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 **Terms of Reference for Legal Consultant**

**Environmental and International Law Unit, Legal Vice Presidency**

**Legal Consultant (Bulgaria Water and Marine Pollution Legal, Policy and Institutional Review)**

**Background**

The Environmental and International Law Practice Group (LEGEN) of the World Bank provides advice on, and in some cases, operational support to address environmental, social, and international law issues in World Bank projects. The main areas of work at LEGEN include: advising on Bank projects’ compliance with the Bank’s environmental and social policy and procedural requirements, borrowing country’s national laws, as well as obligations under relevant international conventions; advising on legal and policy issues in the Bank’s climate finance and policy initiatives, establishing carbon trust funds, and drafting and negotiating legal agreements to channel resources to climate-friendly projects and programs; and providing operational support for global environmental initiatives.

Over the past two decades, the Black Sea has become Europe’s most polluted sea. Unsustainable use of water resources and the release of untreated wastewater and marine litter has resulted in reduced water quality, causing significant environmental damage. Potential solutions to this problem are impeded by inadequate legal and institutional frameworks, including a lack of monitoring and enforcement mechanisms. Specifically, these legal and institutional frameworks, both at the national and regional levels, remain fragmented, while governance and reference standards remain heterogenous. As of today, there is no comprehensive assessment of the gaps in these frameworks, which prevents the development of a strategic vision to sustainably address pollution in the Black Sea.

On May 21, 2019, Ministers and Vice-Ministers from Bulgaria, Georgia, the Republic of Moldova, Romania, the Russian Federation, Turkey, and Ukraine met in Bucharest to endorse the Common Maritime Agenda (CMA) for the Black Sea. The CMA represents a follow-up to the commitment of the 2018 Burgas Ministerial Declaration, “Towards a Common Maritime Agenda for the Black Sea”, and is a result of the process initiated by the European Commission for the implementation of the Black Sea Synergy. Supporting the CMA, the Strategic Research and Innovation Agenda for the Black Sea (SRIA), launched on May 8, 2019, will support research in key sectors including biodiversity, cultural heritage sites and the new local, national and transboundary policy measures. Both processes, the CMA and the SRIA, were developed in parallel and supported by the European Union (EU).

The World Bank provides technical assistance to several Black Sea region countries, namely Bulgaria, Georgia, Romania, Russia, Turkey, Ukraine, and Moldova, by, *inter alia*, building knowledge in the area of marine pollution and its effects on key economic and human development outcomes. The Turning the tide of pollution in the Black Sea Advisory Service and Analytics (BBSEA ASA)(ID: P173334) is a key part of the World Bank’s Blueing the Black Sea Program (BBSEA), which aims at improving the environmental health of the Black Sea and increasing social and economic benefits for the population through promoting regional collaboration and engaging the public and private sector and civic society for pollution prevention.

The development objective of the ASA is to improve national and regional knowledge and dialogue on sources, prevention, and mitigation of key marine pollutants in the Black Sea to inform policy and strengthen the case for improved regional collaboration. It will also help countries act on the commitment they made by signing the CMA and the Bucharest Convention against Pollution in the Black Sea, as well as advance a shared vision for a sustainable and better-valued Black Sea by 2030. Refer to Annex I and II for more details on the overall approach and methodology proposed as part of the overall ASA and the scope of the final report Turning the Tide of Pollution in the Black Sea.

LEGEN will support this activity by identifying policy, legal and institutional gaps *vis-à-vis* international, regional, and national laws, standards, and good international industry practice in water, marine, inland and coastal pollution[[1]](#footnote-1) regulatory frameworks across the Black Sea region. The analysis carried out under this assignment will present a report of existing gaps and recommendations in the water and marine pollution (such as waste water treatment, nutrient pollution, chemicals from point sources) regulatory, policy and institutional framework, as well as the implementation and enforcement of existing policies and laws for each of these Black Sea region countries.

**Objective and Scope of Assignment**

The objective of this consulting assignment is to conduct a gap analysis of the legal and institutional regulatory framework for water and marine pollution in Bulgaria. The analysis will determine the gaps between Bulgaria’s national policies, laws, regulations and institutions, including monitoring and enforcement mechanisms, and international and regional laws, policies and good international industry practice, concentrating on pollution from priority land-based sources. The analysis will be based on an outline of relevant international and regional laws, standards and good international industry practice and “Assessment Matrices” prepared by an International Consultant.

The consultant will work with the International Consultant to prepare a Country-Specific Review for Bulgaria. Specifically, the consultant will carry out the following tasks:

1. ***An assessment of Bulgaria’s legal, policy, and institutional framework on water and marine pollution and identification of the specific legal and institutional gaps through completion of Assessment Matrices prepared by the International Consultant.*** The assessment will identify Bulgaria’s existing water and marine pollution laws, regulations, policies, institutions, and monitoring and enforcement mechanisms and assess the key gaps in these frameworks *vis-à-vis* international and regional legislation, standards, and good international industry practice. It will also identify deficiencies in institutional arrangements, institutional capacities, as well as practical implementation challenges, including areas where adequate legal provisions are in place but monitoring and enforcement may be weak. This assessment will be completed following the outline and Assessment Matrices prepared by the International Consultant and will provide the International Consultant with the information pertaining to Bulgaria necessary to complete the final technical report.
2. ***A qualitative assessment providing a more in-depth description and analysis of the key legislative measures and regulatory institutions identified in the Assessment Matrices.***This analysis will involve a discursive account of the general effectiveness of the measures and institutions in question and might explore such issues as:
	* The adequacy of the mandate of the relevant competent authority;
	* The substantive coverage of the relevant measure and its scope of regulatory application;
	* Whether administrative responsibility rests at the most appropriate or practicable level;
	* Whether the measure is sufficiently clear or flexible and practically implementable;
	* The currency of the measure, and whether it is outdated (e.g., regarding penalties) or requires consolidation (due to routine amendment); and
	* The consistency of the measure, especially other national pollution control measures.
3. ***Support, review and provide comments on the draft technical report prepared by the International Consultant.***The consultant will support the International Consultant by providing inputs and comments on the sections of the draft technical report pertaining to Bulgaria.

**Expected Deliverables**

The consultant will produce the following deliverables:

1. **Draft Country-Specific Review – by March 26, 2021**: The draft will be based on the outline and Assessment Matrices and will be sent to the International Consultant and the World Bank Task Team for review and comments.
2. **Final Country-Specific Review – by April 5, 2021:** The final analysis will be prepared based on comments from the International Consultant and the Task Team.

**Administrative Arrangements**

The consultant will be offered a World Bank consultancy contract for 20 days. The expected start date is March 1, 2021 and the expected end date is April 15, 2021. The consultant will be paid a daily rate consistent with World Bank consultancy scales, based on consultancy requirements and candidate experience, invoiceable upon delivery and approval by the World Bank Task Team Leader of the agreed outputs/deliverables.

The assignment will be carried out primarily as a desk-based analysis. The consultant shall coordinate with and integrate the research of the International Consultant. The consultant shall be available for virtual meetings.

The consultant will administratively report to Gamila Kassem (Technical Team Lead, Counsel, LEGEN) and Christina Leb (Senior Counsel, LEGEN) and will work in close collaboration with other LEGEN members and the BBSEA team.

**Consultant’s Qualifications**

The consultant should have the following qualifications:

* LL.B and master’s in law or equivalent, or corresponding academic, research or professional experience, some degree of specialization in pollution, water and/or environmental law is an advantage;
* At least 5 years of relevant work experience advising on pollution, water, marine and/or environmental law;
* Publications on legal issues related to water pollution, the Black Sea, public international law and environmental law more generally is an advantage;
* Excellent English writing and oral skills; and
* Availability to attend virtual meetings as necessary.

**Application Process:**

Interested candidates should apply by **February 26, 2021**, by sending to gkassem1@worldbank.org an email with the subject line “Bulgaria Consultant ‐ [NAME]” and the following attachments:

* CV or resume
* Cover letter
* List of 3 references

Applications will be reviewed and interviews conducted on a rolling basis as applications are

received.

**Annex I:**

**Approach and Methodology for the Overall Activity**

*Approach and Methodology*

Four main principles are at the core of the overall BBSEA ASA:

* **Consolidating the foundations for regional cooperation** by supporting an enhanced regional dialogue on Black Sea pollution involving all riparian countries and existing regional institutions (i.e. the Black Sea Commission and the Black Sea Economic Cooperation) and filling the knowledge gap in the region.
* **Applying a differentiated approach at national and regional levels**. A customized knowledge by country of key pollution challenges will allow prioritization of pollution categories.
* **Enhancing social cohesion** through citizen engagement mechanisms and crowd-sourcing participation methods related to pollution and regional cooperation.
* **Pursuing active transmission of knowledge** among stakeholders leading to joint actions to reduce pollution elements.

**This ASA aims to address the following questions:**

* What are the pollution sources, circulation patterns and impacts?
* What are the business-as-usual scenarios at national and regional levels if nothing is done to address pollution issues?
* How can institutional, legal and policy reforms help to address pollution issues?

**The ASA, which will address the above questions, combines a national and a regional level analysis** sequenced in a manner to mutually reinforce the outputs. The national analysis will encompass the following steps: (i) mapping pollution sources and hotspots; (ii) identifying business as usual scenarios; and (iii) conducting a marine institutional, legal and policy analysis.

These steps will inform the production of country background reports which will provide an overview of the current pollution, impacts and priorities to address at the country level, provide an assessment of the policy, legal and institutional gaps, and provide recommendations on possible reforms to address these gaps. The regional analysis, along with the institutional and legal analysis, will be synthesized in a Black Sea Pollution Diagnostic (see Annex II for draft scope) that aggregates to the extent possible the information at the regional level, providing qualitative assessments and recommendations to address the knowledge, policy and investments gaps, including on policy, institutional, economic and finance aspects.

**Annex II:**

**Draft Scope of Black Sea Pollution Diagnostic: Turning the Tide on Pollution in the Black Sea**

**EXECUTIVE SUMMARY**

**CHAPTER 1**

**Introduction**

* 1. Black Sea quick facts
	2. Economic contribution of the Black Sea, natural capital
	3. Pollution: local and regional perspective
	4. Regional cooperation – The SRIA and the CMA
	5. Alignment with the future European Green Deal (EGD)
	6. Blue Economy concept and its role in post-COVID recovery

**CHAPTER 2**

**Methodology**

2.1 Scope of the diagnostic – Pollution

2.2 Building on existing activities (i.e. development partners activities, etc.)

2.3 Data collection (i.e. building on existing activities from ESA)

2.4 National and regional analysis

2.5 Consultations (e.g. crowd sourcing, etc.), communication

**CHAPTER 3**

**Sources of Pollution**

3.1 Land Base (e.g. Agriculture, wastewater incl. industry, ports, etc.)

3.2 Maritime Pollution (e.g. shipping, oil spills etc.)

3.3 Atmospheric Deposition

3.4 International waterways and transboundary

**CHAPTER 4**

**Differentiated Diagnostic of Marine Pollution**

4.1 Key pollution categories differentiated in each country (i.e. Hydro-chemical Pollution; Marine Litter and plastic; Water based pollution; Eutrophication/nutrient enrichment; Persistent Organic Pollution; Microbial pathogens; Introduction of non-indigenous species; Others)

4.2 Hotspots Mapping

**CHAPTER 5**

**Business as Usual Scenarios**

* 1. Economic and social sectors impacted by pollution (e.g. Public health, fisheries, tourism, industry, biodiversity, etc.).
	2. Scenarios at the national level
	3. Scenarios at the regional level, including cooperation

**CHAPTER 6**

**Benefits of Addressing Pollution Issues in the Black Sea**

* 1. Socio-economic potential
	2. Role of the private sector (e.g. innovations, business sustainability, etc.)
	3. Role of the public sector (e.g. coastal infrastructure development, etc.)
	4. Analysis of the incremental benefits of regional vs national (i.e. trade-offs and win-win solutions)

**CHAPTER 7**

**Marine Pollution Institutional Legal, Policy Gap Analysis and Compliance**

* 1. Institutional gap analysis
	2. Legal gap analysis
	3. Policy gap analysis

**CHAPTER 8**

**Recommendations**

8.1 Policy / Legal / Institutional

8.2 Finance & innovative instruments

8.3 Knowledge

8.4 Applicable Technologies

**CHAPTER 9**

**Action Plan (Timeframe)**

1. At the national level, the activity will focus on land-based pollution sources (e.g. chemical and nutrient pollution from agriculture and wastewater), while at the regional level, the activity will analyze more diffuse sources with strong transboundary impacts (e.g. shipping industry). [↑](#footnote-ref-1)