



## Terms of Reference

### **Consultancy services for the revision of the “Code of good agricultural practices for water protection against pollution with nitrates from agricultural sources” and of the “Action Program for the Water Protection Against Pollution with Nitrates from Agricultural Sources”**

#### 1. Background information

Romania has received a loan from the International Bank for Reconstruction and Development (IBRD) and a Grant from the Global Environment Facility (GEF) to support implementation of the **Integrated Nutrient Pollution Control Project (INPCP)**, hereinafter called “the Project”, in selected localities vulnerable or potentially vulnerable to the pollution with nutrients.

The overall development objective of the Project is to support the Government of Romania to meet the EU Nitrates Directive requirements by (a) reducing nutrients discharges to water bodies, (b) promoting behavioral changes at the communal level, and (c) strengthening institutional and regulatory capacity. The ultimate goal is to reduce over the long-term the discharge of nutrients and other agricultural pollutants into the Danube River and Black Sea through integrated land and water management.

The original loan for Project became effective in 2008 and its closing date was 31<sup>st</sup> of May, 2017. Following this initial Project, Ministry of Waters and Forests (MWF) received an Additional Financing (AF) for the Project to finance the costs associated with the scale-up nationwide of the initial Project activities, to be implemented over a six years period (2017-2022). The Additional Financing for scaling-up will broadly maintain the objectives and structure of the Integrated Nutrient Pollution Control Project (INPCP) with slight modifications intended to reflect the realities of the current situation and lessons learned so far under the initial INPCP. The Additional Financing will finance works, goods, services and operating costs and will comprise four components, which are largely the same as in the initial INPCP, with slight modifications: (i) Component 1: Investments in Local Communities to Reduce Nutrient Pollution; (ii) Component 2: Support for Institutional Strengthening and Capacity Building; (iii) Component 3: Public Awareness and Information Support; (iv) Component 4: Project Management.

Through the Additional Financing the overall development objective of the Project became to support the Government of Romania towards meeting the EU Nitrate Directive requirements at a national scale. The proposed interventions will build on the successes and lessons learned from the initial Project as well as from similar projects in Europe and Central Asia and other regions.

The Additional Financing for the Project became effective on 13th of April 2017 and it was ratified by Romania through law 46/03 April 2017. Its closing date is March 31, 2022.

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One critical change since the INPCP was first launched in 2008, is represented by the decision of the Government of Romania (GoR) in 2013 to adopt the “whole territory” approach to implementation of the EU Nitrates Directive. This means that the provisions of the national *Action Program for the protection of water from pollution caused by nitrates from agricultural sources* no longer apply only to designated Nitrate Vulnerable Zones, but instead, to the whole territory of Romania. In accordance with the GoR’s interpretation of this approach, the obligation to prepare and implement *Local Action Plans for water protection against pollution caused by nitrates from agricultural sources* is thus currently extended to all local authorities in Romania.

Furthermore, since 2015 all farmers applying for direct payments from European funds and from the national budget, as well as those seeking European funds through certain measures of the *2014-2020 National Rural Development Program (NRDP)*, must also comply with eco-conditionality (cross-compliance) norms. These norms include verifiable standards which are derived from the *Code of Good Agricultural Practices for the protection of water from pollution caused by nitrates from agricultural sources (CoGAP)*. Compliance with the *CoGAP* has been made a mandatory obligation for all farmers in Romania.

Under these circumstances, Ministry of Waters and Forests (MWF) has been in discussions with the Ministry of Agriculture and Rural Development about the possibility of correlating the manure storage capacities with the climatic data territorial disparities, under full considerations of the Nitrates Directive (91/676/EEC) provisions.

## 2. Objective of the assignment

To review and, based on the findings, to revise the “*Code of Good Agricultural Practices for water protection against pollution with nitrates from agricultural sources*” (CoGAP) and the “*Action Program for the water protection against pollution with nitrates from agricultural sources*” (AP)

## 3. Scope of Services and Tasks

The Consultant will perform the following **tasks**:

### Phase I

- Analyze the relevant CoGAP and AP provisions against the climatic territorial disparities, the variety of farming structure and the need of using a simple language, with short sentences, easy understandable for non-technical readers;
- Ensure the terrain and meteorological data and layers under GIS file format, as needed for the review and revision purposes;
- Review the Action Program, including any additional measures taken and, as necessary, revise as requested by the article 5 of the Nitrates Directive (91/676/EEC);
- Carry-out initial consultations with the *Inter-Ministerial Commission for Applying the Action Plan for Waters Protection against Pollution with Nitrates from Agricultural Sources* (hereinafter named Nitrates Commission - NC), relevant authorities and with the representatives of the farmers`

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organizations, with focus on the needs to adjust and, as necessary, to update, the existent CoGAP and AP;

- Revise the CoGAP and the AP based on an initial analysis and initial consultation findings, considering at least the following:
  - 1) full compliance with the Nitrates Directive is ensured,
  - 2) territorial climate disparities and farming specificities are considered (under these considerations, some rules of the AP should be territorially correlated and reflected within a list of the administrative territorial units and relevant maps),
  - 3) scientific methodologies are applied for compiling various meteorological data.
- Ensure a proper structure and consistency of the documents:
  - 1) The structure/table of content shall consider the existent documents and shall be agreed upon with the NC;
  - 2) The CoGAP must be as a set of recommendations addressed to farmers, under a simple language and friendly illustrations,
  - 3) The AP must be as a list of rules that farmers should fulfill. Any technical details should be included within annexes.
- Elaborate a Draft CoGAP and a draft AP in line with all the above and obtain the consent of the NC.

## Phase II

- Carry-out a large public consultation process, including a one-month publication of the draft CoGAP and draft AP on an institutional website (website access will be facilitated by the Client) and direct mail/emails (towards at least 50 relevant stakeholders: representatives of farmers` organizations, universities/research institutes, institutions etc);
- Carry-out at least 3 meetings for consultations over the draft proposals for CoGAP and AP with:
  - a) representatives of farmers` organizations (at least 1 consultation meeting with at least 20 farmers` representatives, out of which at least 10 representatives of farmers` organizations with nation-wide coverage, considering especially the animal breeding sub-sectors, small scale farming, intensive vegetable producers, intensive large cereal producers etc.),
  - b) representatives of universities and research institutes involved in agriculture, environment, water management, soil management, rural development etc. (at least 1 consultation meeting with at least 20 representatives etc.),
  - c) representatives of institutions, such as: MWF, MARD, APIA, AFIR, Environmental Guard, Ministry of Health etc. (at least 1 consultation meeting with at least 20 representatives etc.).
- The CoGAP and the AP, as consolidated after the consultation process, are submitted for review and further consolidation and approval by the NC,
- Elaboration of the short-versions of the CoGAP and AP under brochures format and their printing after approval.

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**4. Expected outputs, deliverables and results:**

Based on the review and analysis of the shortcomings of the existent CoGAP and AP, and methodology/options for their possible revisions and on the consultation process undertaken the following will be elaborated:

1. A report over the review of the existing CoGAP and AP, findings and proposals.
2. Electronic versions of the draft and finally approved CoGAP and AP, including the list of the administrative territorial units and relevant maps with the CoGAP and AP provisions, as resulted by considering the territorial climatic disparities, color pictures and covers, both in Romanian and English language;
3. Printed copies of approved CoGAP and AP (five copies in Romanian and five copies in English);
4. Electronic (editable) and printed 1,200 full color 20 pages A5 format brochures (1,000 in Romanian and 200 in English), 135 - 150 gr per m<sup>2</sup> (short-versions of the CoGAP and/or AP);
5. Minutes of the consultation process with farmers' organizations and with the NC.

**5. Consultant's Profile and Qualification Requirements for the Key experts**

The Consultant may be an eligible consulting firm, research institute, university, NGO or an "association" in the form of a Joint-Venture (JV) with or without sub-consultancy, or an "association" in the form of a sub-consultancy, formed between such entities, and should prove:

- At least 10 years of general experience in research/studies in the areas of manure management, and/or pollution control in agriculture, and/or management of soil and water quality;
- 5 years of specific experience and knowledge regarding: 1) the European and national environmental and agriculture legislation regarding nitrates pollution; 2) the elaboration of nation-wide methodologies/legislation/guidelines/monitoring on nitrates pollution control; proof of close collaboration with farmers and others stakeholders involved in agricultural activities would be an advantage.

It is expected that the Consultants team will include, without being limited to, the following key experts:

- A. **Team Leader** with at least 10 years of experience in project management having as results studies/technical or legislation proposals/guidelines on pollution from agricultural sources or cross-compliance or agri-environment or Natura 2000 or identification of areas with natural constraints;
- B. **At least one (1) expert** with at least 7 years of experience in implementing, in Romania and countries from the region, projects with consultations components (debates/workshops/conferences/via questionnaires etc.) on environmental issues, such as Nitrates Directive/cross - compliance/agri-environment/Natura 2000/SEA<sup>1</sup> on agricultural or rural development strategies etc;
- C. **At least one (1) expert** with at least 5 years of experience in climate analysis and GIS modeling.

The proposed key experts should have a relevant university degree in agriculture, agricultural sciences, environmental sciences, geography or equivalent.

<sup>1</sup> SEA – Strategic Environmental Assessment

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**The Consultant should provide job descriptions and tasks assigned for each proposed position and clearly indicate the estimated staff time-input for each expert proposed under each phase of the assignment.** The Consultant should demonstrate having access to all relevant climate and soil data series and facilities necessary for execution of the assignment or should commit ensuring them.

Support and backstopping staff will be provided, as necessary, for an uninterrupted and quality performance of the services.

## 6. Duration of the assignment

The Consultant will commence the services under the assignment within 7 days as from the effective date of the Contract and will deliver all the outputs/deliverables within 6 months as from the commencement of the services.

## 7. Reporting requirements and Time Schedule for Deliverables

The Consultant will submit the following reports:

**Report no.1 for the 1<sup>st</sup> phase of the assignment** will be submitted within 3 months as from the commencement of Services and shall include at least:

- A description of the tasks carried-out, which shall cover:
  - o the identified shortcomings and possible updates of the existent CoGAP and AP as they result from the Consultant's analyse and the initial consultations;
  - o methodology applied (including the detailed considered climatic data and their aggregation);
  - o preparation of the draft CoGAP and of the draft AP;
  - o a time-table of the tasks planned for the second phase, including a detailed plan for the large consultation process;
  - o any comments or proposed deviations from the ToRs together with due explanations, or outcomes of any modifications of the activities agreed upon with the Client and implemented during the reporting period, if it is the case.
- The Electronic and printed versions of the draft CoGAP and of the draft AP (five hard copies in Romanian and five hard copies in English).

**Report no.2 for the second phase of the assignment** will be submitted within 6 months as from the commencement of Services and shall include at least:

- A description of the activities carried-out, which shall cover:
  - o A full list of direct (through mail/email) consulted representatives of farmers` organizations, universities/research institutes, public institutions and of the persons who sent proposals following the website consultation, their contact details as well as their proposals and how the proposals were considered;
  - o the minutes of the consultation meetings with farmers` organizations, universities/research institutes, public institutions and with the NC, including the participants' proposals and how the proposals were considered. The minutes should be signed by the participants;
  - o the Minutes of the NC confirming the approval of the final versions of the CoGAP and AP;

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- outcomes of any modifications agreed upon with the Client and implemented during the reporting period, if it is the case;
- The Electronic and printed versions of the final consolidated CoGAP and of the AP (five hard copies in Romanian and five hard copies in English);
- Electronic (editable) and printed 1,200 full color 20 pages A5 format brochures (1,000 in Romanian and 200 in English), 135 - 150 gr per m<sup>2</sup> (short-versions of the CoGAP and AP, within the form and content previously agreed upon with and approved by the Client).

All reports will be submitted in two hard copies format in Romanian and two hard copies format in English, signed by the elaboration team and approved by the Consultant's management, as well as in electronic format (pdf and editable Word file formats) on CD.

All reports prepared by the Consultant will be submitted to the Authorized Representative of the INPCP Project Management Unit for analysis and approval by the commission nominated by the Client for this purpose.

Consultant will respond to Client's comments on the deliverables/reports by modifying, amending or supplementing them and will resubmit them to the Client for approval within 15 working days as from the receipt of such comments.

Approval of the reports will constitute the basis for the payments to be made to the Consultant under the contract.

## 8. Institutional arrangements

The Consultant will work in close cooperation with the specialists within the INPCP Project Management Unit. Consultant will work with the PMU's Agricultural Specialist and other specialists within the technical department and/or other departments of the PMU, as applicable.

## 9. Client's Input and Counterpart Personnel

*(a) Services, facilities and property to be made available to the Consultant by the Client:*

The Client (MWF) will provide access to existing data and information, related to the scope of work as reasonably required by the Consultant in order to perform the tasks under this assignment.

*(b) Professional and support counterpart personnel to be assigned by the Client to the Consultant's team:*

The PMU's Agricultural Specialist will be assigned by the Client as the main contact person for the Consultant's team.