

**SPECIFIC TERMS OF REFERENCE**  
**Support to implementation of the Environmental provisions of the EU-Georgia Association Agreement**  
**FWC SIEA 2018- LOT 1 : Sustainable management of natural resources and resilience**  
**EuropeAid/138778/DH/SER/multi**

## **1. BACKGROUND**

Georgia is a lower-middle income country<sup>1</sup> with a population of 3.7 million, of which 57% live in urban areas and 13% are national minorities. The country has a gross national income per capita of US\$ 3,759 (2015) and ranks 76 out of 194 countries/territories in the UN Human Development Index, categorising it as highly developed<sup>2</sup>.

As a part of the Eastern Partnership's bilateral agenda, the Government of Georgia (GoG) and the European Union have signed in 2014 the EU-Georgia Association Agreement (AA)<sup>3</sup>. The Association Agreement fully entered into force on 1 July 2016, replacing the EU-Georgia Partnership and Cooperation Agreement (PCA). This along with the Deep and Comprehensive Free Trade Area (DCFTA) Agreement builds a foundation for far-reaching Georgian political and economic integration with the EU. The ambition for Georgia includes ever increasing democracy and rule of law, human rights, good governance and economic development. The AA institutional framework establishes bodies such as the Association Council to oversee its application, with the Association Agenda defining priorities necessary for its implementation.

### **Current situation in the Environmental sector**

In the environmental sector, the EU-Georgia AA is an ambitious multi sectoral policy framework that contains binding, rule-based provisions and aims at enhancing good environmental governance and decreasing environmental degradation in the country. The AA covers almost all environmental directions such as implementation of Multilateral Environmental Agreements (MEAs), environmental governance, air quality protection, water quality and water resources management, waste management, nature protection, industrial pollution and industrial hazards, chemicals management, climate action and forestry. Association Agenda 2017-2020 includes number of short and medium term priorities in the field of environment and climate change including maritime governance. With the financial support of the EU, the National Environmental Action Programme 2017-2021 (NEAP3) has been developed and approved by the Government of Georgia. NEAP3 is the main strategic document in the field of environment and natural resources protection that is influenced by and reflects the medium term objectives of the AA and Association Agenda.

In more details, the AA states that EU-GE cooperation in the Environment sector shall aim at : *preserving, protecting, improving and rehabilitating the quality of the environment, protecting human health, sustainable utilisation of natural resources and promoting measures at international level to deal with regional or global environmental problems, including in the areas of:*

- (a) environmental governance and horizontal issues, including strategic planning, environmental impact assessment and strategic environmental assessment...*
- (b) air quality;*
- (c) water quality and resource management, including flood risk management, water scarcity and droughts as well as marine environment;*
- (d) waste management;*

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<sup>1</sup> Georgia was re-classified by the World Bank from an upper-middle to a lower-middle income country for 2018 (World Bank Atlas method).

<sup>2</sup> A series of countries feature in this category including Albania and Belarus.

<sup>3</sup> [http://eeas.europa.eu/georgia/pdf/eu-ge\\_aa-dcfta\\_en.pdf](http://eeas.europa.eu/georgia/pdf/eu-ge_aa-dcfta_en.pdf)

- (e) nature protection, including forestry and conservation of biological diversity;*
- (f) industrial pollution and industrial hazards, and*
- (g) chemicals management.*

The AA also indicates that EU-GE cooperation shall also aim at *integrating environment into policy areas other than environment policy*. In the AA, Georgia is also committing to carry out approximation of its legislation to the EU acts and international instruments referred to in Annex XXVI to the AA in accordance with the provisions of that Annex.

The EU-GE AA also states with regard to Climate Action that the EU-GE cooperation *shall aim at mitigating and adapting to climate change, as well as promoting measures at international level, including in the areas of:*

- (a) mitigation of climate change;*
- (b) adaptation to climate change;*
- (c) carbon trading;*
- (d) research, development, demonstration, deployment and diffusion of safe and sustainable low carbon and adaptation technologies, and*
- (e) mainstreaming of climate considerations into sector policies.*

The AA adds on that the *cooperation shall cover, inter alia, the development and implementation of:*

- (a) national Adaptation Plan of Action (NAPA);*
- (b) Low Emissions Development Strategy (LEDS), including nationally appropriate mitigation actions;*
- (c) measures to promote technology transfer on the basis of technology needs assessment;*
- (d) measures related to ozone-depleting substances and fluorinated greenhouse gases.*

In the AA, Georgia is also committing to carry out approximation of its legislation to the EU acts and international instruments referred to in Annex XXVII to this Agreement in accordance with the provisions of that Annex.

### **Main Institutions in charge of Environment**

The **Ministry of Environmental Protection and Agriculture of Georgia (MEPA)** is the Ministry in charge of development of environmental policy and legislation in the country. The Ministry also plays a major role in environmental administration, issuing and enforcement of the permits, implementations of state control, data analysis and management in the field of environmental protection and use of natural resources (except for minerals, oil and gas) through its subordinated structural units as well as state subordinated entity and the Legal Entities of Public Law. The MEPA also coordinates the cooperation within the framework of regional and international Multilateral Environmental Agreements. The following institutions are operating within the scope of the Ministry:

- Legal Entity of Public Law (LEPL) National Food Agency;
- LEPL Scientific-Research Centre of Agriculture;
- LEPL National Wine Agency
- LEPL Laboratory of the Ministry of Agriculture
- Agricultural Cooperatives Development Agency
- Georgian Amelioration Ltd
- NNLE Agricultural Projects Management Agency
- LEPL National Forest Agency
- LEPL Agency of Protected Areas
- LEPL National Nursery
- LEPL Agency of Nuclear and Radiation Safety
- LEPL Environmental Information and Education Centre
- State Subordinated Agency - Department of Environmental Supervision

The **National Environmental Agency (NEA)** is a Legal Entity of Public Law under the MEPA. The NEA is mandated to monitor ongoing hydrological, meteorological and geological events; provide short and medium-range forecasts for potential extreme weather conditions; evaluate risks of natural and anthropogenic hazards and planning and implementation of measures for reducing these hazards; develop early warning systems; prepare state geological maps; elaborate and publish annual information bulletins on relevant issues. The NEA is responsible for the creation and operation of monitoring systems for measuring qualitative state of environment including ambient air, surface and groundwater, sea, soil on the territory of Georgia. Hydro-meteorological Department, Department of Geology, Department of Environmental Pollution Monitoring and Legal Department are the key structural units existing under the NEA dealing with the above mentioned competencies.

### **Current EU programs and other donor-funded actions in the Environment sector**

Georgia has made important progress towards the implementation of AA. The EU together with other international donors has played important role in this direction providing necessary financial and technical support to Georgia. Among the projects that can be mentioned in the policy sector:

- the EU-funded project **Technical Assistance (TA) for the improvement of Waste management systems in Georgia** which will run until April 2019 is supporting the Ministry of Environmental Protection and Agriculture in three directions: finalisation of draft by-laws on mining and animal waste and development of strategic frameworks for biodegradable waste, recycling of selected waste streams and Extended Producer's Responsibility (EPR); development of a national system for hazardous waste management; and strengthening of institutional planning and administrative capacities for waste management.

- the EU-funded project **TA for awareness, information and communication to improve waste management practices in Georgia** and the visibility of EU support to the sector which will run until March 2019 is promoting communication of reforms in the Waste sector.

- the twinning project **Strengthening Sustainable Management of Forests in Georgia** which will come to an end in January 2019 is working to enhance the capacity of the state forest institutions, ensuring the sustainable management of Georgian forests, through harmonizing the Georgian forest regulatory framework to the EU requirements and improving the forest information, communication and monitoring systems.

- the twinning project **Strengthening the administrative capacities of the Ministry of Environmental Protection and Agriculture of Georgia** for approximation and implementation of the EU environmental 'acquis' in the fields of **industrial pollution and industrial hazards** which will come to an end in May 2019 is assisting MEPA and other government instances to introduce a system of integrated pollution prevention and control through the development of legal, institutional, administrative and procedural frameworks for integrated permitting and inspection.

- the twinning project **Institutional Strengthening of Environmental Health System of Georgia**, which will come to an end in June 2019 is developing a legislative framework in-line with the EU requirements, striving to establish well-functioning inter-sectorial collaboration mechanisms and supporting institutional strengthening, in order to fulfil the commitments of Georgia under the AA.

- the region project **EU Water Initiative Plus** (2016-2020) is working to improve the management of water resources, in particular of trans-boundary rivers, in the six Eastern Partnership countries. It supports them to move towards the approximation to EU acquis in the field of water management with a focus on trans-boundary river basin management.

- the regional project **EaP GREEN** (Greening Economies in the Eastern Neighbourhood, 2013-2018) has been working on creation of **Resource Efficiency and Cleaner Production Clubs** of small and medium-sized enterprises, preparation of **new laws on environmental assessment** of strategies, plans, and investment projects; analysis of **environmentally harmful subsidies in the energy sector** and looked at opportunities for green lending through local banks.

- The regional project **Improving capacities to eliminate and prevent recurrence of obsolete pesticides as a model for tackling unused hazardous chemicals in the ENPI East region and Central Asia Project (2011-2018)** has been working on tackling some of the major problems in the target countries relating to the legacy of obsolete pesticides and other unused hazardous chemicals by

promoting synergies between countries and facilitating the preparation and implementation of clean-up actions or safe storage in the countries.

- The regional project **Improving Environmental Monitoring in the Black Sea – Phase II (EMBLAS-II)** (2014-2018) has been working on improvement of availability and quality of Black Sea environmental data in line with needs outlined in the EU Marine Strategy Framework Directive (MSFD) and the Black Sea Strategic Action Plan (2009). It has helped to improve partner countries' ability to perform marine environmental monitoring along MSFD principles.

- The regional project **ENI SEIS II East (2016-2020)** is focusing on implementation of the principles and practices of the Shared Environmental Information System (SEIS). The project builds on previous cooperative activities in the six Eastern Partnership countries.

The EU is also providing important funding to support investments in the environmental sector:

- EU and EIB have been investing since 2010 in Water Supply and Sanitation (over 17 M Euros EU Grant support) through the programme **Water Infrastructure Modernisation**. The programme is rehabilitating / constructing water supply and sanitation systems in 28 towns administered by United Water Supply Company of Georgia.

- The EU is supporting with a 6.2 M Euros grant the project implemented by KfW **Integrated Solid Waste Management in the Southern Caucasus**. The project is investing in all stages of the waste cycle, namely in new landfills, collection and transport as well as in waste avoidance/reduction and recycling activities in 2 pilot areas: Kutaisi in GE, and Vanadzor in Armenia.

- The EU is supporting with KfW the project **Rehabilitation of Municipal Infrastructure Facilities in Batumi** (4.2 M Euros EU Grant). The project is working on rehabilitation of municipal infrastructure facilities in Batumi and surrounding villages for the purpose of improving water supply, sewerage and wastewater disposal situation.

- EU and EIB are supporting together the project **Investment support to the Kutaisi Waste Water** (5 M Euros EU Grant support). The Project's objective is to collect and treat the wastewater of Kutaisi, the second largest city in Georgia. The sewerage network is being rehabilitated and a new wastewater treatment plant is to be built.

- The EU is to provide 8.3 M Euros grant to the EBRD implemented **Georgia Hazardous Waste Management Project**. The project is expected to start in early 2019. The project will help to develop a comprehensive and environmentally acceptable hazardous waste ("HW") management system in Georgia which will ultimately result in a cleaner and safer environment.

- The EU is to provide a 7 M Euros grant to the KfW implemented **Water Supply and Sanitation in Rural and Semi Urban Communities of Adjara**. The project is expected to start in early 2019. The Project comprises rehabilitation and implementation of communal infrastructure in the water sector (i.e. water supply and waste water treatment) in Adjara.

Two new regional projects in which Georgia will be a beneficiary are to start in early 2019:

- **EU4Environment** will aim at further policy and legislative changes, making planning and investment greener, and stimulating the uptake by the enterprise sector of innovative products and technologies. The EU4Environment will ensure continuity in supporting reforms started previously.

- **EU4 Climate** will support the development and implementation of climate-related policies by the EaP countries which contribute to their low emission and climate resilient development and their commitments to the Paris Agreement on Climate Change.

Several **other ongoing donor- funded projects** facilitate the implementation of AA obligations in the field of Nature Protection, including: field research by Ilia State University Ornithologists on 12 Bird species of Bern Convention according to Annex F - Reporting format on bird species; field research by "NACRES" on 8 habitats from resolution No. 4 (1996) of Bern Convention; Project on developing guidelines of "Appropriate Impact Assessment" - Assessment of impact on Emerald Network. Georgia has already made several steps to harmonize national legislation with the EU Directives. With the support of external assistance, the Draft Law of Georgia on Biological Diversity is in the process of elaboration.

Additional complementary assistance is needed to support the implementation of the Environment and Climate Chapters of the EU-GE AA and address existing challenges in the sectors.

## **2. DESCRIPTION OF THE ASSIGNMENT**

### **➤ Global objective**

The overall objective of the project is to support the Government of Georgia in its efforts to strengthen environmental governance, prevent environmental degradation and improve strategic environmental planning as stipulated in national legislation and as foreseen under EU-Georgia AA, the Association Agenda and the main Multilateral Environmental Agreements (MEAs).

### **➤ Specific objective(s)**

The specific objectives of this project are:

- to elaborate the by-laws under the Law on Environmental Liability
- to elaborate the National Maritime Environment Strategy and Action Programme
- to enhance capacity of Environmental Supervision Department under MEPA and of the National Environment Agency on enforcement of the requirements under Volatile organic compounds (VOCs) Directive and implementation of other Air Quality provisions included in the AA.
- to support the further development of Emerald Network on a country level and provide support to development and periodical reporting on indicators for the National Biodiversity Monitoring System (NBMS).
- to provide Ad-hoc support to MEPA and other key State Institutions following targeted requests related to the implementation of the EU-GE AA.

### **➤ Requested services, including suggested methodology<sup>4</sup>**

#### **A. Elaboration of by-laws under the Law on Environmental Liability.**

Introduction of effective system of environmental liability in Georgia is an integral part of the ongoing environmental governance reform in the country. For this purpose, MEPA has developed a draft Law on Environmental Liability in line with the Directive 2004/35/EC (ELD) under the AA that will establish legal conditions for the prevention and remediation of significant environmental damage according to the Polluter Pays Principle. The draft Law is planned to be discussed at the Autumn Session 2018 of the Parliament of Georgia.

After the adoption of the Law, it will be necessary to elaborate the Subordinate Acts, envisaged by the Law for the full implementation of the Law. Considering lack of experience and human resources in MEPA, expert assistance will be required during the year of 2019 to facilitate the development process of the sub-laws.

The **specific objective A) of the current project** will be to support the MEPA in the elaboration of the following resolutions in accordance with the Law on Environmental Liability as well as the respective RIAs.

- Government Resolution “Technical Regulations on Compensation of Environmental Damage”;
- Government Resolution “Technical Regulations on the Rules of Criteria for Determining Corrective Measures for a Person Responsible for Damaging the Environment and Rules for Drawing up a Plan of Corrective Actions”;
- Government Resolution on “Financial Guarantees of Environmental Liability”;

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<sup>4</sup> Contractors should describe how the action will contribute to the all cross cutting issues mentioned above and notably to the gender equality and the empowerment of women. This will include the communication action messages, materials and management structures.

- Government Resolution on “The Rule of Selection of Substitution / Adequate Corrective Measures on the Premises of the Damaged Territory or on Other Territories”;
- Elaboration of the Guidelines for Substitution / Adequate Correctional Measures on the Premises of the Damaged Territories or Other Territories;

In addition, the current project will share best European experience of environmental liability and provide capacity-building to the Environmental Supervision Department staff as well as training for inspectors, and other stakeholders involved in the surveillance.

## **B. Elaboration of a National Maritime Environment Strategy and Action Programme.**

The environment of the Black Sea is affected by human activities from the following economic sectors: agriculture, urban and industrial WWTPs and sewage systems; industry; shipping; ports; fishery and aquaculture; tourism / recreational sports. Their impact on the marine environment results in habitat loss, decrease of biodiversity, nutrient enrichment, input of contaminants, physical damage of the seafloor, plastic litter in the sea, also known as plastic soup, is an increasing problem that not only has negative consequences for the marine ecosystem but also has social, safety and economic influence as well as possible impact on human health.

Despite some positive regional trend in the direction of decreasing anthropogenic pressure on the Black Sea environment, it is necessary to plan and implement further significant measures so as to ensure the achievement and maintenance of a good environmental status, according to the requirements of EU Marine Strategy Framework Directive (MSFD). Approximation to the MSFD is envisaged by the AA that commits Georgia to develop a marine strategy within 8 years of the entry into force of the AA. In 2018 the Parliament of Georgia adopted the amendment to the “Law on the Marine Space of Georgia” (23.03.2018), which obliges the Ministry together with other state agencies to develop National Maritime Strategy of the Black Sea Protection and Action Programme for Achievement of Good Ecological Status of the Marine Waters by 2022 and prepares a legal basis as well. The Government of Georgia shall approve the following strategic documents no later than September 1, 2022. Initiation of development of the draft Marine Strategy is also considered by National Environmental Action Programme 2017-2021 that was developed with the support of the EU. The Marine Strategy together with the Action Programme will be a key policy framework combining national efforts for the improvement of environment of the Black Sea.

The MEPA will be responsible for overall coordination of the development of the Marine Strategy and Action Programme. It will be an intensive consultative process involving all key stakeholders, including governmental bodies, experts from civil society, academic and scientific institutions. Relevant staff of the MEPA will be engaged in the process. However, there is an obvious need for additional technical experts to assist with the data collection, analysis and development of the document. The MEPA will benefit from a team of qualified environmental international and local experts which will be responsible for the necessary strategic approach, selecting of the methodology and coordinating elaboration process including planning and drafting of the document.

The **specific objective B) of the current project** will be to support MEPA in developing a realistic, coted and action-oriented strategic document focused on application of an ecosystem-based approach to the management of human activities, enabling a sustainable use of marine goods and services to achieve the good environmental status. The project may consider establishment of an inter-agency working group and, as needed, smaller task forces to ensure active participation of all relevant state, non-governmental, scientific and academic institutions and individual experts. Contracted experts will be involved in the organisation of discussions and series of focus group workshops to prepare the draft document for further considerations and approval by the Government.

Development of the Strategy and the Program of Measures should reflect the challenges set by several international and regional MEAs including the Convention on Protection of the Black Sea Against Pollution (Bucharest Convention); Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea (2009); International Convention for the Management of Ship's Ballast Water and Sediments (BWM Convention); MARPOL 73/78 and Annexes. Moreover, it should be in line with European policy targets in the Black Sea region and should have synergy with ongoing EU funded projects as well.

**C. Enhancement of capacity of Environmental Supervision Department under MEPA and of the National Environment Agency on enforcement of the requirements under Volatile organic compounds (VOCs) Directive and implementation of other Air Quality provisions included in the AA.**

Volatile organic compounds (VOCs) are among the main pollutants of ambient air. Together with their negative effects on human health and ecosystems, they are also precursors of tropospheric ozone. Petrol distribution and use of organic solvents in certain paints and varnishes and vehicle refinishing products are among the main sources of VOCs emissions. MEPA is actively working on introduction of legal requirements on petrol distribution and limitation of use of organic solvents in certain products.

Within the AA, in particular, limitation and control of VOCs emissions from above mentioned types of sources are considered by Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations and Directive 2004/42/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products. Relevant activities are also included within the NEAP3.

Directive 1994/63/EC contains measures that terminals should employ such as floating roofs and reflective coatings so as to reduce evaporative losses from storage tanks. In addition when petrol is loaded onto tankers and transported to service stations, the directive request that any vapors should be recovered and returned to the tanker or terminal. The aim of the Directive 2004/42/EC is to limit the total content of VOCs in certain paints and varnishes and vehicle refinishing products in order to prevent or reduce air pollution resulting from the contribution of VOCs to the formation of tropospheric ozone. This aim is achieved through definition of maximum allowable concentration of VOC in certain paints and varnishes which are allowed to be placed on market.

In order to introduce relevant and efficient regulation on petrol distribution and limitation of use of organic solvents in certain products, assessment of the current situation is necessary. The responsibility to enforce the new regulation and to control placement on the market of certain products (paints, varnishes and vehicle refinishing products) with established limits of organic solvents lies on Environmental Supervision Department under MEPA which lacks capacity to properly implement the duties.

The EU-GE AA also contains commitments regarding application of numerous provisions of the three following Air Quality Directives:

- Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe
- Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.
- Directive 1999/32/EC of 26 April 1999 relating to a reduction of sulphur content of certain liquid fuels as amended by Regulation (EC) No 1882/2003 and Directive 2005/33/EC

The **specific objective C) of the current project** will be to enhance capacity of Environmental Supervision Department under MEPA and of the National Environment Agency on enforcement and

monitoring of the requirements under VOCs Directives through assessment of the current situation and organisation of relevant trainings and capacity-building. Additional support will also be provided to the implementation of several provisions of other Air-Quality directives included in the EU-GE AA.

**D. Support to further development of Emerald Network on a country level combined with support to development and periodical reporting on indicators for the National Biodiversity Monitoring System (NBMS).**

Georgia as a party to the Bern Convention has committed to establish new type of protected areas - Emerald Sites and to protect Bern Convention species and habitats according to "Favorable Conservation Status". The EU-Georgia AA also includes a number of obligations for Georgia in this direction. In particular, Directive on the conservation of natural habitats and wild fauna and flora (92/43/EC) envisages the following activities:

- completion of inventory of Emerald sites, designation of these sites and establishment of priorities for their management;
- establishment of measures required for the conservation of such sites;
- establishment of a system to monitor the conservation status of pertinent habitats and protected species as relevant for Georgia;
- establishment of a strict species protection regime for species listed in Annex IV of this Directive as relevant for Georgia and in line with reservations made by Georgia for some species in the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats;

Georgia has been developing Emerald Network in the country. Currently Georgia has identified 58 Emerald sites in total, from which 3 sites were designated in 2017 on the 37th Session of Standing Committee of the Bern Committee, 35 sites are candidate and 20 are proposed. On the 38th Session in November 2018, 36 sites were to be designated, which means that according to the Bern Convention, Georgia will have to elaborate management plans for 36 sites by 2024 and for 3 sites by 2023.

If some of the Emerald sites identified so far match the national protected areas (which already have management plans), the specificities of Emerald Network need to be reflected into them. Further actions are therefore needed in order for Georgia to fulfil its commitments under the Bern Convention and the EU-Georgia AA, in particular:

- Development of management plans as well as monitoring and conservation activities of each Emerald Network site for the next 6 year cycle. These needs are especially significant for the sites that are outside of existing Protected Areas.
- Integration of Management plans and monitoring activities of Emerald Network sites into the management plans of existing Protected Areas.

As a Party to the Rio Conventions, Georgia has to monitor and collect information on the state of its ecosystems, including biodiversity components, land and water resources, as well as on those factors affecting their integrity and availability. The establishment of a system to monitor conservation status of pertinent habitats and protected species is one of the obligation of Georgia under AA. The article 18 of the draft Law on Biological Diversity covers National Biodiversity Monitoring System (NBMS) related matter, which will be followed by subsidiary law, identifying roles and responsibilities of relevant agencies.

The establishment of the NBMS started in 2007 in Georgia and since then, some important steps have been accomplished. The set of indicators were adopted by the Minister of Environment and Natural Resources Protection of Georgia in 2012. In 2017, the council of National Biodiversity Monitoring System as well as set of indicators have been updated, however the updated indicators have not been adopted by the Minister. Additional internal procedures are needed in order to adopt

the set of indicators that are to be periodically calculated with the support of GIZ in frames of "IBIS" project (coming to an end in November 2019), as well as with the assistance from other donors.

The **specific objective D) of the current project** will be to support MEPA in the process of further development of Emerald Network on a country level and development of NBMS through:

- Establishment of Emerald Network working group (1-2 persons) that will be involved in activities of developing management plans for each Emerald Network site;
- Organization of site by site activities such as surveying local communities, arranging workshops with local communities where advantages of Emerald sites will be analyzed;
- Adoption and integration of management plans of Emerald Network sites within and outside of PAs;
- Research work assistance;
- Provision of updates and on time analysis of Bern Convention documentation;
- Preparation for the future management of these areas
- Support in the development and periodical reporting on indicators for National Biodiversity Monitoring System that involves development of methodologies, calculations and reporting of all the biodiversity relevant indicators

**E. Ad-hoc support to MEPA and other key State Institutions following targeted requests related to the implementation of the EU-GE AA.**

The commitments of Georgia in the Environment sector are numerous under the EU-GE AA. These concern a variety of areas such as:

- (a) environmental governance and horizontal issues, including strategic planning, environmental impact assessment and strategic environmental assessment...
- (b) air quality;
- (c) water quality and resource management, including flood risk management, water scarcity and droughts as well as marine environment;
- (d) waste management;
- (e) nature protection, including forestry and conservation of biological diversity;
- (f) industrial pollution and industrial hazards, and
- (g) chemicals management.

The **specific objective E) of the current project** will be to support MEPA and other State Institutions in the development of key legislations, by-laws, regulations and action plans, including RIAs and costing, under the sectors mentioned above for activities not already covered by other donor support. The project will also provide necessary capacity-building for the implementation of the documents developed. The requests under this specific objective will be ad-hoc and the project will answer to these taking into consideration the man-days capacities of the project.

The principal beneficiary of the Project is the Ministry of Environmental Protection and Agriculture of Georgia (MEPA). In addition, the assignment will target all relevant stakeholders involved in the environmental sector in Georgia: the National Environmental Agency, other State bodies, civil society, donors and international financial institutions.

➤ **Required outputs**

The main outputs of the projects will be the following for each sub-component:

**A. Elaboration of by-laws under the Law on Environmental Liability.**

- Subordinate Acts adopted
- Inspectors trained
- Guidelines developed and implementation of the latter started

**B. Elaboration of a National Maritime Environment Strategy and Action Programme.**

- Inception report including the scope of the work, the management and implementation arrangements, the costing, the detailed methodology including the agreed structure and format of the National Marine Strategy and Action Programme document and annexes, and the work plan for the implementation of the assignment;
- Full support for all required consultation workshops and final visibility event;
- First draft of the document plus annexes (draft final report);
- Full support for required public discussion(s);
- Final version of the document plus annexes (final report).

**C. Enhancement of capacity of Environmental Supervision Department under MEPA and of the National Environment Agency on enforcement of the requirements under Volatile organic compounds (VOCs) Directive and implementation of other Air Quality provisions included in the AA.**

- Inspectors of Environmental Supervision Department trained to enforce legal requirements on measures to reduce VOCs emission from petrol distribution.
- Inspectors of Environmental Supervision Department trained to control placement on the market of certain products (paints, varnishes and vehicle refinishing products) with established limits of organic solvents.
- Capacity of existing petrol distribution system in the country assessed to fulfil appropriate requirements.
- Existing levels of organic solvents in certain products that are imported or produced in the country assessed.
- Provisions of other EU Air-Quality Directives included in the EU-GE AA implemented

**D. Support to further development of Emerald Network on a country level combined with support to development and periodical reporting on indicators for the National Biodiversity Monitoring System (NBMS).**

- Support to development of management plans of Emerald sites provided
- Support provided to integration management plans of Emerald sites into Protected Areas existing management plans
- Support to monitoring processes on each Emerald site provided.
- Relevant workshops organised with local communities experts on the preparation of management plans
- Total set of indicators for National Biodiversity Monitoring System (NBMS) developed
- Reports on each indicator developed
- Methodologies of each indicator developed

**E. Ad-hoc support to MEPA and other key State Institutions following targeted requests related to the implementation of the EU-GE AA.**

- Relevant policy and legal documents, including RIA and costing, prepared following targeted request of MEPA and other key State Institutions
- Relevant capacity-building provided following targeted request of MEPA and other key State Institutions

➤ **Language of the Specific Contract**

The language of the specific contract will be English.

### 3. EXPERTS PROFILE or EXPERTISE REQUIRED

Note that civil servants and other staff of the public administration, of the partner country or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave.

All experts should spend **at least 85%** of their working days in the beneficiary country. Working days outside the beneficiary country should be justified and are subject to prior written approval of the EUD Project Manager.

#### ➤ Number of requested experts<sup>5</sup> per category

The assignment shall be carried out by experts as follows:

Profile of the expert	Number	Category	Working days
Expert 1 (Team Leader/ Senior Expert in Environment)	1	Category I	230 days
Expert 2 (Deputy Team Leader / Expert in Environmental Liability)	1	Category I	120 days
Team Expertise	Up to 5 experts	Category I	Approximately 250 days
		Category II	Approximately 250 days

#### ➤ Profile per Expert or Expertise required:

##### KEY EXPERTS

##### Expert I (Team Leader/ Senior Expert in Environment)

##### Category I

The Team Leader will have the overall responsibility for the coordination and smooth implementation of the project, for ensuring results-oriented (vs. input-oriented) planning and monitoring of activities, for the efficient use of project human and financial resources. This includes the timely submission of reports and the responsibility for all contractual and logistic arrangements related to the project.

The Team Leader will manage the team of experts, supervise all aspects of the project's work, ensure good and regular communication with the project's stakeholders and the Contracting Authority and will organise all administrative and logistic support for the project.

The Team Leader/ Senior expert in environment will be in charge of supporting also with its own expertise the implementation of all the components of the project.

Apart from the MEPA and the NEA, s/he will actively collaborate with the Government institutions- in particular MFA- Parliament, other national stakeholders; as well as with the EU Delegation.

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<sup>5</sup> The European Union pursues an equal opportunities policy. Gender balance in the proposed team, at both administrative/secretarial and decision-making levels, is highly recommended.

*Qualifications and skills:*

- Education at least Master's Degree in Environmental Policy, Environmental Sciences, Environmental Economics, Environmental Engineering, Environmental Law or equivalent. In the absence of the required academic degree, four (4) years of professional experience on top of the 12 years of professional experience in the Environmental sector under General professional experience below.

*General professional experience:*

- Minimum 12 years as public official or advisor or consultant in the Environmental sector in the EU.

*Specific professional experience:*

- Minimum 4 years as international consultant on EU approximation in Enlargement or Eastern Partnership countries.
- Asset: At least 2 years of experience as a Team Leader in an EU-funded project in the Environmental sector.
- *Language skills:* Excellent written and spoken English.

**Expert II (Deputy Team Leader / Senior Expert in Environmental Liability)**

**Category I**

The Deputy Team Leader/ Senior expert in Environment Liability will be directly responsible for the implementation of the first component of the project focused on Environment liability. He will also support the Team Leader in the coordination of the Project.

*Qualifications and skills:*

- Education at least Master's Degree in Environmental Law, Environmental Policy, Environmental Economics, Environmental Sciences or equivalent. In the absence of the required academic degree, two (2) years of professional experience on top of the 12 years of professional experience in the Environmental sector under General professional experience below.

*General professional experience:*

- Minimum 12 years as public official or advisor or consultant in the Environmental sector in the EU.

*Specific professional experience:*

- Minimum 4 years of experience in Environmental liability
- Asset: At least 2 years as international consultant on EU approximation in Enlargement or Eastern Partnership countries.

*Language skills:*

- Excellent written and spoken English.

**TEAM EXPERTISE (up to 5 experts)**

The team of experts should have the necessary capacity to implement the activities B, C, D, E of the Contract and support the two Key-Experts in the overall implementation of the project.

The team of experts should be composed of the following skills:

### **Category I**

*Qualifications and skills:*

- Education at least Master's Degree in Environmental Law, Environmental Policy, Environmental Economics, Environmental Sciences or equivalent. In the absence of the required academic degree, two (2) years of professional experience on top of the 12 years of professional experience in the Environmental sector under General professional experience below.

*General professional experience:*

- Minimum 12 years as public official or advisor or consultant in the Environmental sector in the EU.

*Specific professional experience:*

- Minimum 4 years of experience in Marine Environment or Air Quality or Nature Protection.

- Asset: At least 2 years as international consultant on EU approximation in Enlargement or Eastern Partnership countries.

*Language skills:*

- Excellent written and spoken English.

### **Category II**

*Qualifications and skills:*

- Education at least Master's Degree in Environmental Law, Environmental Policy, Environmental Economics, Environmental Sciences or equivalent. In the absence of the required academic degree, two (2) years of professional experience on top of the 6 years of professional experience in the Environmental sector under General professional experience below.

*General professional experience:*

- Minimum 6 years as public official or advisor or consultant in the Environmental sector in the EU

*Specific professional experience:*

- Minimum 4 years of experience in Marine Environment or Air Quality or Nature Protection.

- Asset: At least 1 year as international consultant on EU approximation in Enlargement or Eastern Partnership countries.

*Language skills:*

- Excellent written and spoken English.

➤ **Management team member presence required or not for briefing and/or debriefing**

At least one member of the Management team should be present at the kick-off meeting with the Programme Officer in the EU Delegation as well as with the beneficiaries of the project in MEPA. This meeting should be planned at the start of the mission (March 2019).

#### **4. LOCATION AND DURATION**

➤ **Starting period**

The intended start date of the contract is 18<sup>th</sup> March 2019.

➤ **Foreseen finishing period or duration**

The duration of the contract will be 18 months from the starting date.

➤ **Planning, including the period for notification for placement of the staff as per Article 16.4 a) of the General Conditions**

Assignments shall start with an inception phase of approximately 3 weeks which will lead to the delivery of the inception report in the first 5 weeks after the start of the project.

The planning and organisation of project team should be defined during the inception phase and approved by the Project Manager in the EU Delegation as well as Beneficiary.

➤ **Location(s) of assignment: in case of more than 1 location of assignment, identify the main location and for each location the working days per expert needed**

The project will be based in Tbilisi, Georgia. A few project activities may take place in the regions of Georgia and these will be covered through the incidentals of the project. Approval for these missions will need to be requested to the EUD Project Manager.

➤ **Facilities to be provided by the Contracting Authority and/or other parties**

Office accommodation will be provided by the Government of Georgia.

#### **5. REPORTING**

➤ **Content**

In addition to any documents, reports and output specified under the duties and responsibilities of each key expert above, the Contractor shall provide the following reports:

Name of report	Content	Time of submission
Inception Report	Analysis of existing situation and work plan for the project	By the end of the Inception Phase (maximum 4 weeks)
6-month Progress Report	Short description of progress (technical and financial) including problems encountered; action plan for	No later than 1 month after the end of each 6-months implementation period.

	the next 6 months accompanied by an invoice and the expenditure verification report.	
Draft Final Report	Short description of achievements including problems encountered and recommendations.	No later than 1 month before the end of the implementation period.
Final Report	Short description of achievements including problems encountered and recommendations; a final invoice and the financial report accompanied by the expenditure verification report.	Within 1 month of receiving comments on the draft final report from the Project Manager identified in the contract.

➤ **Language**

The language of the reports is English.

➤ **Submission/comments timing**

Two copies of the reports referred to above must be submitted to the Project Manager identified in the contract. The reports must be written in English. The Project Manager is responsible for approving the reports.

Prior to submission to the EU Project Manager for formal approval, narrative progress reports shall be submitted by the Team leader to the members of the Steering Committee (SC) two weeks prior to each SC meeting, for review, commenting and approval by the Committee.

➤ **Management structure**

A **Project Steering Committee (SC)** will be established at the outset of the assignment. It will include the representatives of the MFA, MEPA, National Environmental Agency, Parliament (Environmental Protection and Natural Resources Committee), and the EU Delegation to Georgia, as permanent members and other stakeholders in case of necessity. MEPA will chair the SC and will be responsible for calling the SC meetings. The project Team Leader will act as a secretary of the SC (including circulation of agenda, keeping of minutes and organizing the meetings) and will receive feedback from the members and consequently make respective amendments to its action plan if needed.

The main functions of the Project Steering Committee will be supervising the implementation and the planning of activities. More specifically, it will:

- provide strategic guidance for the implementation
- assess project progress
- discuss and resolve obstacles to project implementation;
- take decisions related to the timing, sequencing, cost or content of project activities;
- assess the performance of the Contractor;
- comment and/or discuss the progress reports submitted by the Contractor.

The Project Steering Committee will meet at least once every six months, or more frequently if needed, at the request of at least one of its members. The first SC meeting shall be organised for the discussion of the Inception Report.

➤ **Number of report(s) copies**

Each report shall be signed, scanned and submitted electronically for comments. The final version of each report shall be signed, scanned and submitted electronically (in USB in case too bulky size) to the EU Delegation and the Beneficiaries.

## **6. INCIDENTAL EXPENDITURE**

The Contractor shall ensure sufficient provision of incidental expenditure, which may cover the following costs:

- Costs related to traveling from the operational bases of the project to other locations in Georgia for the purpose of the project as well as per diem.
- Trainings/Capacity Building expenses.
- Translation costs.
- Communication event at the end of the project.

Events should be primarily held in relevant locations linked to the project activities or at beneficiaries' premises. Hotel conference rooms should be avoided, if possible. Where outside locations are necessary, modest venues shall be chosen and locations avoiding carbon print increase to the extent possible.

In addition, the provision for expenditure verification covers the fees of the auditor charged with verifying the expenditure of this contract in order to proceed with the payment of any pre-financing instalments and/or interim payments. The provision for expenditure verification for this contract is **EUR 6,000**. This amount must be included unchanged in the Budget breakdown. This provision cannot be decreased but can be increased during execution of the contract.

Please note that in Georgia all EU funded projects are exempted from VAT. The Contractor is invited to obtain information from the Contracting Authority concerning relevant procedures well in advance.

No equipment is to be purchased on behalf of the Contracting Authority / beneficiary country within the context of this contract (neither in the context of individual assignments).

This contract is fee-based with a maximum budget of **976,000.00 EUR**.

## **7. MONITORING AND EVALUATION**

➤ **Definition of indicators**

Both quantitative and qualitative measurements should be used in monitoring and evaluation of the results of the Project. The Contractor shall develop realistic and measurable performance indicators for each of the results defined under these Terms of Reference in the Organisation and Methodology; they shall be further detailed in the logical frameworks attached to the Inception Report. Indicators shall measure achievement of results, purposes and objectives of the project.

The indicators shall be agreed upon with the beneficiaries and the Contractor shall be able to collect the data needed for verification.

**Quantitative measurements** shall be defined in objective terms of statistical records, *e.g.* number of trainings and participants, certificates provided, number of provided analyses, etc.

**Qualitative measurements** shall be derived from subjective analyses such as surveys, opinion polls, external assessments, approximation of legislation, adequate monitoring mechanisms in place etc.

Monitoring and Evaluation of the project will be conducted using the project-specific logframe, to be encoded in the EU projects monitoring system [OPSYS](#) (once released). The contractor should report on the results at impact, outcome and output levels, linked to sources of verification presented in the logframe. Reporting will be carried out through Progress, Interim and Final Reports as laid down in the terms of reference / project description and general conditions. For the better quality of the logframes and indicators, the contractors are encouraged to get familiar with [DG NEAR guidelines on Indicators](#) -P. 45 (see [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial\\_assistance/phare/evaluation/2016/20160831-dg-near-guidelines-on-linking-planning-progrming-vol-1-v-0.4.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/phare/evaluation/2016/20160831-dg-near-guidelines-on-linking-planning-progrming-vol-1-v-0.4.pdf)) and the [EU Results Framework](#) (see <https://europa.eu/capacity4dev/eu-rfi>). Wherever an indicator set out in the project logframe is also reflected in the EU Results Framework, project reporting will also cover it.

## **8. VISIBILITY**

A Communication plan for the 18 months of the project will have to be prepared at the outset of the project.

The Contractor must comply with the latest Communication and Visibility Manual for EU External Action (see [https://ec.europa.eu/europeaid/funding/communication-and-visibility-manual-eu-external-actions\\_en](https://ec.europa.eu/europeaid/funding/communication-and-visibility-manual-eu-external-actions_en)) as well as Georgia-specific "Guidelines for Communication and Visibility" that will be provided by the EU Delegation at the start of the project. The compliance with these requirements will be output of the contract and the Contractor shall include in its regular reporting what have been accomplished.

One important communication event will have to be organised together with beneficiaries at the end of the project in order to present the results of the project. A press-release will have to be drafted and invitation sent to local media. The estimated participation to this event will be of minimum 50 persons.

The Contractor shall ensure the capitalisation and sharing of knowledge related to the implementation of the project. It concerns observations of technical and pedagogical value, which are interesting for other professionals, and which do not infringe with the obligations of article 14 of the General Conditions of the Contract. For sharing such information, the Contractor shall use the [capacity4dev.eu](http://capacity4dev.eu) web platform.