



## TERMS OF REFERENCE

### **International Consultant on EU approximating Moldovan legislation on sustainable pesticide use and data requirements for marketing of pesticides**

<b>Job title:</b>	International Consultant on EU approximating Moldovan legislation on sustainable pesticide use and data requirements for marketing of pesticides for the Ministry of Agriculture
<b>Duty station:</b>	Chisinau, Moldova
<b>Reference to the project:</b>	Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration
<b>Contract type:</b>	Individual Contract (IC)
<b>Expected workload:</b>	55 working days
<b>Starting date:</b>	June 2014

#### **BACKGROUND:**

Relations between the Republic of Moldova (RM) and the European Union (EU) formally started with the signing of the Partnership and Cooperation Agreement (PCA) in 1994 that entered into force in 1998. The PCA established the basic principles of cooperation between RM and EU and was designed for a 10 year period.

The Partnership and Cooperation Agreement will soon be replaced by an Association Agreement which includes a Deep and Comprehensive Free Trade Area (DCFTA). The documents provide for political association and economic integration and have been initialed in Vilnius in November 2013.

For the Republic of Moldova the AA represents a reform agenda which is based on a comprehensive program of legal harmonization with EU norms.

Exceeding the classical arrangements of free trade, DCFTA provides not only a mutual opening of markets for most goods and services but requires a gradual rapprochement of norms and standards such as quality standards and rules, sanitary rules, intellectual property rights, trade facilitation, public procurement and competition, energy trade and other.

Except for European Economic Area and EU candidate states, never before has the EU opened its internal market to such an extent to a third country. This reality is possible due to the commitment of the Republic of Moldova to take over the *acquis communautaire*.

In exchange to effective implementation of EU legislation Moldova will gradually become part of the EU internal market.

A deeper economic integration through DCFTA will boost the country's economic growth, will create business opportunities and promote real economic modernization and integration into the EU. The direct result of establishing free trade area with EU is that citizens will benefit from higher quality and safer goods and services while manufacturers will be supported to access international markets.

UNDP and its international partners are committed to assist Moldova, through technical and financial assistance, in promoting costly legal and institutional reforms that DCFTA entails.

The Project "Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration (MFAEI)" aims at strengthening the institutional capacity of the MFAEI as lead institution in the AA negotiation process. In the same context, the Project seeks to contribute to developing EU integration capacities of key line ministries, including the Ministry of Agriculture and Food Industry (MAFI). The immediate focus is currently the post-negotiation and implementation phases of the AA.

Alignment of policy, institutional arrangements, legislation procedures and best practices to EU standards and requirements is a priority for MAFI to raise the level of consumer protection and competitiveness domestically and to gain access to EU markets. In particular reference is made here to relevant parts on protective measures against the introduction into the Moldovan territory of organisms harmful to plants or plant products and against their spread to third countries.

## Objective

The Project will contract an International Consultant to consult and raise capacity of the Ministry of Agriculture and Food Industry (MAFI) and other stakeholders in the area of upgrading and EU approximation of policy, legislation institutional arrangements, procedures and best practices in the area of sustainable pesticide use and data requirements for marketing of pesticides.

This objective should be met through the following activities and through the following deliverables:

### Key activities:

1. Assess and report on current policy, legislation, institutional arrangements, national procedures and documentation in the area of sustainable pesticide use and data requirements for pesticide marketing in particular **Directive 2009/128/EC** of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides, **Regulation (EU) No 283/2013** of 1 March 2013 setting out the data requirements for active substances and **Commission Regulation (EU) No 284/2013** of 1 March 2013 setting out the data requirements for plant protection products.
2. On the basis of deliverable 1 to make and agree jointly with beneficiaries a mission action plan for remedying gaps.
3. Support MAFI in drafting legislation / legislative amendments (including regulating institutional arrangements) and supporting documentation (e.g. legislative impact analysis) for in particular **Directive 2009/128/EC** of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides, **Regulation (EU) No 283/2013** of 1 March 2013 setting out the data requirements for active substances and **Commission Regulation (EU) No 284/2013** of 1 March 2013 setting out the data requirements for plant protection products.
4. Consultation with all stakeholders including National Food Safety Agency (NFSA) and the private sector on all elements of timing and mechanisms for implementation.
5. Organize a workshop with all stakeholders including presentation of final mission report.

### Deliverables

1. Report on current policy, legislation, institutional arrangements, national procedures and documentation in the area of sustainable pesticide use and data requirements for pesticide marketing

2. Mission action plan
3. Draft legislation / legislative amendments (including regulating institutional arrangements) and supporting documentation (e.g. legislative impact analysis) addressing the requirements of **Directive 2009/128/EC** of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides, **Regulation (EU) No 283/2013** of 1 March 2013 setting out the data requirements for active substances and **Commission Regulation (EU) No 284/2013** of 1 March 2013 setting out the data requirements for plant protection products
4. Consultation workshop and report on consultation
5. Package of operational documentation including a draft Sustainable Pesticide National Action Plan and guidance material for the data requirements.
6. Presentation of final mission report to relevant stakeholders

### Result

MAFI and NFSA capable of defining and implementing a national plan for sustainable pesticide use and defining and monitoring data requirements for pesticide marketing

### Resources

55 working days (a minimum 50 of which in Moldova) in a maximum of two missions.

### Mission Schedule:

The mission shall be undertaken in the period June – August 2014 with detailed timetable to be agreed with the Beneficiaries

The 55 working days allocated for this task should be used approximately as follows:

Deliverable/milestone	Indicative timeframe
Report on current policy, legislation, institutional arrangements, national procedures and documentation in the area of sustainable pesticide use and data requirements for pesticide marketing in particular <b>Directive 2009/128/EC</b> of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides, <b>Regulation (EU) No 283/2013</b> of 1 March 2013 setting out the data requirements for active substances and <b>Commission Regulation (EU) No 284/2013</b> of 1 March 2013 setting out the data requirements for plant protection products.	5 days,
Mission action plan	1 day
Draft legislation / legislative amendments (including regulating institutional arrangements) and supporting documentation (e.g. legislative impact analysis and National Plan) on <b>Directive 2009/128/EC</b> of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides	23 days
Draft legislation / legislative amendments (including regulating institutional arrangements) and supporting documentation (e.g. legislative impact analysis and National Plan) reflecting <b>Regulation (EU) No 283/2013</b> of 1 March 2013 setting out the data requirements for active substances and <b>Commission Regulation (EU) No 284/2013</b> of 1 March 2013 setting out the data requirements for plant protection products	23 days
Workshop with both beneficiaries including presentation of final mission	2 days

report.	
Reporting	1 day
<b>Total</b>	<b>55</b>

All deliverables should be agreed with the UNDP counterpart at the MAFI, NFSA and UNDP and be provided in English, hard and electronic copy.

### **Institutional arrangements:**

The International Consultant will work in close collaboration with the UNDP's counterpart at the MAFI and NFSA – for substantive aspects of the assignment, and under the direct supervision of the Project Manager – for administrative aspects.

The International Consultant will be located in the premises of the Ministry / Agency and will work closely with the Ministry / Agency staff. The Ministry / Agency will provide the Consultant with working space, access to Internet, printer and telephone line.

### **Qualifications Required:**

#### Academic Qualification

- Relevant higher education qualification in Agronomy, Horticulture, Law or other related field

#### Experience

- Minimum 7 years of work experience in the area of harmonizing sanitary and phytosanitary legislation to EU standards
- Experience in transposing EU requirements in the area Pesticides and Plant Protection Products
- Specific experience especially of implementing sustainable pesticide use and data requirements for pesticide marketing in particular Directive 2009/128/EC Regulation (EU) No 283/2013 and Commission Regulation (EU) No 284/2013 would be an advantage.
- Knowledge of and experience in assisting government institutions in the newest EU member states or candidate countries.

#### Competencies

- Strong analytical and drafting skills.
- Ability to analyze, plan, communicate effectively with stakeholders and present ideas clearly and effectively.
- Demonstrated interpersonal and diplomatic skills.
- Ability to enter new environments, adapt quickly and produce immediate results.
- Computer literacy - competent user of Microsoft Office programs.

#### Language requirements

- Fluency in written and spoken English. Knowledge of Romanian or Russian would be an asset.

### **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 they are the most suitable for the work;
2. Financial proposal specifying a total lump sum amount;
3. Personal CV including past experience in similar projects and **at least 3 references.**