



TERMS OF REFERENCE

Job title:	Two national consultants to support Ministry of Environment with screening process of waste 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:	September 2024 - March 2025, up to 73 working days (up to 36,5 working days for each consultant)

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 obligation is the “Green Agenda and Sustainable Connectivity” which includes Chapters of the environment and climate change acquis. In this sense, meaningful reforms are 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 the 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 institutional, 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 the 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. 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 to the EU's legislation, particularly in waste sector.

Waste management generally is identified as a major environmental and development priority in Moldova. Up to the present the country has utilized various forms of land disposals including substandard landfills, open burning, and random dumping for co-mingled domestic, industrial and hazardous waste. This has resulted in significant environmental release and legacy impacts. In response, over the last number of years the country has embarked on a process of systematically transforming its approach to waste management generally, in view of maximizing diversion of waste from land disposal to productive use and the appropriate treatment/disposal of priority wastes, including chemicals. This has involved the adoption of an overall national environmental strategy for the period 2014-2023, national waste management strategy (2013-2027), the Waste Management Law (2016) and the National Program on Waste Management 2023-2027 which has established the overall policy and legal framework, all modelled on and consistent with, the approaches and directives now being widely implemented in the EU and OECD countries generally.

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

Circular Economy

1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Towards a Circular Economy, A zero waste programme for Europe (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52014DC0398&qid=1554123541399>)

EU Plastic Strategy

2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European Strategy for Plastics in a Circular Economy

(<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2018:28:FIN>)

Single Use Plastics Directive

3. Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment:

[EUR-Lex - 32019L0904 - EN - EUR-Lex \(europa.eu\)](#)

Shipments of waste

4. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on **shipments of waste** as amended by Regulations (EC) 1379/2007, (EC) 669/2008, (EC) 219/2009, (EC) 308/2009, (EU) 413/2010, (EU) 664/2011, (EU) 135/2012, (EU) 255/2013 and Directive 2009/31/EC

(<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R1013&qid=1554124822696;>

Consolidated version:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1557257848245&uri=CELEX:02006R1013-20180101>)

5. Commission Regulation (EC) No. 1418/2007 of 29 November 2007 concerning the **export and recovery of certain waste** listed in Annex III or IIIA to Regulation (EC) No. 1013/2006 to certain countries to which the OECD Decision on the control of transboundary movements of waste does not apply, as amended by Regulations (EC) 740/2008, (EC) 967/2009, (EU) 837/2010, (EU) 661/2011, (EU) 674/2012, (EU) 57/2013, (EU) 519/2013

(<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32007R1418&qid=1554124862344;>

Consolidated version:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1557257970486&uri=CELEX:02012L0019-20180704>)

6. Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013R1257>

Proposal for a Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056 (COM/2021/709 final)

[EUR-Lex - 52021PC0709 - EN - EUR-Lex \(europa.eu\)](#)

End-of life vehicles

7. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on **end-of life vehicles** amended by Decisions 2002/525/EC, 2005/63/EC, 2005/438/EC, 2005/673/EC, 2008/689/EC, 2010/115/EC and Directives 2008/33/EC, 2008/112/EC, 2011/37/EU and 2013/28/EU

(<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000L0053&qid=1554125472237>)

Waste Framework Directive

8. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on **waste** (in force as of 12 December 2010) (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32008L0098&qid=1554123642562>)

Targeted revision textiles and food: Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste COM (2023) 420 final EUR-Lex - 52023PC0420 - EN - EUR-Lex (europa.eu)

Sewage Sludge

9. Council Directive 86/278/EEC of 12 June 1986 on the **protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture** amended by Directive 91/692/EEC and Regulations (EC) 807/2003 and (EC) 219/2009 and Council Decision 95/1/EC (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31986L0278&qid=1554125076282>)

POPs& PCB/PCT

10. Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on **persistent organic pollutants** and amending Directive 79/117/EEC amended by Regulations (EC) 1195/2006, (EC) 172/2007, (EC) 323/2007, (EC) 219/2009, (EC) 304/2009, (EU) 756/2010, (EU) 757/2010, (EU) 519/2012 (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32004R0850&qid=1554125269281>)

11. Council Directive 96/59/EC of 16 September 1996 on the **disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)** amended by Regulation (EC) 596/2009 (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31996L0059&qid=1554125297223>)

Mining Waste

12. Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on **the management of waste from extractive industries** and amending Directive 2004/35/EC, amended by Regulation (EC) 596/2009 and Commission Decisions 2009/335/EC, 2009/337/EC, 2009/358/EC, 2009/359/EC and 2009/360/E (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006L0021&qid=1554125241509>)

Batteries

13. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on **batteries and accumulators and waste batteries and accumulators** and repealing Directive 91/157/EEC, amended by Directives 2008/12/EC, 2008/103/EC and 2013/56/EU and Commission Decisions 2008/763/EC, 2009/603/EC, 2009/851/EC (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006L0066&qid=1554125213864>) (to be repealed in 2025 by the new Batteries Regulation - Regulation (EU) 2023/1542)

COM/2020/798 final: Proposal for a regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020: [EUR-Lex - 52020PC0798 - EN - EUR-Lex \(europa.eu\)](#)

Packaging

14. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste as amended by Regulations (EC) 1882/2003 and (EC) 219/2009 and Directives 2004/12/EC, 2005/20/EC and 2013/2/EU

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31994L0062&qid=1554124916561>)

15. COM/2022/677 final: Proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC: [EUR-Lex – 52022PC0677 – EN – EUR-Lex \(europa.eu\)](#)

Landfill of Waste

16. Council Directive 1999/31/EC of 26 April 1999 on the **landfill of waste** amended by Regulations (EC) 1882/2003 and (EC) 1137/2008 and Directive 2011/97/EU (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31999L0031&qid=1554124948808>)

17. Council Decision of 19 December 2002 establishing criteria and procedures for the **acceptance of waste at landfills** pursuant to Article 16 of and Annex II to the Directive 1999/31/EC

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32003D0033&qid=1554125028332>)

WEEE (recast)

18. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on **waste electrical and electronic equipment (WEEE)** (recast) and repealing Directive 2002/96/EC (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012L0019&qid=1554125874043>)

RoHS (recast)

19. Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the **restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS)** (recast) (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0065&qid=1554125930621>)

A thorough side-by-side comparison of provisions in the EU legislation and existing national legislation regulating the waste management 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 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 UNDP Project Policy and Legal Development Manager, and in close cooperation with the representatives of the Ministry of Environment, two national consultants are expected to perform the following tasks:

1. Assess the present status of aligning national legislation with EU requirements by conducting a thorough screening of waste-related laws. Consultants 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/Regulations/Decisions listed in “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 consultants).
3. Prepare in close coordination with the Ministry of Environment/Waste Management Department/Chemical Substances Management Section Power Point presentations on outcomes of waste change-related legislation screening, in accordance with the template established by Bureau of EU integration (to be shared with consultants).
4. Support Ministry of Environment during the public consultation of the Informative Notes and PPTs, as well as with Bureau for Integration and European Commission.
5. 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 consultant (1) for EU Directives and Regulations #1-9 from “Chapter 2 Objective of the assignment” is expected to deliver the following outputs as per the below-identified timeline and anticipated workload:

No.	Deliverables	Tentative timeframe
1	Deliverable 1: A report on collecting the existing Tables of Concordance and assessing the present status of aligning of national legislation with the EU Directives and Regulations #1-9 from “Chapter 2 Objective of the assignment” (as per task# 1 above). (2 WD)	September 2024
2	Deliverable 2: Informative Notes for Directives/Regulations #1-9 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 5 days. <i>Some of the Informative Notes might cover several Directives/Regulations from one block.</i>	September - October 2024

	(22,5 WD)	
3	Deliverable 3: PPTs and Informative Notes delivered and explained during one public consultation (LoP and MoM) (as per task #4 above) (2 WD)	October 2024
4	Deliverable 4: Updated PPTs and Informative Notes considering the results of the consultation process (as per tasks#5 above). (10 WD)	March 2025

National Consultant (2) for EU Directives and Regulations #10-19 from “Chapter 2 Objective of the assignment” is expected to deliver the following outputs as per the below-identified timeline and anticipated workload:

No.	Deliverables	Tentative timeframe
1	Deliverable 1: A report on collecting the existing Tables of Concordance and assess the present status of aligning of national legislation with the EU Directives and Regulations #10-19 from “Chapter 2 Objective of the assignment” (<i>as per task# 1 above</i>). (2 WD)	September 2024
2	Deliverable 2: Informative Notes for Directives/Regulations #10-19 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 5 days. <i>Some of the Informative Notes might cover several Directives/Regulations from one block.</i> (22,5 WD)	September - October 2024
3	Deliverable 3: PPTs and Informative Notes delivered and explained during one public consultation (LoP and MoM) (as per task #4 above) (2 WD)	October 2024
4	Deliverable 4: Updated PPTs and Informative Notes considering the results of the consultation process (as per tasks#5 above). (10 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 September 2024 – March 2025.

5. MANAGEMENT ARRANGEMENTS

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

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

For both national consultants

Qualifications:

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

Experience:

- At least 5 years of proven professional experience in law-making and transposition of the EU Directives/Regulations.
- At least 4 years of working experience in institutional consultancy in the field of waste management.
- 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 1171/2018.
- Familiar with the national legislation in the field of waste management.
- 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 Consultants 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 confirming Interest and Availability, including financial offer, according to Annex 2.
- CV, including information about experience in similar assignments, and 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 consultants will be short-listed based on the following minimum qualification criteria:

For both national consultants:

- An advanced degree (Master's or equivalent) in law, environment management, waste management. policy development, or other relevant fields is required.
- At least 5 years of proven professional experience in law-making and transposition of the EU Directives/Regulations
- At least 4 years of working experience in institutional consultancy in the field of waste management.
- Citizenship of the Republic of Moldova

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 equivalent) in law, environment management, waste management. policy development, or other relevant fields is required	<i>(Master's degree or equivalent – 20 pts., PhD Degree – 30 pts.)</i>	30
At least 5 years of proven professional experience in law-making and transposition of the EU Directives/Regulations	<i>(5 years – 40 pts, each additional year – 5 pts, up to 55 pts)</i>	55
At least 4 years of working experience in institutional consultancy in the field of waste management	<i>(4 years – 35 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 waste management	<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	<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).