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TERMS OF REFERENCE

Job title:	Team of two national consultants (a legal expert, acting as team leader and a refrigeration and air-conditioning specialist, acting as technical expert)
Type of Contract:	Individual Contracts (ICs)
Assignment type:	National Consultants
Section/Unit:	Environment, Energy and Climate Change Cluster
Duty station:	Chisinau, Republic of Moldova
Languages requirement:	Romanian and Russian (English is an asset)
Contract Duration:	June – December 2021 (33 working days for team leader; 33 working days for technical expert)
Payment arrangements:	Lump sum contract (payments linked to satisfactory performance and delivery of outputs)
Evaluation method:	Desk review of shortlisted candidates

I. BACKGROUND

The Republic of Moldova is Party to the Vienna Convention for the Protection of the Ozone Layer (Vienna, March 22, 1985) and Montreal Protocol (Montreal, September 16, 1987) since 1996. In this line, the country has committed to gradual phase-out of ozone depleting substances (ODS), such as hydrochlorofluorocarbons (HCFCs), mostly because of their high Ozone Depleting Potential (ODP).

The Montreal Protocol has been recognized as the most successful Multilateral Environmental Agreement (MEA) and, in 2016, the Parties to the Montreal Protocol adopted the Kigali Amendment, a landmark agreement that can avoid additional emissions of around 80 billion tonnes of CO₂ eq. and up to 0.5° Celsius of global warming by phasing down 80-85% of hydrofluorocarbons (HFCs) by the year 2050.

Under the Kigali Amendment, the Montreal Protocol will manage and phase-down the consumption of high-Global Warming Potential (GWP) hydrofluorocarbons (HFCs), the most common alternatives used to replace the ODS being phased-out under the Montreal Protocol, particularly in the Refrigeration and Air Conditioning (RAC) sector, which, under the Business-as-Usual (BAU) scenarios, their demand is expected to grow in the next years. In this regard, there are important opportunities to enhance energy efficiency (EE) in the RAC sector by taking advantage of the refrigerant conversion processes and other activities driven by the Montreal Protocol projects, as well, to cope with the energy demand of this base of RAC equipment that is expected to keep growing, as the RAC sector was responsible for roughly 17% of the world energy consumption in 2015.

In this regard, this Project, supported by the Multilateral Fund (MLF), aims to provide technical assistance to the Republic of Moldova to support the implementation of the Enabling Activities that will

enable the ratification and the earlier implementation of the Kigali Amendment (as per ExCom Decision 79/46) by carrying out activities to support the ratification process, to help the Government of the Republic of Moldova through its national Montreal Protocol Unit (MPU) to fulfil the initial obligations on the HFCs control and phases-down, including country-specific activities aimed at initiating support on institutional arrangements, the review of licensing systems, data reporting on HFCs consumption, and development of initial research on national strategies for compliance.

The Project will support the Republic of Moldova to:

- 1) Review and assess the legal/regulatory framework required to allow implementation and initial controls and reporting of HFCs under the Kigali Amendment's obligations;
- 2) Follow the steps required to ratify the Kigali Amendment;
- 3) Build capacities at the MoARDE and its national Montreal Protocol Unit on the ratification and implementation of the Kigali Amendment and energy efficiency improvements as result of the Montreal Protocol activities;
- 4) Propose initial research on a long-term national strategy to control HFCs in selected sectors;
- 5) Assess the opportunities to establish a long-term coordination mechanism between all relevant Governmental institutions impacted by the Kigali Amendment commitments.

In order to achieve the expected results of the project, UNDP is currently seeking for a team of two national consultants (a legal expert, acting as team leader and a refrigeration and air-conditioning specialist, acting as technical expert) to implement in close coordination with the national Montreal Protocol Unit (MPU) under the Public Institution "Environmental Projects Implementation Unit" (P.I. "EPIU") of the MoARDE, the UNDP to implement project activities scheduled within the Enabling Activities for the Ratification of the Kigali Amendment by the Republic of Moldova.

II. OBJECTIVES AND EXPECTED DELIVERABLES OF THE ASSIGNMENT

The overall objective of the assignment is to support the Ministry of Agriculture, Regional Development and Environment, respectively the national Montreal Protocol Unit of the P.I. "EPIU" and UNDP Country Office, to implement project activities scheduled within the Enabling Activities for the Ratification of the Kigali Amendment by the Republic of Moldova.

Specific tasks:

The team of two national consultants (a legal expert, acting as team leader and a refrigeration and air-conditioning specialist, acting as technical expert), under the supervision of the national Montreal Protocol Unit of the P.I. "EPIU" and UNDP Country Office, will have responsibility to carry out the following main tasks:

- 1) Review and assess the legal/regulatory framework required to allow implementation and initial controls and reporting of HFCs under the Kigali Amendment's obligations;
- 2) Roadmap prepared on the legal and policy framework that contains the needs and actions required to allow the ratification and implementation of the Kigali Amendment;
- 3) A review of existing legislation related to the processes of identification, management and control of the substances controlled by the Montreal Protocol, as well as to identify gaps in this framework that may prevent the future implementation of the Kigali Amendment;
- 4) Legal support;
- 5) Formulate recommendations and requirements on extension on the current HCFCs annual quota and licensing system on HFCs and its blends; evaluate the existing safety standards for handling

- flammable and toxic alternatives and the general regulation modifications needed; identify required regulations for disposal of old RAC appliances, management of recovered refrigerants and store up or destruction of high-GWP HFCs;
- 6) Undertake an assessment of the actual energy efficiency standards and the requirements for the adoption of low-GWP alternative technologies, including possible new developments in RAC equipment design for its efficiency.

The **team leader** (legal expert) is expected to deliver the following outputs per below identified timeline and anticipated workload:

No.	Key Deliverables	Tentative timetable
1.	<p>The Progress Report, including the results of:</p> <ul style="list-style-type: none"> - Assessment of the legal framework and policies needed to fulfil the initial obligation on the Kigali Amendment, considering the climate impact and the need of harmonization with the national policies on climate change; - Initial recommendations and requirements on extension on the current HCFCs annual quota and licensing system on HFCs and its blends; evaluate the existing safety standards for handling flammable and toxic alternatives and the general regulation modifications needed; identify required regulations for disposal of old RAC appliances, management of recovered refrigerants and store up or destruction of high-GWP HFCs; - Providing to MoARDE assistance and feedback to the elaborated documents and/or their editing. 	By end-August 2021 (17 w.d.)
2.	<p>The Final Report, including the results of:</p> <ul style="list-style-type: none"> - Prepared roadmap on the legal and policy framework that contains the needs and actions required to allow the ratification and implementation of the Kigali Amendment; - Prepared recommendations and requirements on extension on the current HCFCs annual quota and licensing system on HFCs and its blends; evaluate the existing safety standards for handling flammable and toxic alternatives and the general regulation modifications needed; identify required regulations for disposal of old RAC appliances, management of recovered refrigerants and store up or destruction of high-GWP HFCs. - Legal support delivered to the MoARDE. 	By end-November 2021 (16 w.d.)

The **technical consultant** (a refrigeration and air-conditioning specialist) is expected to deliver the following outputs per below identified timeline and anticipated workload:

No.	Key Deliverables	Tentative timetable
1.	<p>The Progress Report, including the results of:</p> <ul style="list-style-type: none"> -Contribution to the Assessment of the legal framework and policies needed to fulfil the initial obligation on the Kigali Amendment, considering the climate impact and the need of harmonization with the national policies on climate change; assistance and feedback to the elaborated documents and/or their editing. – Contribution to the preparation recommendations and requirements on extension on the current HCFCs annual quota and licensing system on 	By end-August 2021 (17 w.d.)

No.	Key Deliverables	Tentative timetable
	<p>HFCs and its blends; evaluate the existing safety standards for handling flammable and toxic alternatives and the general regulation modifications needed; identify required regulations for disposal of old RAC appliances, management of recovered refrigerants and store up or destruction of high-GWP HFCs;</p> <ul style="list-style-type: none"> -Undertake an assessment of the actual energy efficiency standards and the requirements for the adoption of low-GWP alternative technologies, including possible new developments in RAC equipment design for its efficiency; <ul style="list-style-type: none"> - Undertake an assessment with the purpose of identification possible benefits and opportunities in the RAC sector considering the implementation of the Kigali Amendment and future phasing down of HFCs in the Republic of Moldova; - Support to developing fact sheets and case studies on transitioning to low-GWP alternatives in various RAC applications are produced and published for dissemination and awareness raising. 	
2.	<p>The Final Report, including the results of:</p> <ul style="list-style-type: none"> - Contribution to preparation roadmap on the legal and policy framework that contains the needs and actions required to allow the ratification and implementation of the Kigali Amendment; - Contribution to the preparation recommendations and requirements on extension on the current HCFCs annual quota and licensing system on HFCs and its blends; evaluate the existing safety standards for handling flammable and toxic alternatives and the general regulation modifications needed; identify required regulations for disposal of old RAC appliances, management of recovered refrigerants and store up or destruction of high-GWP HFCs; - Prepare the Final Report on the performed assignment. 	<p>By end-November 2021 (16 w.d.)</p>

This is a part-time consultancy. The timeframe for the work of the team of two consultants is planned for 2021.

III. INSTITUTIONAL ARRANGEMENT

Management Arrangements: The consultants will work under the overall guidance of the Programme Analyst/Climate Change, Energy & Environment at UNDP Moldova and under direct supervision of the national Montreal Protocol Unit (MPU) of the Public Institution “Environmental Projects Implementation Unit”, in close collaboration with the staff of the Air and Climate Change Policies Division of the Ministry of Agriculture, Regional Development and Environment (MoARDE), for substantive aspects of the assignment.

Reporting: The consultants will provide succinct Deliverables Reports in Romanian, according to the agreed timeframe and deliverables table, in electronic copies. Before submission, the consultants will discuss the draft deliverables with the Coordinator of the national MPU, so that final deliverables reflect his/her comments. The final deliverables should be approved by Coordinator of the national MPU.

Workshop/Conference: UNDP Country Office and the national MPU of the P.I. “EPIU” will facilitate the process, providing administrative and logistical support in organization of the scheduled workshop/conference with relevant national stakeholder.

Duty Station: No field trips are envisaged for this assignment.

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATION

For the Team Leader position

Academic Qualification:

- Advanced degree (Master or Ph.D.) in law, environment, sustainable development or closely related area.

Experience:

- At least 3 years of proven professional experience in legal acts drafting/transposing EU regulations into national legislation and normative acts analysis;
- Demonstrated experience in refrigeration and air-conditioning sector, environmental protection, climate change or any other relevant fields;
- Involvement in activities related to Vienna Convention on Ozone Layer Protection and the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali Amendment to Montreal Protocol, respectively with the United Nations Framework Convention on Climate Change and the Kyoto Protocol, would be an asset;
- Demonstrated experience in collecting and interpreting data, writing reports.
- Experience in coordinating activities, and leading teams.
- Experience in working with UNDP, UNEP and other international organization on the identified area would be an asset;

Competencies:

- Knowledge of principles, legal and normative framework under the Vienna Convention on Ozone Layer Protection and Montreal Protocol demonstrated by previous assignments;
- Familiarity with the Vienna Convention on Ozone Layer Protection and the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali Amendment to Montreal Protocol, respectively with the United Nations Framework Convention on Climate Change and the Kyoto Protocol;
- Strong interpersonal and communication skills, ability to work in a team;
- Ability to achieve results and deadlines in a timely manner, maintaining a high standard throughout.

Language requirements:

- Excellent command of Romanian and good command of Russian is required for this assignment, English is an asset.

For the Technical Consultant position

Academic Qualification:

- University degree (Bachelor or Master) in a relevant field, such as Engineering (Mechanics, Refrigeration), Chemical Hazardous Management, Chemistry, Biology, Environmental Sciences, or any related qualification.

Experience:

- At least 2 years of professional experience in technical activities related to ozone layer protection, including the ozone depleting substances consumption accounting and assessment of mitigation actions for ODS releases;
- At least 2 years of experience in conducting ODS-related analyses;
- Previous experience in development assistance or related work for a donor organization and governmental institutions is a strong advantage.
- Demonstrated experience in collecting and interpreting data, writing reports (national reports, policy papers and research papers).
- Strong communication and teamwork/coordination experience demonstrated by previous assignments;
- Experience in working with UNDP, UNEP or other international organization on the identified area would be an asset.

Competencies:

- Familiarity with ODS issues under the Montreal Protocol and country programme on ODS phase-out in the Republic of Moldova, Kigali Amendment to Montreal Protocol, legal requirements of the EU Regulation 517/2014 on fluorinated greenhouse gases and EU Regulation 2015/2067 on minimum requirements and the conditions for mutual recognition for the certification of natural persons;
- Strong analytical and reports writing skills demonstrated by previous assignments;
- Ability to achieve results and deadlines in a timely manner, maintaining a high standard throughout;

Language requirements:

- Excellent command of Romanian and good command of Russian is required for this assignment, English is an asset.

Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status. Please mention in CV if you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.

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.

V. PAYMENT MODALITIES

The consultants will organize and facilitate the implementation of all activities as described above; his/her payment will be lump sum amount based, **disbursed in two instalments**, upon submission and approval of deliverables and certification by the Coordinator of the national MPU that the services have been satisfactorily performed.

VI. APPLICATION PROCESS

Applicants shall submit the following documents:

- Offeror's Letter confirming interest and availability, including Financial Offer, according to Annex 2;
- CV, including information about experience in similar assignments;
- Brief description of why the individual considers him/herself as the most suitable for the assignment **(please indicate to which position are you applying for: i.e., team leader or technical consultant).**

Incomplete applications will not be considered.

Important notice:

The applicants who have the statute of Government Official / Public Servant, prior to appointment will be asked to submit the following documentation:

- a no-objection letter in respect of the applicant received from the government, and;
- the applicant is certified in writing by the government to be on official leave without pay for the entire duration of the Individual Contract.

A retired government official is not considered in this case a government official, and as such, may be contracted.

VII. ANNEXES TO THE TOR

Annex 1 – Individual Consultant General Terms and Conditions;

Annex 2 – Offeror's Letter confirming interest and availability, including Financial Offer (template).