

TERMS OF REFERENCE

Job title:	National Legal Consultant to support Ministry of Environment with screening process of climate change related legislation
Contract type:	Individual Contract (IC)
Duty station:	Chisinau
Reference to the:	„Enabling an Inclusive Green Transition in the Republic of Moldova” Project
Payment arrangements:	Lump sum contract (payments linked to satisfactory performance and delivery of outputs)
Contract Duration:	July 2024 - March 2025, up to 50 working days

1. PROJECT OBJECTIVES AND EXPECTED RESULTS

On 23rd of June 2022, the European Council granted the Republic of Moldova the status of EU candidate country which is a substantial achievement, but which comes with great responsibilities and obligations. One of such obligations is the “Green Agenda and Sustainable Connectivity” which includes Chapters of the environment and climate change acquis. In this sense, meaningful reform is expected in view of European Green Deal targets.

The proposed Green Transition Project takes due account of this endeavor. Hence, it will put in place the enabling conditions for a green transformation in Moldova through a combination of cross-sectorial decision-making in joint stakeholder platforms, capacity building measures, general education and awareness raising, dissemination of best policy practices, information sharing and networking, as well as pilot-testing green-transition related solutions and other activities, to ensure that the green transition concept is well understood and implemented.

The established enabling conditions and the investments into green-transition solutions will respond to the key development challenges that the country is currently dealing with such as climate change, environmental pollution and the energy crisis.

It is well acknowledged that Moldova is highly vulnerable to climate change, given the limited resources and institutional capacities to address the climate change impacts. It is also due to the heavy reliance on the agricultural sector, water scarcity and other geographical factors. Currently the country is advancing with the national adaptation planning, including in the agricultural sector, aimed at putting in place proper intuitional, technical and budgeting capacities in the

context of climate change, however significant gaps remain in embarking of the sectors into achievement of the long-term adaptation targets.

Environmental degradation is also posing a major threat to Moldova's development agenda as its economy relies greatly on natural resources which leads to their overexploitation and pollution. Inadequate waste management practices and outdated practices and technologies in the key sectors of the economy also contribute to environmental degradation and pollution. Mainstreaming of the green agenda into the country's economic activities is taking place slowly.

Moldova is in line with the global trend of continuously growing urbanization, with the proportion of the population living in urban areas expected to rise from 47% in 2010 to 60% in 2030 (UN Habitat). Cities are increasingly and significantly contributing to the main drivers of global environmental degradation. The municipalities have the greatest impact on air quality and are responsible for more than 50% of total air pollution in Moldova.

From energy security perspective – Moldova is highly dependent on imported energy sources and rely mostly on the use of fossil fuels. In addition, inefficient energy supply and consumption across all sectors exacerbates the situation. Until recently being 100% dependent on Russian gas import, the country is actively seeking diversification of energy supplies after the war of aggression in Ukraine. Improvements both in energy efficiency and in the development of domestic resources – including renewable energy resources – for strengthened sustainability, competitiveness, and energy security rank high on the political agenda. The energy sector is also the main source of GHG emissions in the country.

Against this background, the Green Transition Project aims to support the Government of Moldova to engage sustainably in a transformative green agenda by enhancing awareness, building capacities and encouraging investments into low-emission and resource efficient economy.

The target areas of the project are resource efficiency, green and circular economy, cleaner and sustainable energy, and mobility.

The Project is to be implemented under the following three specific components:

1. Socio-economic framework for a gender-responsive and inclusive green transition enabled.
2. Capacity and awareness on the inclusive green transition increased among key stakeholders.
3. Additional funding attracted by promoting and piloting investments in green and innovative technologies, while evidence-based decision-making for green transition is improved by deploying a reliable air quality monitoring system.

The implementation period of the project is 48 months, and the total budget is 10 mln EUR.

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 climate change area. The Climate Actions Law, adopted in April 2024, along with MRV Regulation, F-gases Law, and others were partially adjusted to comply with the EU Directives and Regulations in the area.

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 climate change-related legal acts is included in the Chapter 27, and comprise the following:

<p>1. ETS (consolidated version, including ETS aviation, ETS maritime, ETS2, etc)</p> <p>Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC: EUR-Lex - 02003L0087-20230605 - EN - EUR-Lex (europa.eu), as amended.</p> <p>Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and Regulation (EU) 2015/757: Decision - 2015/1814 - EN - EUR-Lex (europa.eu), as amended.</p>
<p>2. List of implementing and delegated acts:</p> <p>Commission Decision 2010/634/EU of 22 October 2010 adjusting the Union-wide quantity of allowances to be issued under the Union Scheme for 2013 and repealing Decision 2010/384/EU (OJ L 279, 23.10.2010, p. 34): Decision - 2010/634 - EN - EUR-Lex (europa.eu), as amended.</p> <p>Commission Decision 2013/448/EU of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European</p>

Parliament and of the Council (OJ L 240, 7.9.2013, p. 27–35): [Decision - 2013/448 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Delegated Regulation (EU) 2019/856 of 26 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund (OJ L 140, 28.5.2019, p. 6): [Delegated regulation - 2019/856 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8–69): [Delegated regulation - 2019/331 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Delegated Decision (EU) 2019/708 of 15 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council concerning the determination of sectors and subsectors deemed at risk of carbon leakage for the period 2021 to 2030 ([OJ L 120, 8.5.2019, p. 20](#)):

Commission Implementing Regulation (EU) 2021/447 of 12 March 2021 determining revised benchmark values for free allocation of emission allowances for the period from 2021 to 2025 pursuant to Article 10a(2) of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 87, 15.3.2021, p. 29): [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0447&rid=1](#)

Commission Delegated Regulation (EU) 2023/2830 of 17 October 2023 supplementing Directive 2003/87/EC of the European Parliament and of the Council by laying down rules on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances: [Delegated regulation - EU - 2023/2830 - EN - EUR-Lex \(europa.eu\)](#)

Commission Implementing Decision (EU) 2021/927 of 31 May 2021 determining the uniform cross-sectoral correction factor for the adjustment of free allocations of emission allowances for the period 2021 to 2025 (OJ L 203, 9.6.2021, p. 14): [Implementing decision - 2021/927 - EN - EUR-Lex \(europa.eu\)](#)

Commission Decision (EU) 2020/2166 of 17 December 2020 on the determination of the Member States' auction shares during the period 2021-2030 of the EU Emissions Trading System (OJ L 431, 21.12.2020, p. 66): [Decision - 2020/2166 - EN - EUR-Lex \(europa.eu\)](#)

Commission Implementing Regulation (EU) 2023/2441 of 31 October 2023 laying down rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards the content and format of climate-neutrality plans needed for granting free allocation of emission allowances: [\(europa.eu\)](#)

Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ L 122, 3.5.2013, p. 1–59): [Regulation - 389/2013 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the

functioning of the Union Registry (OJ L 177, 2.7.2019, p. 3): [Delegated regulation - 2019/1122 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Decision 2006/780/EC of 13 November 2006 on avoiding double counting of greenhouse gas emission reductions under the Community emissions trading scheme for project activities under the Kyoto Protocol pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 316, 16.11.2006, p. 12): [Decision - 2006/780 - EN - EUR-Lex \(europa.eu\)](#)

Commission Decision 2005/381/EC of 4 May 2005 establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 126, 19.5.2005, p. 43): [Publications Office \(europa.eu\)](#), as amended.

Commission Decision 2011/389/EU of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3) (a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 173, 1.7.2011, p.13): [Decision - 2011/389 - EN - EUR-Lex \(europa.eu\)](#)

Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 (OJ L 334, 31.12.2018, p. 1–93): [Implementing regulation - 2018/2066 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94–134): [Implementing regulation - 2018/2067 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Implementing Regulation (EU) 2019/1842 of 31 October 2019 laying down rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards further arrangements for the adjustments to free allocation of emission allowances due to activity level changes (OJ L 282, 4.11.2019, p. 20): [Implementing regulation - 2019/1842 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Implementing Regulation (EU) 2023/2441 of 31 October 2023 laying down rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards the content and format of climate-neutrality plans needed for granting free allocation of emission allowances: [Implementing regulation - EU - 2023/2441 - EN - EUR-Lex \(europa.eu\)](#)

Commission Implementing Regulation (EU) 2020/1001 laying down detailed rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards the operation of the Modernisation Fund supporting investments to modernise the energy systems and to improve energy efficiency of certain Member States: [Implementing regulation - 2020/1001 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Commission Decision 2013/447/EU of 5 September 2013 on the standard capacity utilization factor pursuant to Article 18(2) of Decision 2011/278/EU Text with EEA relevance: [Decision - 2013/447 - EN - EUR-Lex \(europa.eu\)](#)

At drafting stage:

[Draft implementing regulation](#) Countries considered to apply CORSIA in 2023 for ETS purposes;

[Draft delegated regulation](#) Amendment of the free allocation rules in response to the ETS revision/Fit For 55;

[Draft delegated regulation](#) Amendment to Registry Regulation;

[Draft delegated regulation](#) Competitive bidding under the Innovation Fund and implementation of other changes stemming from the ETS Directive Rev.;

[Draft implementing regulation](#) Amendment of the EU ETS Monitoring and Reporting Regulation (MRR) in response to the ETS revision/Fit For 55;

[Draft delegated regulation](#) Amendment of the Auctioning Rules in response to the ETS revision / Fit For 55;

[Draft delegated regulation](#) Amendment to Registry Regulation in response to the ETS revision/Fit For 55;

Commission Delegated Regulation XXXXX establishing the requirements under the EU ETS to consider that greenhouse gases captured and utilised in a product do not enter the atmosphere

3. ETS Aviation

Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC:

[EUR-Lex - 02003L0087-20230605 - EN - EUR-Lex \(europa.eu\)](#), as amended.

Directive (EU) 2023/958 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and the appropriate implementation of a global market-based measure (OJ L 130, 16.5.2023, p. 115), [Directive - 2023/958 - EN - EUR-Lex \(europa.eu\)](#)

Commission Delegated Decision (EU) 2020/1071 of 18 May 2020 amending Directive 2003/87/EC of the European Parliament and of the Council, as regards the exclusion of incoming flights from Switzerland from the EU emissions trading system (OJ L 234, 21.7.2020, p. 16), [Delegated decision - 2020/1071 - EN - EUR-Lex \(europa.eu\)](#)

Commission Delegated Regulation (EU) 2021/1416 of 17 June 2021 amending Directive 2003/87/EC of the European Parliament and of the Council as regards the exclusion of incoming flights from the United Kingdom from the Union emissions trading system (OJ L 305, 31.8.2021, p. 1), [Delegated regulation - 2021/1416 - EN - EUR-Lex \(europa.eu\)](#)

Separate acts

Commission Decision 2009/450/EC of 8 June 2009 on the detailed interpretation of the aviation activities listed in the Annex I to Directive 2003/87/EC (OJ L 149, 12.6.2009, p. 69), [Decision - 2009/450 - EN - EUR-Lex \(europa.eu\)](#)

Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator (OJ L 219, 22.8.2009, p. 1), [Regulation - 748/2009 - EN - EUR-Lex \(europa.eu\)](#)

Commission Regulation (EU) No 606/2010 of 9 July 2010 on the approval of a simplified tool developed by the European organization for air safety navigation (Euro control) to estimate the fuel consumption of certain small emitting aircraft operators (OJ L 175, 10.7.2010, p. 25), [Regulation - 606/2010 - EN - EUR-Lex \(europa.eu\)](#)

Council Decision of 21 November 2018 on the position to be taken on behalf of the European Union within the International Civil Aviation Organization in respect of the First Edition of the International Standards and Recommended Practices on Environmental Protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), [Regulation - 606/2010 - EN - EUR-Lex \(europa.eu\)](#)

Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 (OJ L 334, 31.12.2018, p. 1), [Implementing regulation - 2018/2066 - EN - EUR-Lex \(europa.eu\)](#)

Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94), [Implementing regulation - 2018/2067 - EN - EUR-Lex \(europa.eu\)](#)

Commission Delegated Regulation (EU) 2019/1603 of 18 July 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards measures adopted by the International Civil Aviation Organization for the monitoring, reporting and verification of aviation emissions for the purpose of implementing a global market-based measure (OJ L 250, 30.9.2019, p. 10), [Delegated regulation - 2019/1603 - EN - EUR-Lex \(europa.eu\)](#)

Commission Decision (EU) 2023/2440 of 27 October 2023 on the Union-wide total quantity of allowances to be allocated in respect of aircraft operators under the EU

<p>Emissions Trading System for 2024 (OJ L, 2023/2440, 31.10.2023), Decision - EU - 2023/2440 - EN - EUR-Lex (europa.eu)</p> <p>Upcoming: Rules for calculating price difference to kerosene and for EU ETS allocation of allowances for the use of eligible fuels</p>
<p>4. ETS Maritime</p> <p>Only secondary legislation listed that are relevant to ETS maritime provisions alone.</p> <p>Commission Implementing Regulation (EU) 2023/2297 of 26 October 2023 identifying neighboring container transshipment ports pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L, 2023/2297, 27.10.2023), Implementing regulation - EU - 2023/2297 - EN - EUR-Lex (europa.eu)</p> <p>Commission Implementing Regulation (EU) 2023/2599 of 22 November 2023 laying down rules for the application of Directive 2003/87/EC as regards the administration of shipping companies by administering authorities in respect of a shipping company (OJ L, 2023/2599, 23.11.2023), Implementing regulation - EU - 2023/2599 - EN - EUR-Lex (europa.eu)</p> <p>Commission Implementing Decision (EU) 2023/2895 of 19 December 2023 laying down the list of islands and ports referred to in Article 12(3-d) of Directive 2003/87/EC of the European Parliament and of the Council and the list of transnational public service contracts or transnational public service obligations referred to in Article 12(3-c) of that Directive (OJ L, 2023/2895, 22.12.2023), Implementing decision - EU - 2023/2895 - EN - EUR-Lex (europa.eu)</p> <p>Commission Implementing Decision (EU) 2024/411 of 30 January 2024 on the list of shipping companies specifying the administering authority in respect of a shipping company in accordance with Directive 2003/87/EC of the European Parliament and of the Council (OJ L, 2024/411, 31.01.2024), Implementing decision - 2024/411 - EN - EUR-Lex (europa.eu)</p>
<p>5. ETS for road transport and buildings</p> <p>Only secondary legislation listed - ETS directive already listed above.</p> <p>The following acts are planned for the second half of 2024:</p> <p>Commission Delegated Decision XXXXX approving unilateral extensions of ETS2 scope and corresponding additional allowances;</p> <p>Commission Implementing Act XXXXX establishing rules for avoiding double counting and providing necessary financial compensation;</p> <p>Commission Decision XXXXX setting the Union-wide quantity of allowances for year 2027.</p>
<p>6. Effort sharing regulation (ESR)</p> <p>Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement</p>

and amending Regulation (EU) No 525/2013, [Regulation - 2018/842 - EN - EUR-Lex \(europa.eu\)](#)

Implementing Decision (EU) 2020/2126 of 16 December 2020 on setting out the annual emission allocations of the Member States for the period from 2021 to 2030 pursuant to Regulation (EU) 2018/842 of the European Parliament and of the Council (OJ L 426, 17.12.2020, p. 58), [Implementing decision - 2020/2126 - EN - EUR-Lex \(europa.eu\)](#)

Commission Decision (EU) 2023/863 of 26 April 2023 on setting out the amounts corresponding to 20 % of the overall overachievement of certain Member States in the period from 2013 to 2020 pursuant to Regulation (EU) 2018/842 of the European Parliament and of the Council (OJ L 112, 27.4.2023, p. 43), [Decision - 2023/863 - EN - EUR-Lex \(europa.eu\)](#)

Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry (OJ L 177, 2.7.2019, p. 3), [Delegated regulation - 2019/1122 - EN - EUR-Lex \(europa.eu\)](#)

Note: also relevant for, and listed in relation with, ETS

7. LULUCF - Land Use, Land Use Change and Forestry

Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU, [Regulation - 2018/841 - EN - EUR-Lex \(europa.eu\)](#), as amended

8. Carbon Removal Certification

Proposal for a Regulation of the European Parliament and of the Council establishing a Union certification framework for carbon removals, COM (2022) 672 final

Final legislation to be added soon based on the outcome of the legislative process

9. Carbon capture and storage

Directive 2009/31/EC of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006, [Directive - 2009/31 - EN - EUR-Lex \(europa.eu\)](#)

Commission Decision 2011/92/EU of 10 February 2011 introducing the questionnaire to be used for the first report on the implementation of Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide (OJ L 37, 11.2.2011, p. 19), [\(europa.eu\)](#)

Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010. p. 39), [Decision - 2010/670 - EN - EUR-Lex \(europa.eu\)](#), as amended

A thorough side-by-side comparison of provisions in the EU legislation and existing national legislation regulating the climate change area is to be conducted, as requested by a specific Methodology (to be shared with the ICs). 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 Moldova-EU bilateral legislation screening meeting, scheduled tentatively for end of 2024-beginning of 2025.

Being supervised by the Project Manager, and in close cooperation with the representatives of the Ministry of Environment, the National Legal Consultant is expected to perform the following tasks:

1. Assess the present status of aligning national legislation with EU requirements by conducting a thorough screening of climate change-related laws for the Directives/Decisions/Regulations listed in pct. 3 (including Separate acts), 6 and 7 from “Chapter 2: Objective of the Assignment”. Consultant will use the already developed/existing Table of Concordance and will determine the transposed Directives/Regulations/articles.
2. Develop Informative Notes for each of the Directives/Decisions/Regulations listed in pct. 3 (including Separate acts), 6 and 7 from “Chapter 2: Objective of the Assignment” on transposition of EU according to the template presented by the Bureau of EU integration (to be shared with the consultant).
3. Prepare in close coordination with the Ministry of Environment/Climate Change Department Power Point presentations on outcomes of climate change-related

legislation screening for the Directives/Decisions/Regulations listed in pct. 3 (including Separate acts), 6 and 7 from “Chapter 2: Objective of the Assignment”. The PPTs will be developed in accordance with the template established by Bureau of EU integration (to be shared with consultant).

4. Ensure the quality check of the Informative Notes and PPTs developed within the screening process of the Directives/Decisions/Regulation listed in the pct. 1,2,4,5,8,9.
5. Support Ministry of Environment during the public consultation of the developed Informative Notes and PPTs, as well as with Bureau for Integration and European Commission.
6. Update the PPTs and Informative Notes in line with comments/questions received during the consultation process.

4. EXPECTED DELIVERABLES, TENTATIVE TIMEFRAME, AND OTHER ARRANGEMENTS

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

No.	Deliverables	Tentative timeframe
1	Deliverable 1: An assessment on the present status of aligning of national legislation with the EU Directives/ Decisions/Regulations #3, 6&7 from “Chapter 2 Objective of the assignment” (<i>as per task# 1 above</i>). (3 WD)	By End-July 2024
2	Deliverable 2: Informative Notes for Directives/Decisions/Regulations #3, 6&7 listed in “Chapter 2 Objective of the assignment” (as per task#2 above) and Power Point presentations (as per task#3 above). The Informative Notes and PPTs will be delivered in stages, every 10 days. <i>Some of the Informative Notes might cover several Directives/Decisions/Regulations from one block.</i> (20 WD)	End-July – end - August 2024
3	Deliverable 3: Adjusted Informative Notes and PPTs developed within the screening process of the Directives/Decisions/Regulation listed in the pct. 1,2,4,5,8,9 (as per task #4) (10 WD)	Mid-September 2024

4	Deliverable 4: PPTs and Informative Notes delivered and explained during the public consultations (LoP and MoM) (as per task #5) (2 WD)	End-September 2024
5	Deliverable 5: Updated PPTs and Informative Notes considering the results of the consultation process (as per task #6 above) (15 WD)	March 2025

Note 1: Deliverables and the final timeline can be amended or specified for the assignment.

The timeframe for the work of the consultant is planned for July 2024 – March 2025.

5. MANAGEMENT ARRANGEMENTS

The Consultant will work under the direct supervision and guidance of the Project Manager of the „Enabling an Inclusive Green Transition in the Republic of Moldova” Project.

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 Project Manager.

6. QUALIFICATIONS AND SKILLS REQUIRED

Qualifications:

- An advanced degree (Master's or PhD) 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 5 years of working experience in institutional consultancy in the field of transposition of EU climate change related Directives into the national legislation.
- 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 climate change.
- Strong interpersonal and communication skills, ability to work with the public sector, demonstrated by previous assignments.

- Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments.
- Fluency in Romanian and English.

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 lump sum amount based, 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 to UNDP confirming interest and availability for the individual contractor (IC) assignment, incorporating financial proposal in Annex 2.

Upload the signed version of the filled in Offeror's letter to UNDP confirming interest and availability for the individual contractor (IC) assignment. Annex 2 to the Offeror's letter, incorporating the Financial Proposal, shall be filled in mandatorily and includes the detailed breakdown of costs supporting the all-inclusive financial proposal.

The Financial Proposal shall be additionally submitted directly in the system. Please ensure there are no mathematical errors and that amounts from Offeror's Letter to UNDP Confirming Interest and Availability match with your offer in the system.

☒ CV, including information about experience in similar assignments, including at least 3 references

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

Individual consultant will be short-listed based on the following minimum qualification criteria:

- An advanced degree (Master's or PhD) in law, environment management, policy development, or other relevant fields is required.
- At least 5 years of proven professional experience in law-making.
- Citizenship of the Republic of Moldova
- At least 5 years of working experience in institutional consultancy in the field of transposition of EU climate change related Directives into the national legislation.

The short-listed individual consultant 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 PhD) in law, environment management, policy development, or other relevant fields is required	<i>(Master's degree – 20 pts., PhD Degree – 30 pts.)</i>	30
At least 5 years of proven professional experience in law-making	<i>(5 years – 40 pts, each additional year – 5 pts, up to 55 pts)</i>	55
At least 5 years of working experience in institutional consultancy in the field of transposition of EU climate change related Directives into the national legislation	<i>(5 years – 30 pts, each additional year – 5 pts, up to 50 pts)</i>	50
Experience in working within UNDP, UNEP, WB, and/or EU-funded projects or other international organizations would be an asset	<i>(each assignment - 5 pts, up to max 10 pts.)</i>	10

Subtotal Technical Scoring		145
<u>Interview evaluation criteria</u>		
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	<i>(strong – up to 55 pts, satisfactory – up to 30 pts, limited – up to 10 pts, no – 0 pts)</i>	55
Familiarity with the national legislation in the field of climate change	<i>(strong – up to 55 pts, satisfactory – up to 30 pts, limited – up to 10 pts, no – 0 pts)</i>	55
Strong interpersonal and communication skills, ability to work with the public sector, demonstrated by previous assignments.	<i>(strong – up to 20 pts, satisfactory – up to 10 pts, no – 0 pts)</i>	20
Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments.	<i>(excellent– 10 pts, satisfactory-5 pts, limited-0 pts)</i>	10
Proficiency in Romanian and English will be an asset	<i>(5 pts per language –10 pts total)</i>	10
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment	<i>No – 0 pts, to one group – 2,5 pts, to two or more groups – 5 pts)</i>	5
Total Interview Scoring		155
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ 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.		200

Winning candidate

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