

TERMS OF REFERENCE

Job title:	National Legal Consultant to support Ministry of Economic Development and Digitalization with transposition of the Directive EU 2024/1760 on corporate sustainability due diligence
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 2025 – April 2026, up to 82 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.

On 3 March 2022 Republic of Moldova presented its application for membership to the European Union. In response, the EU Heads of State and Government invited the Commission to submit its Opinion on the application.

The Commission delivered its assessment on 16 June 2022.¹ As regards the **political criteria**, the Opinion states that *“Moldova has a solid foundation in place to reach the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.”* As regards the **economic criteria**, there is several recommendations for improvement, but the overall conclusion is that *“Moldova has pursued reasonably sound macroeconomic policies, significantly strengthened financial sector stability, and improved the business environment.”*

Based on this appraisal, the Commission recommended to the Council to give Moldova the perspective of EU membership, under certain specified conditions. **The European Council on 23 June 2022 has decided to grant Republic of Moldova the status of EU candidate country.** This is beyond any doubt a substantial achievement, but which comes with greater responsibilities.

Granting EU candidate status to Moldova marked 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.

An important cluster assessed by the Commission with respect to the country's capacity to fulfil the EU membership obligations is the **“Competitiveness and inclusive growth cluster”**, includes the chapters of the acquis on Information society and media, Taxation, Economic and monetary policy, Social policy and employment, Enterprise and industrial policy, Science and research, Education and culture, and Customs union. The Opinion thereon states: “As regards the capacity to fulfil the obligations of membership, Moldova has worked since 2016 on the implementation of the EU-Moldova Association Agreement, including a Deep and Comprehensive Free Trade Area (AA/DFCTA). These agreements already capture significant amount of the EU acquis and Moldova has gradually taken up the alignment process across many chapters and has a satisfactory track record of implementation, while in some sectors the process is more advanced than in others. Overall, Moldova has established a solid basis for further alignment”.

During the last year, the country was actively involved in the legislation screening process, commonly referred to as the assessment of alignment between the national legal framework and

¹ https://ec.europa.eu/neighbourhood-enlargement/opinion-moldovas-application-membership-european-union_en

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.

One of the legal transposition planning documents is the National Regulatory Plan for 2025 that sets the country's legislative commitments aimed at supporting the achievement of the Government's strategic objectives, with an impact across all areas of activity, in the context of aligning the Republic of Moldova with the European Union accession criteria. As an instrument for operationalizing national and international commitments, the National Regulatory Plan includes draft normative acts derived from the National Action Plan for the Accession of the Republic of Moldova to the European Union (2024–2027), the draft National Accession Programme (2025–2029, Annex A), and relevant national sectoral programmes.

Based on the mentioned documents, one of the EU legal documents that needs to be transposed into national legislation is Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/28592 (CSDDD).

The Corporate Sustainability Due Diligence Directive (CSDDD) entered into force on 25 July 2024. Its primary aim is to foster sustainable and responsible corporate behavior by requiring companies to identify and address adverse human rights and environmental impacts across their operations and global value chains—both inside and outside the EU.

The directive applies to large EU companies as well as non-EU companies active within the EU that meet certain size thresholds (e.g., number of employees, turnover). These companies are required to conduct due diligence on their own activities, those of their subsidiaries, and those of their business partners across the chain of activities.

The due diligence process set out in the CSDDD aligns with the six-step framework established by the OECD Due Diligence Guidance for Responsible Business Conduct, which includes: (1) Integrating due diligence into policies and management systems; (2) Identifying and assessing adverse human rights and environmental impacts; (3) Preventing, ceasing, or minimizing those impacts; (4) Monitoring the effectiveness of measures taken; (5) Communicating publicly about due diligence efforts; (6) Providing or cooperating in remediation.

A key feature of the CSDDD is stakeholder engagement. Companies must engage with affected stakeholders, establish notification and complaint mechanisms, and ensure transparency in their due diligence efforts. Furthermore, the directive strengthens remediation pathways, allowing individuals and communities harmed by corporate actions to seek justice and redress.

2 <https://eur-lex.europa.eu/eli/dir/2024/1760/oj/eng>

The CSDDD is part of the European Green Deal and complements other EU sustainability frameworks such as the Corporate Sustainability Reporting Directive (CSRD) and the EU Taxonomy Regulation.

In essence, the CSDDD establishes a clear legal framework to ensure that companies operating within the EU are accountable for their impacts on people and the planet, promoting a more sustainable, transparent, and equitable business environment across Europe and beyond.

Transposition of CSDDD into national legislation was committed by the Ministry of Economic Development and Digitalization through adoption of the National Regulatory Plan for 2025 (GD 841/2024)³.

3. SCOPE OF THE WORK, DUTIES AND RESPONSIBILITIES

The objective of the assignment is to provide legal assistance to the Ministry of Economic Development and Digitalization in creation of the legal base for corporate sustainable due diligence establishment in Moldova.

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

1. Assess EU corporate sustainable due diligence application in practice and propose an approach for transposition of CSDDD into national legislation. The approach will propose the list of national acts that need to be amended (if any) and those to be developed from the scratch. The approach will be consulted with and accepted by the Ministry of Economic Development and Digitalization
2. Based on accepted approach, to develop the legal act/acts that will transpose the EU CSDDD, 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. With regard to RIA, the Legal Consultant, together with representatives of MEDD will assess the number of the companies that tentatively fall under the CSDDD and which might be the impact on them.
3. To provide support/consultancy to Ministry of Economic Development and Digitalization during the promotion for adoption by the Government of the draft legal act/acts that transpose CSDDD into national legislation.
4. Adjust the draft legal act/acts based on the consultation results.

4. EXPECTED DELIVERABLES, TENTATIVE TIMEFRAME, AND OTHER ARRANGEMENTS

³ https://www.legis.md/cautare/getResults?doc_id=146561&lang=ro

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 of transposition of CSDDD into national legislation consulted and coordinated with Ministry of Environment (<i>as per task# 1 above</i>). (12 WD)	By end - September 2025
2	Deliverable 2: One Legal package for transposition of CSDDD into national legislation, including documents required for Governmental consideration and approval (e.g. Supporting Note, that will include the RIA, and Table of Concordance). (<i>as per task #2 above</i>) (50 WD)	By early- December 2025
3	Deliverable 3: Table of divergence and updated Legal package for transposition of CSDDD into national legislation (<i>as per task #3&4</i>) (20 WD)	End-April 2026

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 2025 – April 2026.

5. MANAGEMENT ARRANGEMENTS

The Consultant will work under the direct supervision and guidance of the Project Manager and Policy and Legal Development 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 UNDP 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 Directives/Regulations/Decisions 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 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.
- Familiar with the CSDDD.
- 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. Knowledge of Russian will be an asset.

The United Nations in Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.

7. PAYMENT MODALITIES

The Consultant will organize and facilitate the implementation of all activities as described above; his/her payment will be lump sum amount based, disbursed in several installments, upon submission and approval of deliverables and certification by the UNDP Moldova Project Manager 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 professional references

- Statement of Health for Individual Consultants

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.
- At least 5 years of working experience in institutional consultancy in the field of transposition of EU Directives/Regulations/Decisions into the national legislation.
- Citizenship of the Republic of Moldova.

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	(Master's degree – 20 pts., PhD Degree – 30 pts.)	30

development, or other relevant fields is required		
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 Directives/Regulations/Decisions into the national legislation	<i>(5 years – 40 pts, each additional year – 5 pts, up to 55 pts)</i>	55
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		150
<u>Interview evaluation criteria</u>		
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.	<i>(strong – up to 55 pts, satisfactory – up to 30 pts, limited – up to 10 pts, no – 0 pts)</i>	55
Familiarity with the CSDDD	<i>(strong – up to 50 pts, satisfactory – up to 30 pts, limited – up to 10 pts, no – 0 pts)</i>	50
Strong interpersonal and communication skills, ability to work with the public sector, demonstrated by previous assignments.	<i>(strong – up to 15 pts, satisfactory – up to 10 pts, no – 0 pts)</i>	15
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
Fluency in Romanian and English. Knowledge of Russian will be an asset	<i>(5 pts per language –15 pts total)</i>	15
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		150
Maximum Total Technical Scoring		300
<u>Financial</u>		

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