

TERMS OF REFERENCE

Job title:	National Legal Consultant for screening of water quality-related legislation
Contract type:	Individual Contract (IC)
Duty station:	Chisinau
Reference to the:	„Supporting the Moldovan authorities in the sustainable management of the Dniester River” Project
Payment arrangements:	Payments linked to satisfactory performance and delivery of outputs
Contract Duration:	July -August 2024, up to 30 working days

1. PROJECT OBJECTIVES AND EXPECTED RESULTS

Sustainable management of water resources in accordance with the principle of integrated water management is a priority for Moldova. For further development of the water policy and improvement of the regulatory framework, the Ministry of Environment (MoE), with the support of its subordinated institutions, is responsible for ensuring an ongoing dialogue with the neighboring countries on the integrated management of transboundary water resources, with the goal to ensure the quality and quantity of water needed for both sustainable socio-economic development of the country and a healthy environment.

In the process of improvement of the national regulatory framework, and harmonization of the environmental legislation with the provisions of European Union (EU) directives, the national environmental protection system faces many constraints, particularly, related to outdated standards, normative acts, capacity of responsible institutions, shortage of qualified staff in the government sectoral institutes, etc.

The strategy of the project “Support to the Moldovan authorities for the sustainable management of the Dniester River” is to improve environmental and social conditions in the Dniester River Basin District through enhanced management of water resources on the basis of updated regulatory framework, comprehensive and reliable river basin management planning, improved water management institutional capacities and implementation of practical environmental activities that would improve the ecological status of the Dniester River, identified as part of the Dniester Impact Study (2021).

The Overall Objective of the project is to increase the capacity of the Moldovan Government to sustainably manage the Dniester River basin at the national and transboundary levels, including:

- To ensure that Moldova has a sufficient regulatory framework for sustainable river management based on the basin-wide approach supported by the WFD provisions,
- To provide the Moldova Government with a comprehensive and realistic Management Plan for the Dniester River Basin developed in compliance with the WFD,
- To provide continuous support for the enhancement of capacities of national authorities responsible for water management, as well as the Moldovan representatives under joint Moldovan and Ukrainian bodies tasked with cross-border management of the Dniester River
- To improve the social, economic, and environmental conditions of the Dniester River.

The project duration is from August 2022 through August 2026.

2. OBJECTIVES OF THE ASSIGNMENT

Following the signing of the EU Association Agreement in 2014, the Republic of Moldova committed to gradually aligning its legislation with that of the European Union. Substantial efforts were made to harmonize national laws, particularly in environmental areas such as water quality and resource management. The Water Law, enacted in 2011, and its subsequent regulations were partially adjusted to comply with the EU Water Framework Directive (WFD) and other related directives.

In 2022, the European Council granted EU candidate status to Moldova, marking a new phase in EU-Moldova relations that requires further alignment of national laws with EU regulations. A National Action Plan for Moldova's EU accession for 2024-2027 was approved by Government Decision No. 829/2023 ([HG829/2023 \(legis.md\)](#)), and in December 2023, the European Council decided to initiate negotiations on Moldova's accession to the EU.

Currently, the country is actively involved in the legislation screening process, commonly referred to as the assessment of alignment between the national legal framework and the provisions of EU legislation, also known as the *Acquis communautaire*. This process is a crucial step in the accession process, ensuring that the Republic of Moldova, as a candidate country for EU membership, establishes the requisite legal framework to adhere to EU standards and obligations upon accession.

In the context of the screening process for EU accession, the list of EU water quality-related legal acts to be transposed into the national legislation comprise the following:

1. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008, known as the Marine Strategy Framework Directive, establishing a framework for Community action in the field of marine environmental policy.
2. Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020, which outlines minimum requirements for water reuse.
3. Council Directive 91/271/EEC of 21 May 1991 concerning urban wastewater treatment, amended by Directive 98/15/EC and Regulations (EC) 1882/2003 and (EC) 1137/2008.

4. Commission Implementing Decision 2014/431/EU of 26 June 2014 concerning formats for reporting on the national programmes for the implementation of Council Directive 91/271/EEC.
5. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000, known as the Water Framework Directive, establishing a framework for Community action in the field of water policy, amended by Decision 2455/2001/EC and Directives 2008/32/EC, 2008/105/EC, 2009/31/EC, 2013/39/EU, and 2013/64/EU.
6. Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC, and amending Directive 2000/60/EC of the European Parliament and of the Council, amended by Directive 2013/39/EU.
7. Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration.
8. Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks.
9. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, amended by Regulations (EC) 1882/2003 and (EC) 1137/2008.

A thorough side-by-side comparison of provisions in the EU legislation and existing national legislation regulating the water quality is to be conducted, resulting in the preparation of tables of concordance for each relevant EU legal act. This involves examining the text of both sets of laws in detail to identify where there is alignment, partial alignment, or divergence.

Following a detailed analysis based on tables of concordance, an Informative Note shall be developed summarizing the information on degree of transposition of provisions of EU legislation into the legislation of the Republic of Moldova. In addition, it will delineate articles that have been fully transposed, partially transposed, and those that remain untransposed. Furthermore, it will furnish details concerning acts that have not yet been transposed, along with their prospective incorporation in the National Action Plan for Moldova's EU accession for 2024-2027 or other relevant plans.

3. SCOPE OF THE WORK, DUTIES AND RESPONSIBILITIES

The objective of the assignment is to provide legal assistance to the Ministry of Environment of the Republic of Moldova in preparation for upcoming bilateral Moldova-EU legislation screening meetings, scheduled in July 2024.

Being supervised by the Project Manager and/or Team Leader for Components 1-3, and in close cooperation with the representatives of the Ministry of Environment, the National Consultant is expected to perform the following tasks:

1. Develop information notes in English language summarizing the degree of transposition of provisions of each of the listed EU legal acts into the legislation of the Republic of Moldova, following a template to be agreed upon with the Ministry of Environment.
2. Prepare PowerPoint presentations in English language for each of the listed EU legal acts, based on the outcomes of the screening of water quality-related legislation that will include the following sections:

Introduction

- I. General context
- II. Extent of approximation
- III. Institutional structures and administrative capacities
- IV. State of play
- V. Future plans for approximation and implementation of identified differences
- VI. Conclusions

4. EXPECTED DELIVERABLES, TENTATIVE TIMEFRAME, AND OTHER ARRANGEMENTS

The National Legal Consultant is expected to deliver the following outputs as per the below-identified timeline and anticipated workload:

No.	Deliverables	Tentative timeframe
1	9 Information notes and 9 Power Point presentations in English language for 9 EU legal acts listed in the Section 2 of the ToRs.	By 20 August 2024 30 w.d.

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

The presented progress reports will describe the concrete activities undertaken by the consultant to ensure smooth implementation of the project activities, the developed TORs and other required products, capacity building activities, the coordination effort within the team and with the project's stakeholders, and other inputs. Before submission of the deliverables, the Consultant will discuss the draft documents with the parties involved (UNDP, and other stakeholders) so that the final products reflect their comments.

This is a part-time consultancy. The timeframe for the work of the consultant is planned for July – August 2024.

5. MANAGEMENT ARRANGEMENTS

The Consultant will work under the direct supervision and guidance of the Project Manager/Team Leader and the Environment, Energy, and Climate Change Cluster Lead.

Performance evaluation: The Consultant's performance will be evaluated against such criteria as timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered. This will serve as a basis for a decision regarding the extension of the contract.

Language of the deliverables: All deliverables shall be submitted in English as communicated prior by the EECC Cluster Lead and/or Project Manager.

6. QUALIFICATIONS AND SKILLS REQUIRED

Qualifications:

- An advanced degree (Master's or Ph.D.) in law, environment management, policy development, or other relevant fields is required.

Experience:

- At least 5 years of proven professional experience in law-making.
- At least 4 years of working experience in institutional consultancy on the field of transposition of Directives into the national legislation the EU environment and /or climate-related acquis.
- Experience in working within UNDP, UNEP, WB, and/or EU-funded projects or other international organizations would be an asset.

Competencies:

- Excellent knowledge on the mechanism of harmonization of the legislation of the Republic of Moldova with Community legislation, approved by Government Decision No 1345/2006.
- Familiar with the national legislation in the field of water.
- Strong interpersonal and communication skills, ability to work with the private sector, demonstrated by previous assignments.
- Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments..
- Fluency in Romanian. Good working knowledge of English would be an asset.

The United Nations in 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. PAYMENT MODALITIES

The Consultant will organize and facilitate the implementation of all activities as described above; his/her payment will be disbursed in several installments, upon submission and approval of deliverables and certification by the UNDP Moldova Project Coordinator that the services have been satisfactorily performed.

8. 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.

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.

9. EVALUATION

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

- An advanced degree (Master's or Ph.D.) in law, environment management, policy development, or other relevant fields is required.
- At least 5 years of proven professional experience in 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 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		

An advanced degree (master's or Ph.D.) in law, environment management, policy development, or other relevant fields is required.	<i>Master's degree – 5 pts, Ph.D.'s degree – 10 pts</i>	10
At least 5 years of professional experience in law-making.	<i>5 years – 10 pts, each additional year of experience – 10 pts, up to a maximum of 50 pts</i>	50
At least 4 years of working experience in institutional consultancy on the field of transposition into national legislation of EU environment and /or climate-related Acquis.	<i>4 years – 10 pts, each additional year of experience – 5 pts, up to a maximum of 50 pts</i>	50
Total technical – 110 pts.		
Interview (demonstrated technical knowledge and experience; communication/ interpersonal skills; initiative; creativity/ resourcefulness).		
Only the first 3 applicants that have accumulated the highest technical score shall be invited to the interview.		
Knowledge of provisions under the Water Law 272/2011 and other national water quality-related legal acts	<i>Limited – up to 15 pts, good – up to 25 pts, excellent – up to 40pts</i>	180
Knowledge of EU water quality-related legal acts	<i>Limited – up to 20 pts, good – up to 40 pts, excellent – up to 60pts</i>	
Experience of working with water authorities from the Republic of Moldova	<i>No –0 pts, 2 years-10 pts, each additional year 10 pts – up to 30 pts</i>	
Strong interpersonal and communication skills,	<i>Limited – up to 5 pts, good – up to 10 pts, excellent – up to 15 pts</i>	
Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments	<i>Limited – up to 5 pts, good – up to 10 pts, excellent – up to 15 pts</i>	
Fluency in Romanian and English languages.	<i>English – up to 10 pts, Romanian – up to 10 pts.</i>	
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment*	<i>no – 0 pts., to one group – 5 pts., to two or more groups – 10 pts.</i>	10
Total interview – 195 pts.		
Maximum Total Technical Scoring		300

**Under-represented group in the area of assignment are persons with disabilities, LGBTI, ethnic and linguistic minorities, especially ethnic Gagauzians, Bulgarians, Roma, Jews, people of African descent, people living with HIV, religious minorities, especially Muslim women, refugees, and other non-citizens.*

Financial	
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; F_{min} – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration	200

Winning candidate

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