



## TERMS OF REFERENCE

<b>Job title:</b>	International Waste Management Expert to build the capacity of Ministry of Environment and Bureau for European Integration of the Republic of Moldova in conducting the bilateral screening process of the waste management related EU and national legislation
<b>Contract type:</b>	Individual Contract (IC)
<b>Duty station:</b>	<b>Home-based with 1 mission to Moldova</b>
<b>Reference to the:</b>	„Enabling an Inclusive Green Transition in the Republic of Moldova” Project
<b>Payment arrangements:</b>	Lump sum contract (payments linked to satisfactory performance and delivery of outputs)
<b>Contract Duration:</b>	January 2025 - May 2025, up to 35 working days

### 1. PROJECT OBJECTIVES AND EXPECTED RESULTS

On 23<sup>rd</sup> 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 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 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.

Against this background, UNDP Moldova is committed to facilitating the legislation screening process. This rigorous examination involves assessing existing laws, regulations, and policies across key sectors. By identifying gaps, inconsistencies, and areas for improvement, UNDP contributes to the formulation of robust legal frameworks. The targeted sectors include air Quality, Climate Change, Waste Management and Water Management.

UNDP's support extends beyond analysis. It actively facilitates dialogue, capacity-building, and knowledge exchange among stakeholders. By fostering collaboration between government agencies, civil society, and international partners, UNDP contributes to a more transparent, efficient, and sustainable legislative framework. As Moldova prepares for bilateral negotiations, UNDP remains steadfast in its mission to empower the country through informed, evidence-based legal reforms.

## 2. OBJECTIVE 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. Important pieces of laws were adopted in the last years that aligns Moldova's legal framework to the EU's one, particularly in the following areas:

- Environmental horizontal legislation: Law 11/2017 on Strategic Environmental Assessment<sup>1</sup> and Law 86/2014 on Environmental Impact Assessment<sup>2</sup>,
- Waste management: Waste Management Law 209/2016<sup>3</sup>,
- Air: Air quality Law 98/2022<sup>4</sup>,
- Water: Water Law 272/2011,<sup>5</sup>
- Climate Change: Law on Climate Actions 74/2024<sup>6</sup>,
- Others.

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 environment and climate change-related legal acts is included in the Chapter 27, and comprise of: horizontal legislation, Ambient Air Quality, Waste Management, Water Quality, Nature, Chemicals, Industrial Emissions, EMAS, Climate Change, others (the list to be shared with the expert).

As Moldova progresses in its EU accession negotiations, the preparation for the bilateral screening process becomes increasingly crucial. This phase involves a thorough assessment of Moldova's readiness and capability to adopt and implement the EU acquis, which encompasses the full spectrum of EU environmental laws, regulations, and standards. The successful completion of this process is vital for demonstrating Moldova's commitment to and alignment with EU expectations.

The bilateral screening process requires meticulous preparation, including the development of detailed and accurate 78 country presentations and Informative Notes. This phase also involves rigorous peer

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<sup>1</sup> [https://www.legis.md/cautare/getResults?doc\\_id=133818&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=133818&lang=ro#)

<sup>2</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139828&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=139828&lang=ro#)

<sup>3</sup> [https://www.legis.md/cautare/getResults?doc\\_id=143643&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=143643&lang=ro#)

<sup>4</sup> [https://www.legis.md/cautare/getResults?doc\\_id=137491&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=137491&lang=ro#)

<sup>5</sup> [https://www.legis.md/cautare/getResults?doc\\_id=133228&lang=ro](https://www.legis.md/cautare/getResults?doc_id=133228&lang=ro)

<sup>6</sup> [https://www.legis.md/cautare/getResults?doc\\_id=143228&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143228&lang=ro)

reviews to ensure the presentations meet high standards of quality and clarity. Additionally, the preparation includes simulations and rehearsals to address potential issues and ensure effective delivery.

Currently, Ministry of Environment, with the support of partners, is implementing the bilateral screening, by conducting a thorough side-by-side comparison of provisions in the EU legislation and existing national legislation regulating the environment and climate change areas, as requested by a specific Methodology in this sense and the Explanatory Screening Agenda. 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 is developed summarizing the information on degree of transposition of provisions of EU legislation into the legislation of the Republic of Moldova. In addition, it delineates articles that have been fully transposed, partially transposed, and those that remain untransposed. Furthermore, it furnishes 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 general objective of the assignment is to provide direct assistance to the Bureau of European Integration of the Republic of Moldova in preparation for upcoming Moldova-EU bilateral legislation screening meeting on Chapter 27, scheduled tentatively for Summer 2025.

Being supervised by the Policy and Legal Development Manager, and in close cooperation with the representatives of the Bureau of European Integration and Ministry of Environment, the International Waste Management Expert is expected to perform the following tasks:

1. Review and provide feedback to 14 waste management related bilateral screening presentations drafted by the Ministry of Environment (PPTs to be shared with International Waste Management Expert).
2. As part of the process, International Waste Management Expert will conduct a country visit. During this visit, the expert will provide mentoring support for simulations and preparation of bilateral screening sessions. The goal is to enhance readiness and address potential issues related to the reviewed presentation materials (PPTs). To organize the events during the country visit, the International Waste Management Expert will develop a concept for the event, create a draft agenda and prepare all necessary informative materials. During the event, the International Waste Management Expert will take the lead, ensuring a smooth and effective process.
3. Review and assess the deadlines proposed by the country for transposing and implementing the relevant Directives, Regulations, and Decisions included in the targeted PPTs. Provide detailed feedback, including justifications, on the feasibility and appropriateness of these deadlines.
4. Draft implementation plans for EU legal acts (cost estimates for the implementation will be consulted with a financial expert from the Ministry of Environment).
5. Review and provide feedback to the Ministry of Environment's answers to the Questionnaire that is part to the bilateral screening process (completed Questionnaire to be shared with International Waste Management Expert).
6. Check up and provide feedback on the improved presentation as result of peer mentoring sessions.

#### 4. EXPECTED DELIVERABLES, TENTATIVE TIMEFRAME, AND OTHER ARRANGEMENTS

International Waste Management Expert is expected to deliver the following outputs as per the below-identified timeline and anticipated workload:

No.	Deliverables	Tentative timeframe
1	<b>Deliverable 1:</b> 14 bilateral screening PPTs reviewed, and feedback (comments/edits/justifications/recommendations for improvement) with regard to the content and commitments assumed for transposition of the EU legal acts covered by these presentations ( <i>as per tasks #1 above</i> ). (14 WD)	February 2025
2	<b>Deliverable 2:</b> A report on the country visit to provide mentoring support for simulations and preparation of the bilateral screening sessions and further support on the draft implementation plans available upon identified need. The report will include concept, agenda, and informative materials developed for the event. ( <i>as per task #2&amp;3</i> ) (5 WD)	March 2025
3	<b>Deliverable 3:</b> 2 drafts of implementation plan for EU legal acts embedded into the respective thematic blocks covered by assigned 14 presentations. ( <i>as per task#4</i> ) (10 WD)	March 2025
4	<b>Deliverable 4:</b> 1 Questionnaire reviewed (comments/edits/justifications/recommendations for improvement provided) ( <i>as per task #5</i> ) (2 WD)	April 2025
5	<b>Deliverable 5:</b> 14 Improved presentations checked up and feedback provided ( <i>as per task #5</i> ). (4 WD)	May 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 January 2025 – May 2025.

#### 5. MANAGEMENT ARRANGEMENTS

The International Waste Management Expert will work under the direct supervision and guidance of the Policy and Legal Development Manager of the UNDP „Enabling an Inclusive Green Transition in the Republic of Moldova” Project and in coordination with BEI and MoE.

**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.

The UNDP will provide administrative and logistical support in the organization of all required consultations and meetings.

## 6. FINANCIAL ARRANGEMENTS

The financial proposal shall specify a total **lump sum** amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including the daily fee, taxes, and number of anticipated working days) (see Annex 2 of the Offeror's Letter Confirming Interest and availability).

### **Duty Travel**

***All envisaged travel costs must be included in the financial proposal (Annex 2, Breakdown of Cost, Section A, Duty Travel).*** This includes *all travels/missions* to be to Chisinau/ Moldova. In general, UNDP should not accept travel costs exceeding those of an economy class ticket.

***The travel costs to Moldova shall be indicated separately in the offer and will be paid only if the travel will take place. Please note that the mission may be considered only when it is confirmed to be safe for staff, consultant, stakeholders. The exact duration and period of the missions shall be coordinated with UNDP. For purpose of estimation of services' costs, the expected number of missions is 1 (one) and total number of mission days -2 (two).***

## 7. QUALIFICATIONS AND SKILLS REQUIRED

### **Qualifications:**

- Bachelor's degree in European Studies, International Relations, Law, Environment Management, or other relevant fields is required.

### **Experience:**

- At least 7 years of proven professional experience in EU integration and negotiation process under the EU accession process with a strong understanding of the bilateral screening process and the waste management EU acquis, within one of the following countries: Romania, Bulgaria, North Macedonia, Montenegro, Serbia and/or Albania.
- At least 7 years of working experience in the EU waste management legislation harmonization process.
- Extensive expertise in the EU accession process, demonstrated through previous assignments and substantial experience in preparing and supporting complex negotiations and assessments related to EU membership.
- 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 EU accession process, demonstrated by previous assignment.
- Familiar with the Moldova's EU integration process.
- Strong interpersonal and communication skills, presentation and organizational skills in a complex multi-stakeholder environment.
- Proficiency in written and spoken English.

**8. 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.

**PERFORMANCE EVALUATION**

Contractors' performance will be evaluated against timeliness, responsibility, initiative, creativity, communication, accuracy, and overall quality of the delivered products.

**10. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

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

1. Proposal, explaining why he/she is most suitable for the work, including experience in similar assignments, providing brief information on above qualifications and methodology on how he/she will approach and conduct the work (if applicable).
2. [OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR \(IC\) ASSIGNMENT](#)
3. CV with at least three names for a reference check.

**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.

**EVALUATION**

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

- Bachelor's degree in European studies, International Relations, Law, Environment Management, or other relevant fields is required.

- At least 7 years of proven professional experience in EU integration and negotiation process under the EU accession process with a strong understanding of the bilateral screening process and the waste management EU acquis, within one of the following countries: Romania, Bulgaria, North Macedonia, Montenegro, Serbia and/or Albania.
- At least 7 years of working experience in the EU waste management legislation harmonization process.

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
<b>Technical</b>		
Bachelor's degree in European studies, International Relations, Law, Environment Management, or other relevant fields is required.	(Bachelor's – 20 pts, Master's – 30 pts, PhD Degree – 40 pts.)	40
At least 7 years of proven professional experience in EU integration and negotiation process under the EU accession process with a strong understanding of the bilateral screening process and the waste management EU acquis, within one of the following countries: Romania, Bulgaria, North Macedonia, Montenegro, Serbia and/or Albania.	(7 years – 50 pts, each additional year – 10 pts, up to 70 pts)	70

At least 7 years of working experience in the EU waste management legislation harmonization process.	(7 years – 50 pts, each additional year – 10 pts, up to 70 pts)	70
Experience in working within UNDP, UNEP, WB, and/or EU-funded projects or other international organizations.	(no – 0, yes – 10 pts)	10
<b><u>Interview evaluation criteria</u></b>		
Extensive expertise in the EU accession process, demonstrated through previous assignments and substantial experience in preparing and supporting complex negotiations and assessments related to EU membership	(each assignment – 10 pts, up to 50 pts)	50
Familiar with the Moldova’s EU integration process	(limited-0 pts, satisfactory -20 pts, excellent– up to 30 pts)	30
Strong interpersonal and communication skills, presentation and organizational skills in a complex multi-stakeholder environment.	(limited-0 pts, satisfactory -10 pts, excellent– up to 20 pts)	20
Proficiency in written and spoken English.	(limited-0 pts, satisfactory -5 pts, excellent– up to 10 pts)	10
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b><u>Financial</u></b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><u><math>S = F_{min} / F * 200</math></u></b> 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.		<b>200</b>

#### 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**