TERMS OF REFERENCE
FOR LEGAL CONSULTANT

Job Title: Legal Consultant for implementation of a project titled: Strengthening the capacity to facilitate the implementation of the emissions trading scheme in the EU in Macedonia (EU ETS).

Project MAK-12/0013

Duty Station Skopje, Macedonia

Expected Start of the Assignment 1 May 2014

Expected End of the Assignment 31 December 2014

1. Background

The system of EU Emission Trading Scheme (EU ETS) is a cornerstone of the EU's policy to combat climate change and its key tool for reducing emissions of industrial greenhouse gases cost-effectively. During 2013, the Ministry of Environment and Physical Planning of R. Macedonia (MoEPP) in partnership with the Norwegian Agency for Environment (NEA) and financially assisted by the Ministry of Foreign Affairs of Norway (NMFA) started the realization of the project "Capacity building to facilitate the implementation of EU Emission Trading Scheme (EU ETS) in Macedonia" in duration of three years (2013-2015).

With the establishment of the project office and appointment of the project team, the process of capacity building began. In the first year, the project team launch 'Assessment of the current situation in Macedonia "which covered current practices in recording, monitoring and reporting of emissions, the type of emissions that are reported, relations between the operators of installations and institutions, and the relevant institutions for the establishing the EU ETS in Macedonia, according to the existing legislation in Macedonia (Law of Environmental and Law of Ambient Air Quality along with their by-laws), as well as analysis of available data necessary for EU ETS and a list of potential EU ETS installations in Macedonia. Furthermore, the next steps for the introduction of the EU ETS in Macedonia were determined and the list of potential EU ETS installations in Macedonia was updated, where their number accounted 44.

The introduction of the obligation of EU ETS installations in the specified list to prepare monitoring plans and annual greenhouse gas emissions reports (subject to verification) is provided by setting legal obligation for it and preparation of legislation for implementing the EU ETS. Aiming towards preparation of legislation that would be applicable and relevant to the country conditions, the project access so-called "the bottom-up approach", ie it is planned parallel strengthening of capacity building and installations for their preparation for future obligations deriving from EU ETS.

Accordingly in 2014, the process of local capacity building is planned to continue with a series of
tailor made trainings (power plants, mineral industry and metal industry) that will offer an introduction and practical knowledge for the preparation of documentation required by EU regulations described in the EC Directive 2003/87 and Directive 2009/29 for EU ETS, as well as EC Regulation 601/2012 on monitoring and reporting of greenhouse gas emissions. Along with the educative part, the draft legislative acts will be prepared as proposal for amendments to the Law on Environment and bylaws of the future Law on Climate Action.

According to determined steps for the introduction of the EU ETS in Macedonia, it is planned the regionalizing of project activities with the involvement of neighboring countries, possibly networking and examination of the possibilities and the perspectives for the Scheme at regional level. The latter opens the possibility Macedonia to take a leadership position in this area in the region.

2. Objectives

The introduction of the EU ETS in Macedonia consists of a series of tasks. These tasks include adoption of monitoring, reporting and verification protocols (MVR) and the preparation of a series of draft amendments to the regulations in accordance to EC regulations No. 600/2012 and 601/2012 and others. Therefore, it is essential to include a legal consultant with expert knowledge of the relevant national and EU context and broad experience, as well as knowledge of the institutional and organizational arrangements on issues relevant to the principles of the EU ETS monitoring and reporting.

3. Tasks (scope of work)

The legal consultant shall assist the project in creating improved legal framework for GHG collection and management in the process of supporting the integration of the EU ETS reporting add-in in EMI platform. Under the direct supervision of the Project Manager and Project Coordinator, the consultant shall be responsible for the following tasks:

1. Get acquainted with the relevant national and EU context, including the relevant legal and regulatory framework, and institutional and organizational setting related to issues relevant for EU ETS monitoring and reporting;

2. Get acquainted with available documents, reports and data gaps analyses describing the Software Requirements Specification (SRS) document for EU ETS Sector and its interaction the Emission Monitoring in Industry tool and should represent an upgrade of this already existing tool

3. Analyze legal requirements and procedures for EU ETS GHG data reporting, collection and management in the applicable laws and regulations with an aim to identify the entry points for improvements in a support of the integration of EU ETS reporting add-in in softwareEMI (Emission Monitoring in Industry) platform;

4. Propose changes/amendments of appropriate law that will institutionalize the integration of EU ETS reporting add-in in EMI (Emission Monitoring in Industry) platform

5. Based on the proposed changes/amendments of the laws, draft appropriate regulations that will, among others, regulate the development and maintenance of the EU ETS reporting and integration in the EMI platform;

For this purpose, the consultant should conduct several meetings with the project team, the Ministry of Environment and Physical Planning and industrial plants in the following sectors (energy industries, production of metal and mineral production).

The consultant will submit periodical and final reports to the project manager prior each payment.
These reports will contain information on working hours and the dynamic of implementation of the tasks described above.

4. Results

Approved draft document for amendments of the regulations as described above.

5. Duration of the assignment

The total duration of this task is estimated at 50 working days during the period from 1 May 2014 to 31 December 2014.

6. Payment

The payment will be made in two parts, as follows:

• 50% of the contract sum upon signing of the contract,

• 50% upon submission and approval of the task described in Article 3, but not later than December 2014.

7. Qualifications

A. Academic qualifications

• University degree in Law; advanced degree is a strong asset;

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B. Professional experience

• Minimum 5 years of relevant professional experience.

• Extensive experience in drafting legal documents

• At least 3 (three) similar assignments in nature and scope (preparation of legal documents related to climate change)

• Professional Experience (Specialized Knowledge)

• Knowledge of the national climate change policies and legal framework;

• Excellent analytical, communications and facilitation skills

8. Application procedure

The applicants should provide the following documents:

• CV,

• Financial offer - specifying a total lumpsum in MKD offered for the above expected results

• Reference list of similar work / projects and contact details of customers.

Criteria for selection:

60% technical qualifications

40% financial offer