



TERMS OF REFERENCE

Job Title:	National Legal Consultant to support the development of regulatory framework for services delivery by the Public Institution National Administration “Apele Moldovei”
Duty Station:	Chisinau
Project reference:	Support to the Moldovan Authorities for the Sustainable Management of the Dniester River (Dniester 2 Project)
Contract type:	Individual Contract (IC)
Contract Duration:	45 working days during 1 July – 31 October 2025

I. BACKGROUND:

Sustainable management of water resources in accordance with the principle of integrated water management is a priority for Moldova. For further development of the water policy and improvement of the regulatory framework, the Ministry of Environment, with the support of its subordinated institutions, is responsible for ensuring an ongoing dialogue with the two neighboring countries on the integrated management of transboundary water resources, with the goal to ensure the quality and quantity of water needed for both sustainable socio-economic development of the country and a healthy environment.

In the process of improving the national regulatory framework, and harmonizing the environmental legislation with the provisions of European Union (EU) legislation, the national environmental protection system faces many constraints, mainly related to outdated standards, normative acts, capacity of responsible institutions, shortage of qualified staff in the government sectoral institutes, etc.

The importance of integrated management of the Dniester River is indisputable for the Republic of Moldova. It is the Republic of Moldova’s largest river, covering 70% of the country’s water consumption needs, thus being considered a strategic surface water resource for both environmental and socio-economic security of the country. At the same time, the Dniester River is Ukraine’s second largest river in terms of water discharge.

The strategy of the project “Support to the Moldovan authorities for the sustainable management of the Dniester River” is to improve environmental and social conditions in the Dniester River Basin District through enhanced management of water resources on the basis of an updated regulatory framework, a comprehensive and reliable river basin management planning, improved water management institutional capacities and implementation of practical environmental activities that would improve the ecological status of the Dniester River, identified as part of the Dniester Impact Study (2021).

The Overall Objective of the project is to increase the capacity of the Moldovan Government to sustainably manage the Dniester River basin at the national and transboundary levels, including:

- 1) To ensure that the Republic of Moldova has a sufficient regulatory framework for sustainable river management based on the basin-wide approach supported by the EU WFD provisions,

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- 2) To provide the Moldovan Government with a comprehensive and realistic Management Plan for the Dniester River Basin developed in compliance with the EU WFD,
- 3) To provide continuous support for the enhancement of capacities of national authorities responsible for water management, as well as the Moldovan representatives under joint Moldovan and Ukrainian bodies tasked with cross-border management of the Dniester River
- 4) To improve the social, economic, and environmental conditions of the Dniester River.

The project duration is from August 2022 through August 2026.

II. OBJECTIVE:

The Public Institution National Administration “Apele Moldovei” was established through Government Decision No. HG849/2024 of 18 December 2024, which approved the reorganization of the former administrative authority “Apele Moldovei” Agency, subordinated to the Ministry of Environment. This transformation involved the merger (absorption) of three state-owned enterprises and namely, the State Enterprise “River Basin Water Management Directorate,” the State Enterprise “Nistru-Center Water Management System,” and the State Enterprise “Costești Hydrotechnical Node Directorate.” The Ministry of Environment performs, on behalf of the state, the role of founder of the Public Institution.

Thus, the National Administration “Apele Moldovei” is the state authority responsible for implementing the national legislation on the management and protection of water resources, as well as the maintenance and safeguarding of hydrotechnical infrastructure that is public property. It shall play a central role in ensuring the sustainable management and protection of water bodies being tasked also with preventing and mitigating the risks posed by floods and droughts, thereby protecting both the population and agricultural land.

According to its mandate, the Administration shall develop and implement programs, plans, and measures for integrated water resource management. It shall manage the land belonging to the state water fund, hydrotechnical infrastructure, and state-owned reservoirs and ponds, excluding those associated with land reclamation systems. Furthermore, it shall oversee the maintenance and operation of surface and groundwater bodies and hydrotechnical structures in accordance with Article 50(2) of the Water Law No. 272/2011.

The Administration also shall coordinate and monitor the creation and operation of river basin district and sub-basin committees, which are vital platforms for participatory governance in water management. It shall provide the secretariat for the Nistru and Danube-Prut and Black Sea river basin district committees and offer technical and organizational support to bilateral transboundary water commissions involving the Republic of Moldova.

In line with Articles 5 and 6 of the Water Law, the Administration shall ensure the integrated management of water resources and oversee the execution of works related to the construction, maintenance, reconstruction, and decommissioning of state-owned hydrotechnical infrastructure. It shall conduct thematic surveys of reservoirs to identify potential risks and manage the Automated Information System known as the “State Water Cadastre.”

As part of its broader environmental responsibilities, the institution shall identify and map protected zones, compile lists of reservoirs and ponds proposed for liquidation, and submit them to the founding authority. It also shall collect primary field data on the condition of the water fund and hydrotechnical

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infrastructure and ensure the implementation of externally and nationally funded technical assistance and investment projects in the water sector.

Importantly, the Administration shall collaborate with Romanian authorities in the joint operation of the Costești-Stânca Hydrotechnical Node, ensuring the coordinated regulation of the hydrological regime on the Prut River, which is critical for transboundary water management and regional stability.

The financial resources of the Public Institution National Administration “Apele Moldovei” are drawn from a diversified set of sources, designed to ensure the institution’s capacity to fulfill its mandate effectively. According to the Regulation on its organization and functioning, the Administration’s primary source of funding is the state budget, allocated through the central public authority responsible for environmental matters. These funds are intended to support the execution of responsibilities delegated by the founding authority, including the management, monitoring, and control of water resource programs, projects, and flood and drought risk mitigation measures.

In addition, the Administration may receive supplementary allocations from the state budget to implement additional tasks entrusted by the founder. These allocations may constitute up to 10% of the overall budget of the respective programs and projects, providing the flexibility needed to respond to emerging priorities within its mandate.

Further financial support may come from donations, grants, and revenues generated through the management of external funds under international and bilateral agreements. These resources play an important role in supporting technical assistance and investment activities, particularly in collaboration with development partners.

In addition, the institution shall generate income through the delivery of services and execution of specialized works such as technical expertise, maintenance of hydrotechnical infrastructure, and water management operations. Additional revenue shall be collected from the lease or assignment of use rights for hydrotechnical assets and associated lands, thus contributing to the effective utilization and stewardship of public infrastructure.

Moreover, tolls shall be collected for crossing the Costești-Stânca dam on the Prut River, as established by Government Decision No. 853/1999, which authorized the structure for international road traffic and set the legal basis for toll collection.

Together, these financing mechanisms provide the institutional and financial foundation for the Administration’s work in the sustainable management of Moldova’s water resources.

According to the institution’s regulation, funding from the state budget must be prioritized for activities of national and social importance, such as the construction, maintenance, reconstruction, and demolition of water management infrastructure that is public property of the state (e.g., river dredging, protective dike reconstruction, and dam rehabilitation). For other types of activities that do not fall under this category, the Administration is expected to gradually reduce its reliance on public budgetary support. This transition is intended to foster greater financial autonomy and ensure that public funds remain focused on strategically significant national interventions.

However, the institution currently lacks a standardized methodology for calculating the costs for provision of services, which hinders transparent pricing, sustainable financial planning, and cost recovery. To

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support the Administration in addressing this gap, the present assignment aims to develop the necessary regulatory and procedural framework.

Specifically, the following documents shall be developed:

1. Methodology on tariff calculation, which establishes the procedures and formulas for setting service fees based on a full cost-recovery approach. This includes defining and incorporating direct costs, indirect costs, and operational expenses.
2. Catalogue (nomenclature) of services with associated tariffs, which provides a detailed listing of all the chargeable services offered by the institution, along with their corresponding fees.

The development and implementation of these instruments are essential to improve financial transparency, enhance service delivery, ensure compliance with national public finance requirements, and support the long-term financial sustainability of the National Administration “Apele Moldovei.”

III. SCOPE OF WORK AND EXPECTED OUTPUTS:

The objective of this assignment is to provide technical support to the Government of the Republic of Moldova is:

1. Develop the Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs and provide the necessary support throughout the official endorsement process and public consultations.
2. Develop the RIA Report on Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs in accordance with the Methodology for impact analysis in the process of substantiation of draft regulatory acts approved by Government Decision No. 23/2019 and taking into account the comments and proposals of the Working Group of the State Commission for Regulation of Entrepreneurial Activity (SCREA).
3. Provide inputs to ensure the legal requirements and technique are met during the development of the Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs in accordance with the provisions of Law No. 100/2017 on Normative Acts.

This assignment will be conducted under the supervision of the Project Manager in close collaboration with the staff of the Division for Integrated Water Resources Management Policies of the Ministry of Environment and the „Apele Moldovei” Agency.

The National Legal Consultant will work with and support the Economic Consultant contracted by the Dniester 2 Project for the purpose of developing the Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs. The National Legal Consultant will ensure that the documents comply with legal requirements and techniques.

The main tasks of the National Legal Consultant include:

1. Develop the draft Informative Note and Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs and provide the necessary support throughout the official endorsement process and public consultations.
2. Develop the RIA Report on Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs in accordance with the

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Methodology for impact analysis in the process of substantiation of draft regulatory acts approved by Government Decision No. 23/2019.

3. Provide inputs to ensure the legal requirements and technique are met during the development of the Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs in accordance with the provisions of Law No. 100/2017 on Normative Acts.
4. Participate in the meeting of the Working Group (WG) of the State Commission for Regulation of Entrepreneurial Activity (SCREA) and provide support in the process of revision of the draft RIA Report on the draft Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs in accordance with WG comments.
5. Provide support during the official endorsement and public consultation of the draft Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs and prepare the final package for submission of the Government Decision to the State Chancellery.

The Legal Consultant is expected to deliver the following outputs as per the below-identified timeline and anticipated workload:

No.	Deliverables	Tentative timeframe
1	Deliverable 1: Draft Government Decision, draft Information Note, draft RIA Report on Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs; inputs to ensure the legal requirements and technique are met during the development of the Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs.	By August 2025 25 w.d.
2	Deliverable 2: Report on participation in the meeting of the WG SCREA and final RIA Report on Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs revised in accordance with comments provided by the WG SCREA.	By September 2025 5 w.d.
3	Deliverable 3: Final Package for the approval of Government Decision on approval of Methodology on tariff calculation and Catalogue (nomenclature) of services with associated tariffs, including Summary table of objections proposals, and recommendations received during the endorsement process; Comparative table along with a Report on public consultations, prepared in compliance with legal requirements.	By October 2025 15 w.d.

IV. FINANCIAL ARRANGEMENTS:

The financial proposal shall specify a total amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e., whether payments fall in instalments or upon completion of the entire contract). Payments are based upon output, i.e., upon delivery of the services specified in TOR. To assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this total amount (including the daily fee, taxes, and the number of anticipated working days).

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Payments will be disbursed in several instalments, upon approval of deliverables by the Ministry of Environment, and certification by Project Manager and UNDP Moldova Programme Specialist/Cluster Lead that the services have been satisfactorily performed.

V. CONFIDENTIALITY

Materials provided to the Consultant and all proceedings within the consultancy contract shall be regarded as confidential, both during and after the consultancy. Violation of confidentiality requirements may result in immediate termination of the contract.

VI. QUALIFICATIONS AND SKILLS REQUIRED:

Academic Qualifications:

- An advanced degree (Master's or Ph.D.) in law, environment management, policy development, or other relevant fields is required.

Experience:

- At least 5 years of proven professional experience in water management, environmental project implementation, environmental/water law enforcement or other relevant areas.
- At least 3 years of experience working in the field of water lawmaking and regulatory impact assessment.
- Experience in working within UNDP, UNEP, WB, and/or EU-funded projects or other international organizations would be an asset.

Competencies:

- Knowledge of the provisions of the Water Law 272/2011 and the Town Planning and Building Code 434/2023 and their implementation framework with reference to water infrastructure.
- Knowledge of the procedure for drafting normative acts, as established by Law 100/2017 regarding normative acts.
- Knowledge of the RIA development procedure, as established by the Governmental Decision 23/2019.
- Strong interpersonal and communication skills, ability to work with the private sector, demonstrated by previous assignments.
- Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments.
- Fluency in Romanian. Good working knowledge of English would be an asset.

VII. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Interested individual consultants must submit the following documents/ information to demonstrate their qualifications:

- CV, including information about past experience in similar assignments and contact details for at least 3 referees.
- Brief description of why the individual considers him/herself as the most suitable for the assignment.
- Offeror's Letter confirming Interest and Availability with financial proposal (in USD, specifying the total lump sum amount). Financial proposal template prepared in compliance with the template in Annex 2.

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Important notice: The applicants who have the statute of Government Official / Public Servant prior to appointment will be asked to submit the following documentation:

- a no-objection letter in respect of the applicant received from the Government.
- the applicant is certified in writing by the Government to be on official leave without pay for the entire duration of the Individual Contract.

VIII. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- An advanced degree (Master's or Ph.D.) in law, environment management, policy development, or other relevant fields is required
- At least 5 years of proven professional experience in water management, environmental project implementation, environmental/water law enforcement or other relevant areas
- At least 3 years of experience working in the field of water lawmaking and regulatory impact assessment
- Citizenship of the Republic of Moldova

The award of the contract shall be made to the individual consultant if the technical and financial offers have been evaluated and determined as responsive, compliant, and acceptable.

The short-listed individual consultants will be further evaluated based on the following methodology:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/ compliant/ acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight – 60% (300 pts);

* Financial Criteria weight – 40% (200 pts).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
An advanced degree (Master's or Ph.D.) in law, environment management, policy development, or other relevant fields is required	<i>Master's degree – 5 pts, Ph.D.'s degree – 10 pts</i>	10
At least 5 years of proven professional experience in water management, environmental project implementation, environmental/water law enforcement or other relevant areas	<i>5 years – 30 pts, each additional year of experience – 10 pts, up to a maximum of 60 pts</i>	60
At least 3 years of experience working in the field of lawmaking and regulatory impact assessment	<i>3 years – 20 pts, each additional year of experience – 10 pts, up to a maximum of 50 pts</i>	50

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Experience in working within UNDP, UNEP, WB, and/or EU-funded projects or other international organizations	Yes/No, 10 pts	10
Subtotal technical – 130 pts.		
Interview (demonstrated technical knowledge and experience; communication/ interpersonal skills; initiative; creativity/ resourcefulness) Only the first 5 applicants that have accumulated the highest technical score shall be invited to the interview.		
Knowledge of the provisions of the Water Law 272/2011	<i>Limited – up to 20 pts, good – up to 40 pts, excellent – up to 50 pts</i>	165
Knowledge of the procedure for drafting normative acts, as established by Law 100/2017 regarding normative acts	<i>Limited – up to 15 pts, good – up to 25 pts, excellent – up to 40 pts</i>	
Knowledge of the RIA development procedure, as established by the Governmental Decision 23/2019	<i>Limited – up to 10 pts, good – up to 20 pts, excellent – up to 30 pts</i>	
Strong interpersonal and communication skills, demonstrated by previous assignments	<i>Limited – up to 5 pts, good – up to 10 pts, excellent – up to 15 pts</i>	
Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments	<i>Limited – up to 5 pts, good – up to 10 pts, excellent – up to 15 pts</i>	
Fluency in Romanian and good working knowledge of English. Knowledge of Russian would be an asset	<i>Each language 5 pts, up to 15 pts</i>	
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment*	<i>No – 0 pts, to one group – 2.5 pts, to two or more groups – 5 pts</i>	5
Subtotal interview – 170 pts.		
Maximum Total Technical Scoring		300

*Under-represented group in the area of assignment are persons with disabilities, LGBTI, ethnic and linguistic minorities, especially ethnic Gagauzians, Bulgarians, Roma, Jews, people of African descent, people living with HIV, religious minorities, especially Muslim women, refugees, and other non-citizens.

Financial	
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation F_{min} – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round F – financial offer under consideration	200

Winning candidate

The winning candidate will be the candidate who has accumulated the highest aggregated score (technical scoring + financial scoring).