

Terms of Reference (ToR) for
Short-term Expert on public participation
and EIA institutional development (EIA Support Expert)

Technical assistance requested: One (1) Short-term Expert on public participation
and EIA institutional development (EIA Support Expert)

The Project

Title: Support to Ukraine in approximation of the EU environmental Acquis (APENA)

Ref: EuropeAid/135825/DH/SER/UA

Main beneficiary: Ministry of Ecology and Natural Resources of Ukraine

Financing institution: European Union

Reference persons: Key Expert (KE) 2: Senior Legal Expert

Reference documents: Terms of Reference of the APENA Project, Organisation and Methodology (O&M) of the Contractor, Interim Reports

Project background and description (scope of work)

The scope of this assignment is to assist the Project in its objective to facilitate and promote the EU environmental acquis approximation process based on the Association Agreement (art. 360 - 366 and Annex XXX) and relevant framework documents concerning approximation of environmental legislation of Ukraine. And also to enable the Ministry of Ecology and Natural Resources (MENR), other relevant stakeholders (the State Agency of Water Resources, the State Environmental Inspectorate, the State Service of Geology and Mineral Resources, the Ministry of Agrarian Policy and Food, the Ministry of Regional Development, Building and Housing, the Hydro-meteorological Centre of the State Service of Emergencies) and civil society actors to prepare for the implementation of the EU environmental requirements, by strengthening legal and institutional system in environmental governance and horizontal, water quality and water.

Assignment objective(s)

On 23 May 2017, the Law on Environment Impact Assessment (EIA) has been adopted by the Ukrainian Parliament. The Law provides that the law shall take effect in 6 months after the day of

its entry into force. In order to ensure proper implementation and comprehensive application of the EIA law the secondary legislation thereto has to be developed and adopted within the indicated 6 months, i.e. by the end of 2017.

The Short-term Expert shall assist the KE 2 and provide technical advice and assistance on legal and institution building activities under the Horizontal component.

The assignment objectives shall be generally focused on the following:

- In cooperation with KE2 develop draft secondary legislation for the implementation of the new EIA law and foreseen thereby, in line with transposition commitments under the EU EIA Directive.
- Provide expert and technical assistance and facilitate coordination and negotiation support for the development, consent and approval of draft secondary legislation under the EIA law.
- Facilitate, provide expert and technical backup and contribute to regular EIA working group meetings to discuss relevant issues.
- Assistance in preparing the Action Plan for Implementation of Horizontal Issues Directives

Number of required experts:	One (1) EIA Support Expert
Duration of the assignment:	Up to a total of 20 working days (WD)
Period of the assignment:	September 2017 – December 2017
Indicative starting date:	1 September 2017 (after approval of Contracting Authority)
Place of assignment:	Ukraine
Working language(s):	Ukrainian, English

Main Tasks/Activities

The Short-term Expert will perform/be involved in the following activities and sub-activities:

Component 1:

- Activity 2.1.3: Legal Substantiation and support in developing of new Legal Acts.
- Activity 2.1.4: Legal Negotiation Support.
- Activity 2.1.5 Assistance in preparing the Action Plan for Implementation of Horizontal Issues Directives
- Activity 2.1.7 EIA working group participation, minutes, communication with the stakeholders, etc.

Outputs/Results

The Short-term Expert shall be responsible for producing / achieving the following outputs:

Outputs	Working-days (WD) and indicative deadlines
Activity 2.1.3	
1. Legal substantiation and support in developing of new legal acts: <ul style="list-style-type: none"> - Regulation of the CMU On approving the procedure for public hearings in the process of EIA - Regulation of the CMU On approving the procedure for maintaining of the Single EIA Registry - MENR Order on the regulation on the expert commission on environmental impact assessment, qualification requirements for experts and the procedure for maintaining the roster of experts on environmental impact assessment 	9 WD, December 2017
Activity 2.1.4	
2. Legal negotiation support to: <ul style="list-style-type: none"> - Regulation of the CMU On approving the procedure for public hearings in the process of EIA - Regulation of the CMU On approving the procedure for maintaining of the Single EIA Registry - MENR Order on the regulation on the expert commission on environmental impact assessment, qualification requirements for experts and the procedure for maintaining the roster of experts on environmental impact assessment 	6 WD, December 2017
Activity 2.1.5	
3. Input to the draft Action Plan for Implementation of Horizontal Issues Directives	2 WD, December 2017
Activity 2.1.7	
4. Minutes of the EIA working group meetings (as result of active participation in 3 WG sessions on above mentioned topics)	3 WD, December 2017
Total:	up to 20 WD*

* The concrete number of final WD spent and approved by APENA TL depends on concrete tasks and outputs produced within the assignment

Timing and duration

The Short-term Expert on public participation and EIA institutional development will be recruited for a total of up to 20 WD in the indicative period of September 2017 to December 2017. The starting date will be approved after written approval issued by the Contracting Authority. Indicative starting date: 1 September 2017. All WD the expert shall spend in Ukraine.

Planning and reporting

The Short-term Expert will directly report to the KE 2 responsible for the component as foreseen under item 1 of these ToR.

A final report in tabular format in accordance with the template attached which summarizes the outputs vis-a-vis these ToR with all related outputs shall be delivered to KE 2 for reviewing and acceptance.

Evaluation of work

Performance of the tasks and outputs produced will be evaluated by KE 2 and approved by TL.

Experts profile

The Short-term Expert on public participation and EIA institutional development required for the tasks and expected results outlined above shall have the following qualifications and skills.

Qualifications and Skills

- A University Degree in Environmental Management, Law, Economics or a relevant discipline, directly related to the assignment
- Degree in environmental law would be an asset
- Relevant professional experience of minimum of 5 years in the areas related to the assignment
- Good English and Excellent Ukrainian communication skills, both written and spoken

General professional experience

- At least 5 years of general professional experience in the field of application of participatory instruments in environmental decision making

Specific professional experience

- Proven experience in at least 2 international projects on implementation of horizontal sector Directives or the UNECE Aarhus and Espoo Conventions
- Proven knowledge of the state of art in the implementation of the requirements of the EU EIA Directive

Civil servants and other staff currently employed by public administrations of the beneficiary country are not eligible to apply as experts.

Experts must be independent and free from conflicts of interest in the responsibilities defined by the ToR.

If you would like to be considered for this position, please send your CV in English by e-mail to apena@eptisa.com no later than **16 pm Kyiv time (GMT+2), August 9, 2017**, titled:

“EIA Support Expert”

Applications received after the deadline will not be considered. References must be available on request.

The Project is an equal opportunity employer that encourages applications from women and minorities.

All applications will be considered strictly confidential.

Civil servants of the beneficiary country are not eligible to apply as experts.