



Empowered lives.
Resilient nations.

TERMS OF REFERENCE

Job title:	National legal expert responsible for revision of the National Commodity Description and Coding System
Type of Contract:	Individual Contract (ICs)
Assignment type:	National Consultant
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:	August – December 2021 (up to 12 working days)
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 Ministry of Environment (MoE) 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 a national consultant (a legal 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 MoE, the 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 provide technical/legal support to the Republic of Moldova's Government for aligning the National Commodity Description and Coding System with Harmonized System Nomenclature (2022 edition).

Specific tasks:

The national consultant, 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) Assess the new coding system contained in the Harmonized System (HS) nomenclature of 2022 Edition for the series of pure and blended HFCs and propose revisions of the National Commodity Description and Coding System, approved through Law No. 172 as of 27.07.2014 on Combined Nomenclature of Goods;
- 2) To deliver a national workshop in coordination with the Customs Service of the Republic of Moldova to present the results of the assessment and the proposed revisions to the Law No. 172 as of 27.07.2014 on Combined Nomenclature of Goods.

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

No.	Key Deliverables	Tentative timetable
1.	The Progress Report, including the results of: - Assessment of the new coding system contained in the Harmonized System (HS) nomenclature of 2022 Edition for the series of pure and blended HFCs and propose revisions of the National Commodity Description and Coding System, approved through Law No. 172 as of 27.07.2014 on Combined Nomenclature of Goods.	By end-September 2021 (up to 5 w.d.)
2.	The Final Report, including the results of: - Prepared draft of the law with revisions of the National Commodity Description and Coding System, approved through Law No. 172 as of 27.07.2014 on Combined Nomenclature of Goods, and the related package required for its Governmental consideration and approval; - The national workshop delivered in coordination with the Customs Service of the Republic of Moldova to present the results of the assessment and the	By end-November 2021 (up to 7 w.d.)

No.	Key Deliverables	Tentative timetable
	proposed revisions to the Law No. 172 as of 27.07.2014 on Combined Nomenclature of Goods.	

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

III. INSTITUTIONAL ARRANGEMENT

Management Arrangements: The consultant 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 Environment for substantive aspects of the assignment.

Reporting: The consultant 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

I. Academic Qualification:

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

II. Experience:

- At least 4 years of proven professional experience in legal acts drafting/transposing EU regulations into national legislation and normative acts analysis;
- Experience in assignments related to control of chemicals import export, including ozone-depleting substances (ODSs);
- Experience in working with legal and normative framework of the Customs tariffs;
- Experience in activities/projects related to legal and normative framework of the Vienna Convention on Ozone Layer Protection and the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali Amendment to Montreal Protocol, would be an asset;
- Strong analytical and reporting skills (legal acts/national reports/policy papers and research papers), demonstrated by previous assignments;
- Experience of team work, working with a national team of experts etc.;
- Proven experience in working with international or local organizations on similar assignments (successful experience in working with UN agencies) demonstrated by previous assignments (will be an asset).

III. Competencies:

- Knowledge of principles, legal and normative framework of the Customs tariffs;
- Knowledge of principles under the Vienna Convention on Ozone Layer Protection and Montreal Protocol;
- Knowledge of the legal process of drafting legislation (Law 100/ 2017);
- Strong interpersonal and communication skills, ability to work in a team, demonstrated by previous assignments;
- Ability to achieve results and deadlines in a timely manner, maintaining a high standard throughout.

IV. Language requirements:

- Excellent command of Romanian and Russian, 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 consultant 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.

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).