



INDIVIDUAL CONSULTANTS PROCUREMENT NOTICE

Date: **17 May 2021**

Country: Republic of Moldova

Description of the assignment: National Legal Consultant to support the establishment of the MRV and enforcement system reflecting the provisions of the Directive 2003/87/EC in the Republic of Moldova, in line with the provisions of the AA RM-EU

Project name: EU4Climate

Period of assignment/services: June 2021 – November 2021 (up to 66 working days)

Proposals should be submitted **online by pressing the "Apply Online" button**, no later than **28 May 16:30 (Moldova local time)**.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: ana-maria.manole@undp.org. UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

1. PROJECT GOAL AND EXPECTED RESULTS

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 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.

2. BACKGROUND

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 02.07.2014¹, see specifically Chapter 17 'Climate Policies' and Annex XII of the AA RM-EU, as well as 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 2017-2019².

Article 95 from the AA 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.

According to the Annex XII of the AA RM-EU, the Government of the Republic of Moldova has undertaken to implement selected basic provisions of the Directive 2003/87/ EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC³, namely:

- establishing a system for identifying relevant installations and for identifying greenhouse gases (Annexes I and II);
- setting up a monitoring, reporting, verification and enforcement system and a public consultations process (Articles 9, 14-17, 19 and 21).

These provisions of the Directive shall be implemented by September 2022.

For details, please refer to the Terms of Reference.

3. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

The objective of the assignment is to provide technical support to the Republic of Moldova's Government in establishing a legal basis and a regulatory framework to the monitoring, reporting and verification of GHG emissions from installations corresponding to the requirements of the ETS Directive, as well as ensuring compliance of the operators with the MRV requirements.

Under the guidance of the international consultant, supervised by the EU4Climate National Coordinator, and in close cooperation with Regulatory Impact Assessment national consultant and the staff of the Air and Climate Change Section of the Ministry of Agriculture, Regional Development and Environment, the national legal consultant will be expected to provide the following deliverables:

- To conduct consultations with MARDE on the scope and proposed approach to the task;
- To prepare a short assessment report, analyzing the legal and regulatory contexts that have to be taken into account when transposing the relevant requirements of the ETS MRV and the enforcement framework, and proposing how to incorporate the necessary provisions into the laws and regulations in Moldova while ensuring that the proposals are anchored in the existing act/s of

¹ https://www.legis.md/cautare/getResults?doc_id=83489&lang=ro

² https://www.legis.md/cautare/getResults?doc_id=119199&lang=ro

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20200101>

law, and that all the requirements of the MMR and AVR relevant from the point of view of the functioning of the ETS MRV system are met;

- To develop the draft of the legislative framework for the ETS Directive transposition and the related regulatory package required for its consideration and approval by the government;
- To conduct public consultations of the newly developed ETS-related legislative framework (to identify all the related stakeholders, to develop the concept and agenda of the consultation, to develop the presentation);
- To review the draft legislative and regulatory framework, based on the public consultation results.

For detailed information, please refer to Annex 1 – Terms of Reference.

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Education:

- Advanced degree (Master or Ph.D.) in Law is required.

II. Experience:

- At least 6 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU environmental and climate related acquis.
- At least 5 years of working experience in the institutional consultancy and law-making.
- Experience in legal consultancy in any UNDP or EU-funded project or other international organization would be an asset.

III. Competencies:

- Excellent knowledge of the legislation on the environmental protection in the Republic of Moldova and of the Association Agreement demonstrated by previous assignments or general work experience;
- Familiarity with the EU ETS, the United Nations Framework Convention on Climate Change and the Paris Agreement, would be an asset;
- Excellent knowledge of the EU environment and climate related acquis, demonstrated by previous assignments;
- 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 to meet tight deadlines demonstrated by previous assignments;
- Fluency in Romanian and good working knowledge of English.

The UNDP Moldova is committed to the 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.

5. 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. **OFFEROR'S LETTER TO THE UNDP CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT**
3. CV and/or the duly filled in and signed Personal History Form (P11), and at least three names for a reference check.

6. FINANCIAL PROPOSAL

The financial proposal will specify the daily fee, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Consultant based on the number of days worked.

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

7. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- Advanced degree (Master or Ph.D.) in Law is required
- At least 6 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU environmental and climate related acquis.
- At least 5 years of working experience in the institutional consultancy and law-making

The short-listed individual consultants will be further evaluated based on the following methodology:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.
 - Technical Criteria weight – 60% (300 pts);
 - Financial Criteria weight – 40% (200 pts).

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
<ul style="list-style-type: none"> Advanced degree (Master or Ph.D.) in Law 	(Master – 25 pts., Ph.D. – 30 pts.)	30
<ul style="list-style-type: none"> At least 6 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU environmental and climate related acquis 	(6 years – max. 30 pts, more than 6 years – up to 40 pts, 5 pts – for each additional year)	40
<ul style="list-style-type: none"> At least 5 years of working experience in the institutional consultancy and law-making 	(5 years – max. 30 pts, more than 5 years – up to 40 pts, 5 pts – for each additional year)	40
<ul style="list-style-type: none"> Interview 	(40 pts. - Experience in legal consultancy in in any UNDP or EU-funded project or other international organization; 35 pts. - Excellent knowledge of the legislation on the environmental protection in the Republic of Moldova and of the Association Agreement; 40 pts. - Familiarity with the EU ETS, the United Nations Framework Convention on Climate Change and the Paris Agreement; 40 pts. - Excellent knowledge of the EU environment and climate related acquis; 25 pts. – other competences)	180
<ul style="list-style-type: none"> Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment* 	(no – 0 pts., to one group – 5 pts., to two or more groups – 10 pts.)	10
Maximum Total Technical Scoring		300
<u>Financial</u>		
<p>Evaluation of submitted financial offers will be done based on the following formula: <u>S = Fmin / F * 200</u> S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.</p>		200

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

8. ANNEXES

ANNEX 1 – TERMS OF REFERENCES

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS