

TERMS OF REFERENCE

Job title:	National Legal Consultant to transpose the EU Regulation 2024/1679 on Union guidelines for the development of the trans-European transport network.
Contract type:	Individual Contract (IC)
Duty station:	Chisinau
Reference to the:	<u>„Enabling an Inclusive Green Transition in the Republic of Moldova”</u> Project
Payment arrangements:	Lump sum contract (payments linked to satisfactory performance and delivery of outputs)
Contract Duration:	December 2024 - May 2025, up to 57 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.

UNDP Moldova takes due account of this endeavor and work towards putting 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.

In 2022, the European Council bestowed EU candidate status upon Moldova, signaling a pivotal juncture in EU-Moldova relations. This milestone underscores the need for closer alignment of Moldova's national legislation with EU regulations. As Moldova embarks on its journey toward EU accession, the United Nations Development Programme (UNDP) assumes a critical role in supporting the Moldovan government.

In a decisive move, the Moldovan government approved the National Action Plan for Moldova's EU accession for the period 2024-2027 through Government Decision No. 829/2023 (HG829/2023). This comprehensive plan outlines strategic objectives, policy reforms, and institutional enhancements necessary to meet EU standards. UNDP actively collaborates with Moldovan authorities to ensure the effective implementation of this ambitious roadmap.

In December 2023, the European Council took a momentous step by initiating negotiations on Moldova's accession to the EU. These bilateral discussions will shape the future of Moldova's integration process. UNDP recognizes the significance of these negotiations and stands ready to provide invaluable support.

One of the project focuses is transport sector and it aim at supporting the policy planning frameworks to promote the sustainable and inclusive urban mobility.

The evaluation of the implementation results of the Transport and Logistics Strategy for 2013-2022, approved by Government Decision No. 827/2013, revealed numerous systemic deficiencies in the development of the transport system. Recent regional and global crises, including the COVID-19 pandemic and the security crisis in the region triggered by the Russian Federation's aggression against Ukraine, have posed a serious stress test for the transport system. This has been particularly evident through the energy system shortages, the blockade of Black Sea ports, and the pressure created by the transit of goods to and from Europe, as well as the movement of displaced persons.

The key challenges in the transport sector that require urgent and decisive responses from Government side are the following:

- **Challenges related to connectivity with neighboring countries.**

Ensuring the integration of Moldova's transport system into the EU internal market involves improving the movement of passengers and goods, enhancing the fluidity of transport flows between Moldova, the EU, and third countries in the region, and better connectivity with neighboring countries by eliminating administrative, technical, and other obstacles. It also requires improving transport networks and modernizing infrastructure, particularly along the main axes that connect these regions. Efforts should focus on managing bottlenecks at border crossing points with Romania and modernizing road and rail networks to streamline transport with Romania and Ukraine, while also developing interoperable railway networks.

- **Challenges regarding transport infrastructure**

Over the last seven years, several road and railway rehabilitation, modernization, and construction projects have been successfully implemented, some with financial support from international institutions. However, limited budget allocations and underfunding of maintenance work, combined with the cumulative effect of infrastructure preservation inaction, have led to the gradual deterioration of roads. The share of roads in poor and very poor condition has increased across the network, worsening the situation. This negatively impacts the country's economic and social situation, especially in rural areas where the local road network shows the highest level of degradation. Furthermore, there has been a stagnation in revitalizing and modernizing the Prut and Nistru River navigation routes, reducing the attractiveness of water transport and negatively affecting the modal balance in favor of other modes of transport. Therefore, in the next period, it is imperative to continue efforts to increase the competitiveness of the transport system and continuously improve infrastructure.

- **Challenges regarding human capacities.**

One of the country's key problems is depopulation, which also affects the transport sector. The shortage of human resources and high staff turnover within the central apparatus of the ministry, as well as within the ministry's subordinate administrative authorities, negatively impacts the implementation of planned sector objectives. Additionally, the private sector is also experiencing

a shortage of capacities in both transport and civil engineering, due to low investments in higher education in recent years and the lack of long-term perspectives for students in these fields within the country. This human resource crisis can negatively affect the ability to absorb and implement the priorities and policies promoted for all types of transport. Thus, the new mobility strategy systematically integrates the human resource dimension within its priority action directions.

- **Challenges related to the environment.**

The national inventory report for 1990-2020 provides a general view of emissions from the transport sector over the last two decades. Compared to the reference year (1990), by 2020, Moldova had reduced its GHG emissions by about 69.8%. However, the decrease in GHG emissions over the past 30 years is insignificant and may be irrelevant concerning the results of environmental policies. It is mainly the result of the mathematical decrease of important economic and social indicators: real GDP value decreased by 24.5%, population dropped by 28.7%, GHG intensity (CO₂eq/GDP) by 60.0%, primary energy resource consumption by 72.9%, energy imports by 81.1%, electricity consumption by 52.2%, and heat consumption by 83.9%. The role of the transport sector in total emissions is quite significant, accounting for 26.3% of the total in 2020, double the 1990 figure of 13.1%. The most polluting mode of transport is road transport, which dominates the market and develops more rapidly than more environmentally friendly alternative modes of transport, being the main cause of transport emissions. The aging vehicle fleet also contributes to this trend. Therefore, despite the overall decrease in transport emissions, Moldova's transport sector presents a concerning structure, as shown in the national inventory report. Consequently, the greening of the transport system is cross-cutting throughout the strategy through priorities and actions supporting non-polluting vehicles or transport modes. Another challenge Moldova faces is the increasing vulnerability of transport infrastructure to frequent extreme climate events, necessitating a prompt response to build or adapt infrastructure to be more resilient to climate conditions, ensuring its durability.

- **Challenges regarding digitalization**

The trend toward digitalization is progressing across society, evolving from a priority to a global imperative. Digitalization aspects are addressed in the 2023-2030 National Digitalization Strategy, and the transport sector will play an important role in orienting all types of transport toward systematic use of digital solutions. The implementation of intelligent transport systems in Moldova is in its early stages. In the railway sector, the digitalization of corporate processes, electronic ticketing, and traffic control are priorities, given that these components are currently operated largely through outdated or inadequate technologies. Likewise, in water transport, digitalization is an urgent necessity, as public digital services and systems required under international conventions are lacking. Efforts should also continue to develop digitalized interfaces for transport users. Although significant progress has been made for some road transport services, most apply these technologies at a reduced level. Another important challenge that will arise with the mass adoption of digital solutions will be the low inclusion of

these technologies among the elderly and those with low digital literacy. Therefore, special attention must be given to vulnerable groups to ensure their active and equitable integration into the digitalization objectives of the transport sector.

- **Logistics Challenges**

Due to economic and security crises in the region, the logistics sector within transport is underdeveloped. The country has almost no intermodal transport hubs, and only a few operational logistics centers, which are not adequately sized to meet the needs of a modern market economy.

In this context, private initiative is a key driver, but central and local public authorities also play a crucial role in developing critical infrastructure such as ports, rail terminals, airport terminals, and ensuring connectivity in areas with transportation networks. The Strategy, therefore, foresees the launch of several initiatives aimed at strengthening logistics capacities at key transport hubs, particularly in Chişinău and at strategic border crossing areas.

- **Public Transport Network Challenges**

Smaller localities in the Republic of Moldova face numerous challenges in fulfilling their role as public transport developers and local road managers. The low or non-existent cooperation between these localities and neighboring areas or districts results in a modest public transport offering, of very low quality, and an inability to adequately renovate and maintain local roads. This strategy aims to strengthen cooperation between stakeholders in public transport, both locally and nationally, including between rail and road operators, to propose integrated transport systems on a larger scale and combine efforts to improve the current offering.

Another challenge is the development of urban/suburban transport systems in larger cities. Currently, few cities in the country have a developed system that successfully integrates all modes of transport. In this context, transformational processes must be accelerated by aligning with the experience of many European cities that have implemented a modern, sustainable, and efficient development concept (Sustainable Urban Mobility Plans – PMUD), which modernizes urban mobility approaches by focusing more on active mobility (e.g., walking and cycling), safer and less polluting urban transport fleets, and greater citizen participation in planning processes.

- **Road Safety Challenges**

The continuous improvement of road safety on public roads is an uncontested priority of the new mobility strategy. According to accident statistics, the death rate in our country is over 50% higher than the EU average, with 44 road fatalities per million inhabitants, of which over 52% involve pedestrians in Chişinău. Although strategies and plans were developed and implemented in the past decade to halve road traffic deaths by 2020, overall, the progress in achieving the

targets to reduce the number of victims and improve road safety parameters has not been reached, and the overall impact on the sector seems minor.

Daily violations committed by drivers in traffic contribute to a large number of accidents, resulting in casualties and injuries. Fatalities mainly arise from the low level of knowledge among road users and the inadequate regulatory framework. Thus, there is a need to adjust the legal framework and establish clear mechanisms to increase road user accountability and standardize working procedures, which would simplify the understanding of interventions by both road users and police officers.

- **Challenges in Transposing the EU Acquis in the Transport Sector into National Legislation**

With Moldova's attainment of EU candidate status and the opening of accession negotiations, ensuring the implementation of the EU acquis, including in the transport sector, has become a top priority. While some progress has been made in transposing the obligations of EU transport legislation, efforts need to be intensified to ensure the progressive transposition and effective application of EU transport legislation.

The above provides an overview of the challenges that Moldova is facing in the transport sectors and is planning to address within its new transport and logistics strategy framework, that is currently under defining and further to be promoted for adoption.

The Green Transition project's interventions in the area of green transportation and green mobility aim to significantly enhance Moldova's capacity to transition towards a more sustainable and efficient transportation system. The project recognizes that transportation plays a key role in reducing greenhouse gas emissions and improving overall energy efficiency.

Under the project, one of the key activities involves developing a policy planning framework to promote sustainable and inclusive urban mobility. This will contribute to the overall green transition by aligning the country's transportation policies with environmentally friendly goals. Specifically, a National Mobility Programme for Moldova and its accompanying Action Plan will be developed. These will provide innovative solutions to support the transition to greener transportation systems, considering Moldova's socio-economic conditions, and the government's green economy aspirations.

The project also targets the development of sustainable mobility and transportation systems as part of a broader pipeline of projects under Moldova's Green Economy Programme. The focus here will be on promoting energy- and resource-efficiency through transport systems, integrating them into Moldova's green transition framework, and addressing urban mobility challenges.

Alongside this, the project will support the EU accession process by providing consultancy for the alignment of national legislation with EU directives and regulations. This effort will facilitate Moldova's integration into the European framework and enhance its compliance with international standards. Currently, the country is engaged in the RM-EU bilateral screening

process, during which further legal transposition requirements will be established, ensuring a comprehensive approach to meeting EU standards in the field.

Additionally, it sets the groundwork for pilot initiatives in greener transportation. These initiatives, supported by feasibility studies and stakeholder consultations, will help to create the necessary conditions to implement innovative, eco-friendly transport solutions that align with Moldova's long-term green transformation goals.

Among others, the project will pilot innovative sustainable mobility solutions aligned with Moldova's National Mobility Programme and Action Plan. The activities will include testing intelligent transport systems, incentivizing the renewal of vehicle fleets, and exploring the development of biofuels. These measures are intended to reduce emissions and enhance mobility within urban areas.

By integrating these interventions, the project will facilitate a transformative shift towards greener transportation and mobility solutions in Moldova, ultimately contributing to the country's sustainability and climate change mitigation goals.

In this context, UNDP Moldova is seeking to engage a National legal consultant to support Ministry of Infrastructure and Regional Development in transposition of the EU Regulation 2024/1679 on Union guidelines for the development of the trans-European transport network.

2. SCOPE OF THE WORK, DUTIES AND RESPONSIBILITIES

The overall objective of the assignment is to contribute to the establishment of Union guidelines for the development of the trans-European transport network, by transposing the provisions of EU Regulation 2024/1679. Being supervised by the Policy and Legal Development Manager, and in close cooperation with the representatives of the MIRD, the National Legal Consultant is expected to perform the following tasks:

1. Assess the EU Regulation 2024/1679 on Union guidelines for developing the trans-European transport network, including Regulations (EU) 2021/1153 and (EU) No 913/2010, against the national transport-related regulatory framework, and propose a detailed Concept for transposition these documents into national legislation. In addition to developing the primary legal act for transposition from scratch, the Concept will also provide a list of national legal acts that will need to be amended as a consequence of transposing EU Regulation 2024/1679*. This approach will be consulted with and approved by MIRD representatives.
2. Develop the draft legal act that transposes into national legislation the EU Regulation 2024/1679, as well as the related package required for Governmental consideration and approval (e.g. Supporting Note, that includes the RIA, and Table of Concordance). The legal package will be developed in line with the requirement of Law 100/2017, GD 1171/2018, GD 23/2019.

3. Implement the promotion for adoption process by developing the table of divergences in line with the Law 100/2017 requirements.
4. Adjust the draft legal act based on the consultation/promotion for adoption process' results.

3. 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: A Concept for transposition of the EU Regulation 2024/1679 on Union guidelines for developing the trans-European transport network, including Regulations (EU) 2021/1153 and (EU) No 913/2010 (<i>as per task #1</i>). (7 WD)	Mid-January 2025
2	Deliverable 2: Draft legal package, that includes at least the draft legal act, Supporting Note, RIA, and Table of Concordance, developed in line with requirements of Law 100/2017, GD 1171/2018, GD 23/2019 (<i>as per task #2</i>). (30 WD)	End-February 2025
3	Deliverable 3: Table of divergences developed, and draft legal act updated as result of the promotion for adoption process (opinions received/public consultations) (<i>as per task#3&4</i>) (20 WD)	May 2025

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

Note: Should the Concept for transposition identify that additional legal act/s (beyond the legal act transposing EU Regulation 2024/1679 into national legislation) need to be developed or amended, UNDP reserves the right to extend the contract of the National Legal Consultant to cover this additional legal development.

The timeframe for the work of the consultant is planned for December 2024 – May 2025.

5. INSTITUTIONAL ARRANGEMENTS

The National Legal Consultant will work under the guidance and technical supervision of the Policy and Legal Development Manager and in close collaboration with the staff of the MIRD.

The consultant will be given access to existing relevant information necessary for execution of the tasks under this assignment.

Materials provided to the Consultant and all proceedings within the consultancy contract shall be regarded as confidential, both during and after the consultancy. Violation of confidentiality requirements may result in immediate termination of contract.

Performance evaluation: The Consultant's performance will be assessed based on criteria including timeliness, responsibility, initiative, communication, accuracy, and the quality of delivered products.

Language of the deliverables: All deliverables for this assignment must be presented in Romanian and/or English language, as specified by the Project Manager

6. SKILLS AND EXPERIENCE REQUIRED

Academic Background:

- Bachelor's degree in law, public administration, policy, transport, or other related fields is required.

Professional Experience:

- At least 5 years of proven professional experience in law-making and/or transposition of the EU Directives, Regulations/Decisions.
- At least 5 years of working experience in providing institutional consultancy.
- Experience of working in the field of transport sector would be a strong asset.
- Experience in working within UNDP, UNEP, WB, and/or EU-funded projects or other international organizations would be an asset.

Skills and Competencies:

- Excellent knowledge on the legal development process mechanism and process of harmonization of the legislation of the Republic of Moldova with Community legislation, approved by the Law 100/2017 and G1171/2018.
- Knowledge Moldova's transport system.
- Strong analytical, communication, and facilitation skills, capable of effectively managing complex multi-stakeholder environments and supporting high-level advisory roles.
- Fluency in Romanian and English is a must. Russian will be an asset.

The UNDP Moldova is committed to the 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:

Payment will be a lump sum amount based, disbursed in several instalments, against submission and approval of deliverables, and certification by UNDP Environment, Energy and Climate Change Cluster Lead/or Programme Manager, that the services have been satisfactory performed. Payments are based upon output, i.e. upon delivery of the services specified in TOR.

8. APPLICATION PROCESS

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Personal updated CV, including information about experience in similar assignments and at least three (3) the most recent professional references of previous supervisors;
2. Proposal (Motivation Letter, maximum length: 1 page): explaining why he/she is most suitable for the assignment, including past experience in similar assignments, providing a brief information on above qualifications, and brief methodology on how he/she will approach and conduct the work;
3. 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.

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

- Bachelor's degree in law, public administration, policy, transport, or other related fields is required.
- At least 5 years of proven professional experience in law-making and/or transposition of the EU Directives, Regulations/Decisions.
- At least 5 years of working experience in providing institutional consultancy.
- 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>		
Bachelor's degree in law, public administration, policy, transport, or other related fields is required.	(Bachelor's – 25 pts, Master's –30 pts., PhD Degree – 35 pts.)	35
At least 5 years of proven professional experience in law-making and/or transposition of the EU Directives, Regulations/Decisions.	(5 years – 30 pts, each additional year – 10 pts, up to 50 pts)	50
At least 5 years of working experience in providing institutional consultancy.	(5 years – 30 pts, each additional year – 10 pts, up to 50 pts)	50
<u>Interview evaluation criteria</u>		
Experience of working in the field of transport sector would be a strong asset.	(each assignment – 10 pts, up to 20 pts)	20
Experience in working within UNDP, UNEP, WB, and/or EU-funded projects or other international organizations would be an asset	(each assignment – 5 pts, up to 15 pts)	15

Excellent knowledge on the legal development process mechanism and process of harmonization of the legislation of the Republic of Moldova with Community legislation, approved by the Law 100/2017 and G1171/2018.	(excellent– 50 pts, satisfactory-30 pts, limited- 10 pts, no – 0 pts.)	50
Knowledge Moldova's transport system.	(Strong – 30 pts, satisfactory-15 pts, limited-10 pts, no-0pts.)	30
Strong analytical, communication, and facilitation skills, capable of effectively managing complex multi-stakeholder environments and supporting high-level advisory roles.	(Strong – 25 pts, satisfactory-15pts, limited-5 pts, no-0 pts.)	25
Fluency in Romanian and English is a must. Russian will be an asset.	(Romanian, English, Russian 5 pts each)	15
Belonging to under-represented groups	No – 0 pts, to one group – 5 pts, to two or more groups – 10 pts)	10
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: <u>$S = F_{min} / F * 200$</u> 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

** Under-represented groups in UN Moldova 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. **Please specify in CV, in case you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.***

Winning candidate

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

ANNEXES TO THE TOR

1) UNDP General Terms and Conditions for Individual Contractors

2) Offeror's letter confirming interest and availability, including a financial proposal (template).

3) Statement of Health - Individual Contractors