



TERMS OF REFERENCE

International Consultant on EU approximation of legislation relating the control of major accident hazards involving dangerous substances

Job title:	International Consultant on EU approximation of legislation relating the control of major accident hazards involving dangerous substances for the Ministry of Environment
Duty station:	Chisinau, Moldova
Reference to the project:	Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration
Contract type:	Individual Contract (IC)
Expected workload:	Up to 25 working days
Starting date:	July 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 *acquis communautaire*.

The Association Agreement provides that the Parties shall develop and strengthen their cooperation on environmental issues, thereby contributing to the long-term objective of sustainable development and

greening the economy. It is expected that enhanced environment protection will bring benefits to citizens and businesses in the Republic of Moldova and in the European Union, including through improved public health, preserved natural resources, increased economic and environmental efficiency, integration of the environment into other policy areas, as well as use of modern, cleaner technologies contributing to more sustainable production patterns. Cooperation shall be conducted considering the interests of the Parties on the basis of equality and mutual benefit, as well as taking into account the interdependence existing between the Parties in the field of environment protection, and multilateral agreements in the field.

UNDP and its international partners are committed to assist Moldova, through technical and financial assistance, in promoting costly legal and institutional reforms that the Association Agreement 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 Moldovan Ministry of Environment (MoE). The immediate focus is currently the post-negotiation and implementation phases of the AA.

Industrial hazards come under the Environment Chapter of the Association Agreement. Directive 96/82/EC on the control of major accident hazards involving dangerous substances, is also called the Seveso II Directive named after the Italian town which suffered exposure to an accidental release of dioxin in 1976, which then led to the adoption of the Seveso I Directive 82/501/EEC. The 'Seveso' directive now applies to around 10,000 industrial establishments where dangerous substances are used or stored in large quantities, mainly in the chemicals, petrochemicals, storage, and metal refining sectors.

Under the Association Agreement the following provisions and timeline for implementation apply to this Directive :

- adoption of national legislation and designation of competent authority/ies (within 4 years of the entry into force of the Agreement).
- establishment of effective coordination mechanisms between relevant authorities(within 4 years of the entry into force of the Agreement)
- establishment of systems for receiving notifications with information about relevant Seveso establishments and for reporting on major accidents (Articles 6, 14, and 15) (within 7 years of the entry into force of the Agreement).

Objective

The Project will contract an International Consultant to consult and develop the capacity of the Ministry of Environment and relevant subordinate institutions in the area of upgrading and EU approximating national legislation, institutional arrangements, procedures and best practices in the area of industrial hazards in relation to Directive 96/82/EC on the control of major accident hazards involving dangerous substances.

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

Duties and Responsibilities

The Project will contract an International Consultant to consult the Ministry of Environment in the area of approximation of EU legislation and procedures in the area of industrial hazards.

This objective should be met through the following activities:

- Assess and report on current legislation, institutional arrangements, national procedures and documentation based on EU requirements set out in the Association Agreement for Directive 96/82/EC on the control of major accident hazards involving dangerous substances
- Based on Directive 96/82/EC on the control of major accident hazards involving dangerous substances articles specified in the Association Agreement, undertake a gap analysis, including a Table of Concordance, and needs assessment for the harmonization of the current relevant legislation and procedures in Moldova.
- Draft a report and Action Plan on the detailed, step by step actions needed to align Moldovan legislation and procedures with the requirements of Directive 96/82/EC
- Review the gap analysis and needs assessment and draft findings with the Beneficiary and key stakeholders;
- Prepare drafts of key legislation for transposition of the Directive and procedural documents as identified and agreed with the Beneficiary;
- Draft a presentation on the specific procedures in the field of control of major accident hazards involving dangerous substances and submit it to the Beneficiary for approval, and deliver the presentation during a one-day workshop with representatives of key stakeholders (including representatives of the Centre for Legal Approximation).

Deliverables

- Report, including gap analysis, on current legislation, institutional arrangements, national procedures and documentation in the area of compliance with EU requirements Directive 96/82/EC on the control of major accident hazards involving dangerous substances
- Draft legislation / legislative amendments (including regulating institutional arrangements) and supporting documentation (e.g. legislative impact analysis)
- Package of operational documentation for implementing official control of compliance with EU requirements in the industrial hazards sector.
- Workshop with beneficiaries including presentation of final mission report.

Result

Ministry of Environment capable of defining and implementing compliance with Directive 96/82/EC on the control of major accident hazards involving dangerous substances that meet EU requirements.

Resources

25 working days (a minimum 20 of which in Moldova) within maximum two missions.

Mission schedule:

The assignment shall be undertaken, in the period July - August 2014 with detailed timetable to be agreed with the Beneficiaries.

The 25 working days allocated for this task should be used approximately as follows:

Deliverable/milestone	Indicative timeframe
	7 days

Report, including gap analysis, on current legislation, institutional arrangements, national procedures and documentation in the area of compliance with EU requirements Directive 96/82/EC on the control of major accident hazards involving dangerous substances	
Draft legislation / legislative amendments (including regulating institutional arrangements) and supporting documentation (e.g. legislative impact analysis)	10 days
Package of operational documentation for implementing official control of compliance with EU requirements in the industrial hazards sector.	7 day
Workshop with beneficiaries including presentation of final mission report.	1
Total	25

All deliverables should be agreed with the UNDP and the Ministry of Environment, and be provided in hard and electronic copy.

Institutional arrangements:

The International Consultant will work in close collaboration with the UNDP and the Ministry of Environment – 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 of Environment and will work closely with the Ministry's staff. The Ministry will provide the Consultant working space, access to Internet, printer and telephone line.

Payments shall be made upon acceptance of deliverables by beneficiary and UNDP Project Manager.

Qualifications Required:

Academic Qualification

- Relevant University degree in Law or other related field. Relevant Master's Degree or PhD would be an asset.

Experience

- Good knowledge and minimum 5 years of experience in the field of environmental law drafting and analysis in the area of EU approximation.
- Proven work experience in at least 3 projects of EU environmental law, policies and instruments
- Specific experience of Directive 96/82/EC would be an advantage;
- Knowledge of and experience in assisting government institutions within projects funded by international organizations in the region of Central and Eastern Europe (experience in countries with economies in transition would be an asset)

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.**