



## TERMS OF REFERENCE

<b>Job title:</b>	Two local consultants to be responsible for analysis of the national legislation of the Republic of Moldova for the purpose of the gap analysis against the EU acquis included in the Bilateral Agreement on Climate Action (climate consultant/team leader) and in the Energy Community Treaty (energy consultant), and for elaboration of a roadmap and/or of proposals for legislative alignment
<b>Duty Station:</b>	Republic of Moldova, Chisinau
<b>Reference to the project:</b>	EU4Climate
<b>Contract type:</b>	Individual Contracts (IC)
<b>Contract duration:</b>	September – December 2019 (up to 45 working days for climate consultant/team leader and up to 35 working days for energy consultant)
<b>Starting date:</b>	September 2019

### 1. BACKGROUND

The six EU Eastern Partnership countries – Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine - face water and energy shortages and a broad spectrum of climate-related and geophysical disasters. With more frequent and severe meteorological hazards, rural and urban populations across the sub-region are likely to become more vulnerable, while the overall costs of adaptation are projected to increase dramatically. Economies in the region are characterized by high levels of energy intensity and inefficiency, relying on fossil fuels for over 80 percent of their energy needs. Climate change will exacerbate current pressure on natural resources and ecosystems. The region's challenge will be to shift to a low-carbon development model, while at the same time shielding people from the consequences of catastrophic climate change and disasters. The transition to a low carbon, resource-efficient economy demands a fundamental shift in technology, energy, economics, finance and ultimately society as a whole. For the EU and the Eastern Partner countries this provides important opportunities, notably for economic transformation, jobs and growth.

#### *Paris Agreement*

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 builds upon submissions from 192 countries for national climate pledges known as Intended Nationally Determined Contributions (INDCs), which become a binding Nationally Determined Contributions (NDC) when a country ratifies the Paris Agreement. NDCs reflect a country's ambition for reducing greenhouse gas (GHG) emissions, considering domestic circumstances and capabilities, and the majority have also included adaptation goals. The entry into force of the Paris Agreement only 11 months after it was formally adopted signifies the importance being placed on the NDCs for addressing climate change. However, the current pledges fall short of the 2°C goal. Under the provisions of the Paris Agreement, countries are expected to submit updated and more ambitious NDCs every five years. NDCs are thereby expected to become the main vision by which national, subnational and sectoral climate change policies and actions are aligned with national development priorities and the Sustainable Development Goals (SDGs).

The EU, UNDP and other partners supported countries in preparation of INDCs in the lead-up to the Paris Agreement that included direct technical and financial support to countries through the Low Emission Capacity Building (LECB) Programme and the Project Support to Developing Countries on Intended Nationally Determined Contributions. UNDP has also organized Global and Regional Technical Dialogues in collaboration with the UNFCCC and other development partners to build technical capacity and exchange experiences on NDC design and implementation.

#### *Eastern Partnership, EU bilateral agreements and Energy Community Treaty*

The Eastern Partnership (EaP) initiative represents the Eastern dimension of the European Neighbourhood Policy and aims to deepen and strengthen relations between the EU and its six Eastern neighbors: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine. The European Parliament resolution on women, gender equality and climate justice recognizes that men and women experience the impacts of climate change differently and calls on the EU to make the financing of both adaptation to climate change and mitigation of its effects gender-responsive.

The '20 Deliverables for 2020', adopted at the Eastern Partnership Summit in 2017, asks under its priority III (connectivity, energy efficiency, environment and climate change) for enhanced climate change adaptation and mitigation efforts to help Partner Countries to develop more efficient economies, while becoming less vulnerable to the adverse impact of climate change. In particular, it foresees decisive steps to be taken to improve energy efficiency and the use of renewable energy, and to reduce Greenhouse Gas emissions, in line with the Paris Agreement on Climate Change (Deliverable 15) and states that adaptation to climate change will be supported by improving water resources management and trans-boundary cooperation and promoting climate change resilience (Deliverable 16).

Multilateral climate cooperation with Eastern Partner countries is undertaken under a Platform for connectivity, energy efficiency, environment and climate change and a thematic Panel for environment and climate change established under this platform. Other thematic panels, such as the one for energy, deal with relevant climate change issues on a sectorial level. The panels facilitate the exchange of information and best practices in the development and implementation of climate change policies and promote convergence with EU legislation as appropriate. According to the Joint Communication from the High Representative for Foreign Affairs and Security Policy and the European Commission on the Review of the European Neighbourhood Policy of November 2015, the EU will put greater attention to the energy security and climate action both of the EU and of its partners. The joint communication proposes "energy security and climate action" as a joint priority for cooperation and calls for the "promotion of the full implementation of the expected Paris Climate Agreement and its subsequent developments". The EU commits to share best practices, including on the introduction of "robust emissions monitoring, reporting and verification frameworks, including in the longer term, emission trading systems, which could be linked to the EU emissions trading system as they become ready."

Within the Eastern Partnership region, Georgia, Ukraine and the Republic of Moldova are members of the Energy Community. In October 2016, the Ministerial Council of the Energy Community has adopted a Recommendation to incorporate the core elements of the EU Monitoring Mechanism Regulation (MMR) into the Energy Community acquis. In addition, there are currently works under way to make this recommendation a legally binding commitment at least for core parts of the Regulation.

#### *Regional Action Rationale within the context of the Beneficiary Countries*

The beneficiary countries have different status and commitments under the UNFCCC (Belarus and Ukraine are Annex I countries). Georgia, the Republic of Moldova and Ukraine have signed Association Agreements and Armenia a Comprehensive and Enhanced Partnership Agreement with the EU, which contain specific commitments for the countries to align with the EU Regulations on ozone-depleting substances (ODS) and fluorinated greenhouse gases (F-gases), as well as with specific provisions of the Emission Trading System (ETS) Directive in the case of Armenia, Moldova and Ukraine, the Monitoring and Reporting (MRR) Regulation and the Accreditation and Verification (AVR) Regulation (Armenia only) and the Fuel Quality Directive (Moldova only). In addition, Ukraine, Moldova and Georgia are members of the Energy Community. Naturally, some of the countries are more advanced than others in terms of implementing the Paris Agreement, for example, Ukraine and the Republic of Moldova have in place Low-emission Development Strategies. These and other factors define some differences in the capacity building and technical assistance needs of the individual countries. The project will reflect these differences and will provide targeted support to all the countries based on their needs.

What all the six beneficiary countries have in common is the common ambition and the on-going regulatory reform towards the alignment with the EU policies and the need to build national capacities for the implementation of the

Paris Agreement. In this context, this proposed regional action is highly relevant to all six countries as it will allow knowledge transfer, learning and cross fertilization of ideas between the countries as each of them will be strengthening their climate policies and EU alignment agendas. These countries already have experience of interaction and knowledge exchange in the framework of the earlier EU-supported ClimaEast programme. The EU4Climate project will offer focus on sub regional cooperation, learning and knowledge transfer through regional training and information exchange workshops, study tours, joint knowledge and communication products.

The project will set up a network of resource persons and entities across the participating countries to lead implementation of various thematic components. For example, Moldova would be the source of experience and expertise for the national adaptation planning and sectoral mainstreaming work based on the earlier programming experience and NAP tools developed there. The project will facilitate transfer of the best practices across the EaP countries and encourage more focused and ambitious climate strategies through sub-regional dialogues and exchanges. This regional project will also facilitate access of the EaP countries to the global climate policy initiatives and existing EU platforms. In view of the above, there is a strong value added of the regional approach in this project.

All countries also confirmed the strong relevance of this project to their national climate policy and EU alignment agendas. The beneficiary countries have limitations in institutional, technical and financial capacities to meet their commitments under the Paris Agreement and under the EU cooperation agreements, and to proactively promote national climate action. In order to address these gaps, the project will support: (i) the development of the strategic documents and monitoring frameworks for inclusive and participatory climate action; (ii) strengthening institutional capacities and knowledge through institutional capacity reviews, recommendations for structural changes as needed; and (iii) enhancing national expertise and knowledge exchange opportunities through workshops, trainings, study tours and improved stakeholder participation. The project will do so in close coordination with the other on-going activities supported by the countries themselves and their development partners (past and on-going EU projects, other bilateral donors' support, GEF and GCF support). The action will be aligned with the work of Ukraine, Moldova and Georgia under the Energy Community and with the work under the Covenant of Mayors initiative. Thus, the proposed project strategy is based on the analysis of baseline activities and on-going projects to secure complementarity and efficiency of the technical assistance.

Gender mainstreaming is an important priority for all the EaP countries. Moreover, the UNDP country offices in the Republic of Moldova, Armenia and Georgia are in the Gender Equality Seal certification programme which prioritizes gender mainstreaming in all programmes and operations. Each component of the project will involve a tailored activity to mainstream gender into climate policy.

## 2. SCOPE, OBJECTIVES AND EXPECTED RESULTS OF THE PROJECT

The goal of EU4Climate Project is to contribute to climate change mitigation & adaptation and the development towards a low-emissions and climate-resilient economy in line with the Paris Agreement<sup>1</sup> 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

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

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 main objective of the assignment is to analyze the national legislation in the Republic of Moldova for the purpose of a gap analysis against the EU acquis included in the Bilateral Agreement on Climate Action and in the Energy Community Treaty and elaboration of a roadmap and/or proposals for legislative alignment.

Under the guidance of the EU4Climate National Coordinator, in close cooperation with the Ministry of Agriculture, Regional Development and Environmental and Ministry of Economy and Infrastructure, the two local consultants (climate consultant/team leader and the energy consultant) to be hired will have the following responsibilities:

1. Detailed analysis of existing national legislative framework of the Republic of Moldova and compliance check to verify if domestic legislation exists and/or is compatible with the EU acquis included in:
  - a. The Bilateral Agreement on Climate Action (reference to the Association Agreement Republic of Moldova – European Union, ratified through the Law No. 112 as of 02.07.2014, see specifically Chapter 17 ‘Climate Policies’ and Annex XI of the AA RM-EU<sup>2</sup>, 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 2014-2016<sup>3</sup> 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 2017-2019<sup>4</sup>); and
  - b. The Energy Community Treaty (reference to the Law No. 117 as of 23.12.2009 on adherence of the Republic of Moldova to the Energy Community Treaty<sup>5</sup>).
2. Based on stakeholders’ consultation process, analyze the current situation in implementing climate related commitments under the Bilateral Agreement on Climate Action (AA RM-EU) and the Energy Community Treaty; determine the EU acquis alignment country needs and develop a Roadmap for the EU4Climate support in alignment with EU acquis (activity will be undertaken in collaboration with the international consultants hired by the Energy Community Secretariat and UNDP IRH);
3. Presentation of the consultation process findings and the draft Roadmap for the EU4Climate support at the national consultation workshop;
4. Drafting the concept of National Consultation Workshop and provide support in its organization at the request of EU4Climate Project Team and the Energy Community Secretariat Team of Experts;
5. Finalize the Roadmap for EU4Climate support in alignment with EU acquis, in collaboration with the international consultants hired by the Energy Community Secretariat and UNDP IRH.

### 3. KEY DELIVERABLES AND TIMEFRAME

The two local consultants (climate consultant/team leader and the energy consultant) are expected to deliver the following outputs per below identified timeline and anticipated workload:

Key Deliverables and the Anticipated Workload	Tentative Timetable/Deadline
<b>Deliverable 1:</b> Activity Plan and timeframe developed, including tasks and timeline for the two local consultants (delivered by each: climate consultant/team leader – up to 2 working days and energy consultant - up to 2 working days).	By mid-September 2019
<b>Deliverable 2:</b> Gap analysis of the national legislative and policy framework vis-a-vis the Republic of Moldova’s commitments, inclusively: <ul style="list-style-type: none"> <li>• Review of relevant climate acquis (EU and Energy Community) applicable to the Republic of Moldova;</li> <li>• Desk review of national legislation and reporting;</li> </ul>	By end-October 2019

<sup>2</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353829>.

<sup>3</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=354939>.

<sup>4</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=369730>.

<sup>5</sup> By adhering to the Energy Community Treaty, the Republic of Moldova has committed to implementing the Energy Packages II and III, for the latter achieving a derogation by 2020 from the deadline set for other partner countries in the part related to the separation of transport activities from production and supply on the gas market (Article 9, Directive 2009/73 concerning common rules for the internal market in natural gas). See more information, for instance, on: <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=333457&lang=1>, <http://lex.justice.md/md/346670/>, <https://mei.gov.md/ro/content/energetica>, <https://www.mfa.gov.md/ro/content/energie>, <http://ipre.md/wp-content/uploads/2017/11/Document-de-Discutii-Dezbatere-Publica%CC%86-Implementarea-Pachetului-III-energetic-20.11.2017-final.pdf#pdfjs.action=download>.

Key Deliverables and the Anticipated Workload	Tentative Timetable/Deadline
<ul style="list-style-type: none"> <li>Detailed gap analysis of existing national legislative framework vis-à-vis the Republic of Moldova's commitments.</li> </ul> (delivered by each: energy consultant - up to 13 working days and climate consultant / team leader – up to 18 working days).	
<b>Deliverable 3:</b> Contribution to development of the Roadmap outlining EU4Climate support to the Republic of Moldova through priority actions in the alignment with EU acquis included in the Bilateral Agreement on Climate Change (reference to the Association Agreement EU-Republic of Moldova) and in the Energy Community Treaty (delivered by each: energy consultant - up to 10 working days and climate consultant / team leader – up to 15 working days).	By end-November 2019
<b>Deliverable 4:</b> Expert contribution to national consultation workshop, including event preparatory work, presentation of the findings and draft Roadmap and/or proposals for legislative and policy alignment at the national coordination workshop (delivered by each: energy consultant - up to 5 working days and climate consultant/team leader – up to 5 working days).	By earlier-December 2019
<b>Deliverable 5:</b> A consolidated final report on the execution of the assignment, covering all the above aspects related to the analysis of the national legislation and policy framework for the purpose of the gap analysis against the EU acquis included in the Bilateral Agreement on Climate Action and on Energy Community Treaty and to the elaboration of the Roadmap and/or proposals for legislative alignment (delivered by each: energy consultant - up to 5 working days and climate consultant/team leader – up to 5 working days).	By mid-December 2019

**Note:** Deliverables and final timeline can be amended or specified for the purpose of the assignment. Payments will be made upon the successful completion of the tasks assigned.

#### 4. INSTITUTIONAL ARRANGEMENTS

This is a part-time consultancy. The timeframe for the work of consultants is planned for September – December 2019. The consultants will work under the overall guidance and direct supervision of the EU4Climate Project's National Coordinator and in close collaboration with the UNDP Climate Change, Environment and Energy Cluster Lead – for substantive aspects of the assignment. Before submission of the deliverables, the consultants will discuss the draft reports (to be submitted in English) with the EU4Climate Project's National Coordinator, so that final products reflect his comments. UNDP will provide administrative and logistical support in organization of the stakeholder consultations and the national coordination workshop, as necessary.

#### 5. FINANCIAL ARRANGEMENTS

Payments will be provided in two instalments. The first disbursement will be issued after the satisfactory completion of the planned activities under the deliverables 1-2, by end-October 2019. The last disbursement will be issued upon submission and approval of deliverables 3-5, and certification by the supervising Project's National Coordinator that the services have been satisfactorily performed, by mid-December 2019.

#### 6. SKILLS AND EXPERIENCE REQUIRED

**For the climate consultant/team leader :**

I. Education:

- Advanced degree (Master or Ph.D.) in a relevant field, such as Public or International Law, Environmental Policy and/or Economics, Climate Change, or any related qualification.

II. Experience:

- At least 5 years of professional experience in the field of climate change;
- At least 3 years of demonstrated experience of work with climate related projects and analytical tasks;

- Practical experience with evaluation reports and/or assessments on the country progress vs climate commitments.

### III. Competencies:

- Good knowledge of EU environmental and climate change acquis and EU Regulation 525/2013/EC (MMR Regulation) and establishing of MRV systems under the Regulation demonstrated by previous assignments;
- Knowledge of principles, legal and normative framework regulating the MRV systems and reporting arrangements under the UNFCCC and other relevant international conventions and protocols demonstrated by previous assignments will be a strong advantage;
- Good knowledge of GHG inventories, MRV systems, climate change mitigation and vulnerability and adaptation assessments, etc. demonstrated by previous assignments;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Strong communication and teamwork/coordination skills demonstrated by previous assignments;
- Previous experience in public institutions is a strong advantage;
- Excellent analytical skills and legal assessment abilities
- Availability to work with UNDP during the indicated period;
- Proven experience in establishing and maintain working relations with government officials. Demonstrate experience in the engagement of, and working with both the public and private sector, is an advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment.

### **For the energy consultant:**

#### I. Education:

- Advanced degree (Master or Ph.D.) in a relevant field, such as Public or International Law, Energy, Industry, Chemistry, Engineering, Environmental Technologies, or any related qualification.

#### II. Experience:

- At least 5 years of professional experience in the field of energy and/or climate change;
- At least 3 years of demonstrated experience of work with energy and/or climate related projects and analytical tasks;
- Practical experience with evaluation reports and/or assessments on the country progress vs energy and/or climate commitments.

#### III. Competencies:

- Good knowledge of Energy Community Treaty, EU environmental and climate change acquis and EU Regulation 525/2013/EC (MMR Regulation) and establishing of MRV system under the Regulation demonstrated by previous assignments;
- Knowledge of principles, legal and normative framework regulating the MRV systems and reporting under the UNFCCC and other relevant international conventions and protocols demonstrated by previous assignments will be a strong advantage;
- Good knowledge of GHG inventories, MRV systems and climate change mitigation assessments, etc. demonstrated by previous assignments;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Strong communication and teamwork/coordination skills demonstrated by previous assignments;
- Previous experience in public institutions is a strong advantage;
- Proven experience in establishing and maintain working relations with government officials. Demonstrate experience in the engagement of, and working with both the public and private sector, is an advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment.

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 they are the most suitable for the work, including past experience in similar assignments, providing a brief information on above qualifications and methodology on how they 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.

**Note: National consultants shall clearly indicate the position they are applying for.**