



TERMS OF REFERENCE

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| Job title: | International Consultant to support implementation of new EIA Law for the Ministry of Environment of the Republic of Moldova |
| 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 40 working days |
| Starting date: | October 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The Partnership and Cooperation Agreement has recently been replaced by an EU Moldova Association Agreement which includes a Deep and Comprehensive Free Trade Area (DCFTA).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 and signed in Brussels in June 2014.

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.

The objective of the ToR is to support the Ministry of Environment to implement its EU-integration related reform Agenda and in particular to assist the Ministry in developing the legal framework and institutional capacities required for the implementation of the Association Agreement. The project aims to support the implementation of the new Environmental Impact Assessment Law No 86 in accordance with the environmental commitments in the Association Agreement and taking into account Moldova’s obligations to international conventions and multilateral environmental agreements.

The Law on Environmental Impact Assessment No 86 of May 29, 2014 transposes the provisions of the Directive No 2011/92/EU set out in the Association Agreement. The law will enter into force on January 4th 2015. According to Article 29 of the Law No. 86 the MoE will develop Guidance to implement the procedures on EIA by the 4th January 2015. A legal EIA requirement in Moldova was first introduced the Law on Ecological Expertise and Environment Impact Assessment (1996). Since 1993 the country is also party to the Espoo Convention on Environmental Impact Assessment in a Transboundary Context (entered into force in 1997) which requires it to notify neighbouring countries of all major projects under consideration that are likely to have a significant transboundary environmental impact.

The aim of the EIA Directive is to ensure that projects which are likely to have a significant effect on the environment are adequately assessed before they are approved. The purpose of an Environmental Impact Assessment (EIA) is to provide information for decision-makers and the public on the environmental consequences of proposed actions and to promote environmentally sound development through the identification of appropriate enhancement and mitigation measures. Consultation of the public is inherent in the EIA Directive and has been reinforced by the amendments to the EIA Directive. For more than 25 years in the EU Member States, the EIA Directive has helped ensure that environmental considerations are integrated into decision-making for projects. This has improved the sustainability of countless projects, while also empowering citizens and ensuring that they are informed and consulted before decisions are made.

EIA has a role in aid effectiveness and investment projects funded by International Financial Institutions (IFIs) are subject to EIA. The Paris Declaration on Aid effectiveness noted that international donor community has made considerable progress in harmonization around EIA, and looks to future strengthening of the application of EIA. Even before the Declaration IFIs collaborated in pursuing this Agenda and in 2005 published a common set of principles for Environmental Impact Assessment.

Objective

The global objective of this assistance is to strengthen and enhance good environmental governance in order to enable the Moldovan Ministry of Environment to meet EU and international standards in relation to the implementation of Environmental Impact Assessment. Specifically, the project has three aims (I) developing

an Action Plan , (II) new EIA Guidance (III) Prepare draft project Fiche for Institutional Twinning, to support the implementation of the new Environmental Impact Assessment Law No 86 in accordance with the environmental commitments in the Association Agreement and taking into account Moldova's obligations to international conventions and multilateral environmental agreements

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

Key Activities

- Identification of necessary actions to ensure EIA implementation meets EU requirements including institutional framework, roles and responsibilities, procedures, systems and resources. Account should be taken of the future establishment of an Environmental Protection Agency in Moldova;
- Clearly define actions, and a propose timetable for implementation including milestones and deadlines;
- Organize a workshop to present Action Plan for Implementation of Environmental Impact Assessment to MoE and other stakeholders.

EIA Guidance

- Elaborate Handbook for EIA procedures;
- Elaborate Handbook for public participation in EIA;
- Provide Training in agreement with the beneficiary for the parties involved in the EIA process based on the Guidance.

Project Fiche

- Develop Draft Project Fiche for Institutional Twinning/ TA for EIA implementation in line with the needs of the beneficiary and EU requirements;

Deliverables

- Action Plan for Implementation of EIA;
- Workshop to present Action Plan for EIA Implementation for MoE and other stakeholders;
- Handbook on EIA procedures;
- Handbook on public participation in EIA;
- Training on Guidance;
- EIA Project Fiche.

Resources

Up to 40 working days within maximum two missions (a minimum of 30 days in Moldova).

Mission schedule:

The assignment shall be undertaken, in the period October – December 2014 with detailed timetable to be agreed with the Beneficiaries.

The 40 working days allocated for this task should be used approximately as follows:

| Deliverable/milestone | Indicative timeframe October-December, 2014 |
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| • Action Plan for Implementation of EIA in Moldova | 13 days |
| • Organizing a workshop to present Action Plan for Implementation of Environmental Impact Assessment to MoE and other stakeholders | 1 day |
| • Elaborate Guidance for EIA procedures | 9 days |
| • Elaborate Guidance for public participation in EIA | 9 days |
| • Provide Training in agreement with the beneficiary for the parties involved in the EIA process based on the Guidance for EIA procedures | 2 days |
| • Provide Training in agreement with the beneficiary for the parties involved in the EIA process based on the Guidance for public participation EIA | 2 days |
| • Develop Draft Project Fiche for Institutional Twinning/ TA for EIA implementation in line with EU requirements | 4 day |
| Total | 40 days |

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

- Master's Degree or Bachelor Degree + equivalent professional experience of at least 2 years in law, environment, public administration or other related field;

Experience

- Good knowledge and minimum 7 years of experience in the field of environment and analysis in the area of EU approximation.
- At least 5 years experience in EU accession related to environment sectors particularly horizontal legislation.
- Demonstrated experience of EIA implementation process according to EU EIA Directive

- Practical experience in providing technical assistance for approximation of the EU legislation in EU Member States and/or Candidate/Accession/ Association Countries.
- Experience in similar projects in the region and/or Moldova will be an advantage

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.**