concrete sectoral guidelines for the implementation of the Paris Agreement in each of the Eastern Partners;
- Result 6:** Increased mobilization of climate finance;
- Result 7:** Enhanced adaptation planning.

The project implementation methodology will follow the logic of the Paris Agreement framework and relevant EU climate acquis, as well as their subsequent developments. The respective climate change EU acquis and climate provisions under the Energy Community treaty will be the integral part of the project logic and implementation methodology, the EU best practices will be shared. Relevant technical guidance on various elements of climate policy development will be used through the capacity building and training activities.

The Paris Agreement on Climate Change was adopted at the UNFCCC Conference of Parties in December 2015 and officially entered into force on 4 November 2016. The Paris Agreement was the first ever universal, legally binding climate deal that set out a plan to put the world on track to avoid dangerous climate change by limiting global warming to “well below 2°C”. Together with Agenda 2030 and the Sendai Framework for Disaster Risk Reduction, the Paris Agreement provides an unprecedented opportunity to create an integrated development approach towards inclusive resilient economies with a zero-carbon footprint by 2100.

The Paris Agreement establishes a new transparency regime, under which countries will have to report progress on reducing GHG emissions and building climate resilience. This transparency regime is currently being established within the UNFCCC framework and its final details are still to be defined. At the same time, the three regional

¹ <<https://www.md.undp.org/content/moldova/en/home/projects/eu-4-climate.html>>.

² Decision 1/CP.21 ‘Adopting of the Paris Agreement’ <<https://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf>>

members of the Energy Community (Georgia, Moldova and Ukraine) are encouraged to align their legislation with the EU Monitoring Mechanism Regulation as well as to prepare for the development and adoption of integrated national energy and climate plans and may soon have to align their legislation with the new EU Energy Union Governance Regulation while the agreement with Armenia equally foresees legal approximation to EU MRV rules. In the past years, significant technical assistance has been provided by the regional ClimaEast project, but countries' capacities for MRV still need further strengthening.

The Moldovan Context

The activity to be undertaken is related with the Result 3: Establishing or strengthening the MRV system, with countries getting on track with Paris Agreement transparency requirements, respectively with the Result 4: Advanced alignment with EU climate acquis as provided by bilateral agreements with EU and in the context of Energy Community Treaty on climate matters that are not covered by the EU4Energy programme.

The Republic of Moldova (RM) signed an Association Agreement (AA) with the European Union (EU) on 27 June 2014, which has entered into force in September 2014. The AA, has been ratified by the Parliament through the Law No. 112 as of 02.07.2014, see specifically Chapter 17 'Climate Policies' and Annex XI of the AA RM-EU³, as well as the Governmental Decision No. 808 as of 07.10.2014 on approval of the National Action Plan on implementation of the AA RM-EU within the period 2014-2016⁴ and the Governmental Decision No. 1472 as of 30.12.2016 on approval of the National Action Plan on implementation of the AA RM-EU within the period 2017-2019⁵

Article 95 from the Association Agreement specifically refers to the cooperation between the two Parties in the area of climate change and ozone layer protection. At present, the Republic of Moldova is working to fulfill its obligations under the AA and to converge further its legislation towards the *acquis communautaire* in the field of environment protection and climate change.

The measures related to ozone depleting substances had included the elaboration and approving of the National Phase-out Programme for HCFCs for the period 2016-2040 (fulfilled through the Governmental Decision No. 856 dated July 13, 2016). Concerning the implementation of the other, relevant to protection of the environment, the EU Regulation No. 842/2006, the F-gas related excerpt of Annex XII of the AA reads as follows – **Regulation (EC) No. 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases**. The following provisions of that Regulation shall apply to: adoption of national legislation and designation of competent authority/authorities; establishment/adaptation of national training and certification requirements for relevant personnel and companies (Article 5); **establishment of reporting systems for acquiring emission data from the relevant sectors (Article 6); and establishment of enforcement system (Article 13)**.

Respective provisions of that Regulation were supposed be implemented within 4 years of the entry into force of the Agreement. That is, the implementation of the above parts of the F-Gas Regulation in the Republic of Moldova needed to take place by September 2018, but this did not happen in full extent.

It is to be mentioned also, that at EU level, the Regulation No. 842/2006 has been replaced in 2014 by Regulation No 517/2014, which applies at the EU level from 1 January 2015. The implementing Regulations adopted under the Regulation No. 842/2006 remained in force and continued to apply until repealed by the new acts.

F-gases are fluorinated chemical substances (hydrofluorocarbons – HFCs, perfluorocarbons – PFCs and sulphur hexafluoride – SF₆), which have a high global warming potential (GWP) and thus contribute significantly to climate change. Production and consumption of F-gases, specifically HFCs, is growing fast because they are widely used as substitutes for ozone depleting substances (ODS), which are currently being phased-out under the Montreal Protocol. The main areas where F-gases are applied are refrigeration, air conditioning and heat pump (RAC & HP) sector (refrigerants), foam sector (foam blowing agents), fire protection sector (fire extinguishing agents), aerosol sector (aerosol propellants), solvent sector (F-gas solvents) and electrical switchgear sector (SF₆ used as insulating gas).

Recognizing the threat of F-gases, specifically HFCs, to global climate, the international community decided in 2016 in Kigali (Rwanda) on a Kigali Amendment to the Montreal Protocol. This amendment introduced HFCs as controlled substances under the Montreal Protocol and established HFC phase-down schedules (different for developed and developing countries) as well as import/export licensing and reporting requirements.

³ <<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353829>>.

⁴ <<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=354939>>.

⁵ <<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=369730>>.

Even before the Kigali Amendment was decided upon, as mentioned above, the EU introduced some of those measures in 2006 through Regulation (EC) No. 842/2006 and later applied a much more extended F-gas legislation through Regulation (EU) No. 517/2014 to reach significant reductions of F-gas emissions.

By signed an Association Agreement with the European Union on 27 June 2014, the Republic of Moldova decided to implement control on F-gases through transposing the F-gas Regulation that was based on the EU Reg. (EC) No. 842/2006, to enter into force in September 2018. Due to low capacities within the country, this did not happen in due time, and the Republic of Moldova is looking for opportunities to use the external support to develop the F-gas legislation in the nearest period of time, inclusively by taking into account the provisions contained in Regulation (EU) No. 517/2014. The findings of the EU4Climate Project will assist the Republic of Moldova in that effort.

2. OBJECTIVE AND EXPECTED OUTPUTS

The main objective of the assignment is to increase the national capacities to support the country to reduce fluorinated greenhouse gases (F-gases) in relevant sectors, to contribute to the international efforts to mitigate climate, and to contribute to transposing into the national legislation the Regulation (EC) No. 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases, by taking into account as well the relevant provisions contained in Regulation (EU) No. 517/2014 F-gas Regulation with the EU Regulation (EU) No 517/2014.

The specific focus of this assignment is to contribute to the development of the MRV system for ODS and F-gases: to serve as system for collecting data from companies that import, export, use, dispose, recover and recycle freons and refrigerant equipment, inclusively for being used for inventory purposes, with reference to **Article 6 ‘Reporting’** of the **Regulation (EC) No. 842/2006** of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases, correspondingly to **Article 19 ‘Reporting on production, import, export, feedstock use and destruction of the substances listed in Annexes I or II’** and **Article 20 ‘Collecting emissions data’** of the **Regulation (EU) No. 517/2014** of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases. Specifically, there is a stringent need to develop a F-gases National Registry (to cover both, HCFCs & HFCs), in extent possible, similar to the EU F-gases Portal⁶.

In close cooperation with the EU4Climate National Coordinator and with the staff of National Ozone Unit (NOU) and of the ‘Air and Climate Change’ Section of the Ministry of Agriculture, Regional Development and Environmental, the international consultant will provide assistance:

1. To **produce a legislative gap analysis report in the area of ODS and F-gases** in the Republic of Moldova, following specifically the information provided above in the section ‘The Moldovan Context’, inclusively in the context of the Regulation (EC) No. 842/2006 / Regulation (EU) No. 517/2014; Kigali Amendment to the Montreal Protocol and the Paris Agreement to the UNFCCC;
2. To analyze the **current situation of F-gas inventories** in the Republic of Moldova; to **assess the needed measures and come with recommendations for a successful implementation of the national F-gas emission inventory system**, in line with the 2006 IPCC guidelines for national GHG inventories and the requirements set forth in the Regulation (EU) No. 517/2014;
3. To design a **fully-fledged integrated F-gas database system and a harmonized reporting system for the Republic of Moldova**, following the EU best practices and already existing similar systems in EU countries. The F-gas database system and the harmonized reporting system is essential, as it will allow the Ministry of Agriculture, Regional Development and Environment to efficiently and effectively gather data on F-gases and their usages in Republic of Moldova;
4. To assess **the proposed structure and design of the ODS and F-gas module(s) to be part of the Automatic Information System “Register of chemical products placed on the market in the Republic of Moldova”**, currently under the development as per provisions of Articles 30 and 46 paragraph (1) section 2) lit. c) of the Law No. 277 as of 29.11.2018 on chemical substances; and **to provide feedback and recommendations for improving**.

3. KEY DELIVERABLES AND TIMEFRAME

⁶ <https://ec.europa.eu/clima/policies/f-gas/reporting_en>; <https://ec.europa.eu/clima/sites/clima/files/f-gas/docs/guidance_document_en.pdf>; <https://ec.europa.eu/clima/sites/clima/files/f-gas/docs/guidance_quota_transfer_f-gas_portal_en.pdf>; <https://ec.europa.eu/clima/sites/clima/files/f-gas/docs/guidance_submitting_quota_declaration_en.pdf>; <https://bdr.eionet.europa.eu/help/bdr_user_manual.pdf>.

The international consultant is expected to deliver the following outputs per below identified timeline and anticipated workload:

Key Deliverables and the Anticipated Workload	Tentative Timetable/Deadline
Deliverable 1: The activity plan and timeframe developed (including tasks and timeline) (up to <u>1 working days</u>).	By earlier-October 2019
Deliverable 2: Undertake an in-country mission in the Republic of Moldova (<u>3 working days</u>), to review the existing legislative framework in the area of ODS and F-gases; to analyze the current situation of F-gases inventories; to assess the needed measures to successfully implement a national F-gas emission inventory system, in line with the 2006 IPCC guidelines for national GHG inventories and the requirements set forth in the EU F-gas Regulation; and to assess the proposed structure and design of the ODS and F-gas modules in the frame of the Automatic Information System “Register of chemical products placed on the market in the Republic of Moldova”, currently under the development.	By mid-October 2019
Deliverable 3: To produce a legislative gap analysis report in the area of ODS and F-gases in the Republic of Moldova, following the requirements set-up in the Law No. 852 as of 14.02.2002 on approving the Regulation on trade regime & regulating the use of halogenated hydrocarbons that are depleting the ozone layer; the Association Agreement (AA) with the European Union (EU) on 27 June 2014, ratified by the Parliament through the Law No. 112 as of 02.07.2014; the GD No. 1472 as of 30.12.2016 on approval of the National Action Plan on implementation of the AA RM-EU within the period 2017-2019; the GD No. 856 as of 13.07.2016 on approving the National Phase-out Programme for HCFCs for the period 2016-2040; the GD No. 1277 as of 26.12.2018 on the Establishment and Functioning of the National System for Monitoring and Reporting Greenhouse Gas Emissions and other Information Relevant to Climate Change; and Law No. 277 as of 29.11.2018 on chemical substances; as well as the Kigali Amendment to the Montreal Protocol and the Paris Agreement to the UNFCCC (up to <u>5 working days</u>).	By earlier-November 2019
Deliverable 4: To design a fully-fledged integrated F-gas database system and harmonized reporting system , that is capable of receiving, integrating and analyzing data from multiple sources and activities, to allow the Republic of Moldova to comply with the requirements set up in Article 6 ‘Reporting’ of the Regulation (EC) No. 842/2006, correspondingly in the Article 19 ‘Reporting on production, import, export, feedstock use and destruction of the substances listed in Annexes I or II’ and Article 20 ‘Collecting emissions data’ of the Regulation (EU) No. 517/2014, following the EU best practices and/or the already existing similar electronic reporting systems in the EU countries and to provide feedback and recommendations to the proposed structure and design of the ODS and F-gas modules in the frame of the Automatic Information System “Register of chemical products placed on the market in the Republic of Moldova”, currently under the development (up to <u>9 working days</u>).	By mid-November 2019
Deliverable 5: A consolidated final report on the execution of the assignment, covering all the above-mentioned aspects under the deliverables 1 to 4 (up to <u>2 working days</u>).	By earlier-December 2019

Note: Deliverables and final timeline can be amended or specified for the purpose of the assignment.

4. INSTITUTIONAL ARRANGEMENTS

This is a part-time consultancy. The timeframe for the work of the international consultant is planned for October–December 2019. The consultant will be given access to relevant information necessary for execution of the tasks under this assignment. The consultant will work in close collaboration with the EU4Climate Project’s National Coordinator - for substantive aspects of the assignment, as well as will closely cooperate with the National Ozone Unit’s Coordinator and with the Head of Air and Climate Change Section of the Ministry of Agriculture, Regional Development and Environment, so that the final product reflect also their comments. UNDP will provide administrative and logistical support in organization the in-country mission in the Republic of Moldova.

5. FINANCIAL ARRANGEMENTS

The contract assignment will be for a fixed all-inclusive daily fee. Payments will be provided in two instalments. The first disbursement will be issued after the satisfactory completion of the planned activities under the deliverables 1-3, by end-October 2019. The last disbursement will be issued upon submission and approval of deliverables 4-5, and certification by the EU4Climate Project's National Coordinator that the services have been satisfactorily performed, by earlier-December 2019.

6. SKILLS AND EXPERIENCE REQUIRED

I. Education:

- Master's in Engineering (Mechanics, Refrigeration), Environmental Management, Chemical Hazardous Management or other related fields is required.

II. Experience:

- At least 7 years of experience with activities related to refrigeration and air-conditioning sector, environmental protection, climate change or any other relevant fields;
- At least 6 years of experience in developing systems for collecting data from companies that import, export, use, dispose, recover and recycle freons and refrigerant equipment, to be used for inventory purposes in accordance with Article 6 'Reporting' of the Regulation (EC) No. 842/2006, and/or in accordance with Article 19 'Reporting on production, import, export, feedstock use and destruction of the substances listed in Annexes I or II' and Article 20 'Collecting emissions data' of the Regulation (EU) No. 517/2014;
- Familiarity with the Vienna Convention on Ozone Layer Protection and the Montreal Protocol on Substances that Deplete the Ozone Layer, respectively with the United Nations Framework Convention on Climate Change and the Kyoto Protocol, would be an asset;
- Experience in similar positions in an UNDP, UNEP, WB and/or EU-funded project or other international organization would be an asset.

III. Competencies:

- Knowledge of principles, legal and normative framework regulating the MRV systems under the Vienna Convention on Ozone Layer Protection and Montreal Protocol, respectively under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, demonstrated by previous assignments will be a strong advantage;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Strong interpersonal and communication skills, ability to work in a team, demonstrated by previous assignments;
- Ability to work under pressure and stressful situations, and to meet tight deadlines demonstrated by previous assignments;
- Proficiency in English. Knowledge of Romanian and/or Russian will be an asset.

The UNDP Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.

7. PERFORMANCE EVALUATION

Contractors' performance will be evaluated against timeliness, responsibility, initiative, creativity, communication, accuracy, and overall quality of the delivered products.

8. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal, explaining why he/she is most suitable for the work, including past experience in similar assignments, providing a brief information on above qualifications and methodology on how he/she will approach and conduct the work (if applicable).
2. Financial proposal (in USD), specifying a fee per day and total requested amount including all related costs, e.g. fees, per diems, travel costs, phone calls, etc.;
3. CV and/or the duly filled in and signed Personal History Form (P11), and at least three names for a reference check.