

Terms of Reference

Expert for harmonization of Nitrate Directive 91/676/EEC, as amended by Regulation (EC) 1882/2003 and Regulation (EC) 1137/2008 in North Macedonia

Programme title:	Groundwater Management, Use and Protection Programme (GWP)
Position title:	Expert for technical support for harmonization of the Nitrate Directive 91/676/EEC, as amended by Regulation (EC) 1882/2003 and Regulation (EC) 1137/2008 in North Macedonia
Type of contract	Individual Consultant Contract
Duty Station:	Home based /Skopje, North Macedonia
Duration of contract:	Up to 40 working days in period of October 2025 – April 2026
Start date:	1 October 2025
Application deadline	19 September 2025

A. BACKGROUND

The Swiss-funded **Groundwater Management, Use and Protection Programme (GWP)** aims at supporting North Macedonia in establishing a sustainable long-term, multi-level, and systematic groundwater management that enables collaborative, effective, and more transparent use of the groundwater resources.

The GWP stakeholders/partners include institutions at central governmental level, research and academia as well as local institutions (e.g. municipalities, public utilities), civil society organisations and the private sector. The **consortium of Skat Consulting and PointPro Consulting** has been mandated by the **Swiss Embassy** in the Republic of North Macedonia to implement Phase 1 of the GWP from Jan 2024 – Dec 2027. Two additional subsequent phases may follow subject to successful implementation of the Programme's first phase and fulfilment of the overall commitment of its main national partners.

[Skat Consulting Ltd.](#) Is a owner-operated leading Swiss company specialising in international cooperation and is dedicated to making available basic services and ensuring dignified living conditions and a healthy environment for all. Skat Consulting supports governments, the private sector and civil society around the globe in improving people's lives by facilitating lasting solutions in water, building, energy and governance.

[PointPro Consulting d.o.o.](#) is a leading management consulting company based in Skopje since 2006 incorporating two business areas: (a) Infrastructure and Sustainable Development and (b) Management Consulting and Corporate Finance.

To facilitate the implementation of the Programme, on a day-to-day basis, a so-called **Programme Facilitation Unit (PFU)** will be hosted together by the Skat Consulting Branch in Skopje and PointPro Consulting. The PFU is responsible for direct implementation of activities.

Groundwater Management, Use and Protection Programme (GWP) aims to increase the effectiveness of the legal framework by supporting the drafting of amendments to existing laws and regulations. This is all about **creating an enabling environment** with appropriate policies, strategies and laws for the management, use and protection of groundwater. Increasing legal effectiveness will be achieved by **supporting the harmonisation of the national legislation** with the objectives of the relevant EU directives and by consolidating the existing legal framework. GWP aims to remove some of the main barriers inhibiting better water resources management at different levels in the country, stemming mostly from incomplete and/or inconsistent legal and regulatory frameworks, including different interpretations of laws by key institutions; bottlenecks caused by the current institutional model, including limited capacity of key institutions in terms of access to funding and the required number of staff with certain skills; and limited cooperation between key institutions at technical, policy and education levels.

To create a more efficient legal framework, the Programme will support the development of recommendations and supporting documents to harmonise national legislation in line with the COUNCIL DIRECTIVE 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, as amended by Regulation (EC) 1882/2003 and Regulation (EC) 1137/2008

The **COUNCIL DIRECTIVE 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, as amended by Regulation (EC) 1882/2003 and Regulation (EC) 1137/2008** is a crucial component of the EU's environmental legislation aimed at protecting water resources from agricultural pollution. It was established to address the increasing levels of nitrates in water bodies due to agricultural activities. The directive seeks to safeguard both groundwater and surface water from pollution caused by nitrates originating from agricultural sources, such as fertilizers and manure. It encourages the adoption of sustainable farming practices to minimize nitrate runoff and leaching into water systems. Member States are required to designate areas at risk of nitrate pollution as NVZs, where specific regulations and action programs must be implemented to mitigate pollution.

The provisions of the Law on Waters (Official Gazette of RM no.87/08, as amended) have ensured partial alignment with the requirements of this Directive and the Rulebook on the criteria for determining the nitrate sensitive zones (Official Gazette of RM no. 131/11). Full transposition was planned by adoption of the secondary legislation pursuant to Law on Waters. Also, the relevant basis for transposition is covered through Law on Livestock (Official Gazette of RM no. 7/08, 116/10 and 23/13), Law on Agriculture and Rural Development (Official Gazette of RM no. 49/10, 53/11, 126/12, 15/13, 69/13, 106/13, 177/14 and 25/15) and the Rulebook on Codes for good agriculture and sanitary practice (Official Gazette of RM no.112/10).

North Macedonia stated that it is partially aligned with the Directive 91/676/EEC concerning the Protection of Waters Against Pollution Caused by Nitrates from Agricultural Sources (Nitrates Directive), through laws and secondary laws. National legislation is fully aligned with some of the Directive's annexes, while only partially with other annexes. North Macedonia intends to align with remaining parts of the Directive with the adoption of the Law on plant nutrition in the second half of 2024. According to the Law on Quality and Safety on Fertilizers, Biostimulators and Improvers of the Soil, 82 samples a year were taken since 2018. Further implementation through further legislative alignment, strengthening of capacities, improving financing and monitoring is foreseen for the period from 2025 to 2030¹.

Although North Macedonia has established a partial legal basis for implementing the Nitrates Directive—through provisions in the Law on Waters, the Rulebook on the criteria for determining nitrate sensitive zones, the Law on Livestock, the Law on Agriculture and Rural Development, and the Rulebook on Codes of Good Agricultural and Sanitary Practice—the **majority of key implementation obligations remain unfulfilled in practice**. The reasons are multi-layered and stem both from institutional and practical interlinked constraints, and as a result the Directive remains largely unimplemented beyond the initial legal alignment steps. While the Rulebook defines criteria for nitrate-sensitive zones, there is no comprehensive, systematic monitoring programme in place to measure nitrate concentrations in surface and groundwater. No accredited laboratory exists for routine nitrate analysis, which prevents credible data collection and validation of water quality status. Even though criteria have been established, no formal administrative act or government decision has been issued to designate vulnerable zones as required under Article 3 of the Directive. Without this designation, downstream obligations—such as establishing action programmes and imposing additional measures—cannot be triggered. Further, the legal framework provides for code of good agricultural practice, but their application remains voluntary and is not systematically promoted or enforced. There is no dedicated inspection protocol or trained inspectorate specifically responsible for verifying compliance with nitrate-related measures. Action programmes tailored to nitrate vulnerable zones

¹ Screening Report North Macedonia - Cluster 4: Green Agenda & Sustainable Connectivity, 7 July 2025 available at [Screening report North Macedonia - Cluster 4: Green Agenda & Sustainable Connectivity - European Commission](#)

have not been prepared or adopted. Fertilizer application limits and technical standards for manure storage, which are critical obligations under Annex III, have likewise not been set through binding rules or implemented in practice. Implementation requires significant resources, both in terms of budget and qualified staff. Progress has been hampered by limited institutional capacity, fragmented responsibilities among competent authorities, and lack of dedicated funding to establish monitoring, enforcement, and advisory support systems. Some obligations, such as establishing protocols for cooperation with other Member States and reporting to the European Commission, are foreseen to take effect only upon EU accession. However, the lack of baseline data and monitoring capacity already delays readiness for these future requirements. Due to significant institutional constraints, limited nitrate monitoring data, and the absence of accredited laboratories for nitrate or eutrophication analysis, a phased and evidence-based approach is needed.

To close these gaps, few interventions in legal framework are needed. Initially, embedding the Directive's obligations in national laws, which has been partially achieved through the Law on Waters and related acts is necessary, following enacting detailed rulebooks and administrative regulations that operationalize the law, such as specifying designation criteria, monitoring obligations, and good practice codes. Some of these instruments exist, but they are not comprehensive or fully up to date. This crucial step requires implementing acts- formal government decisions to designate nitrate vulnerable zones and formally adopt action programmes. This approach must begin with a strategic recommendation regarding the implementation path under Article 3 of the Directive, and—if applicable—proceed with the scientific delineation of NVZs using a weight-of-evidence approach. In North Macedonia, these decisions have not been issued.

To support above mentioned goals, the GWP Programme is looking for **expert to support the further harmonization and alignment of the COUNCIL DIRECTIVE 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, as amended by Regulation (EC) 1882/2003 and Regulation (EC) 1137/2008.**

B. SCOPE OF WORK

The aim of this assignment is to support further alignment with the Nitrate directive in North Macedonia and its integration into national legal systems. The main objective of this assignment is to:

- Assess the current status of transposition and implementation of Nitrate directive in North Macedonia.
- Identify gaps, challenges, and inconsistencies in legal, institutional, and operational frameworks.
- to develop a strategic recommendation on whether North Macedonia should designate specific Nitrate Vulnerable Zones (NVZs) (Art. 3(1)– (4)) or apply the action programme to the entire national territory (Art. 3(5)). If NVZ designation is selected, to support the scientific and technical process for defining NVZ boundaries based on available evidence and in accordance with Article 3 of the Directive. To support development of a legally defensible designation process, build institutional capacity, and prepare for implementation.
- Provide clear, actionable recommendations for completing and improving transposition and implementation.
- Support the development of coordinated measures, policies, and cooperation mechanisms to meet ND objectives.

C. DUTIES AND RESPONSIBILITIES

Under the guidance of the Outcome Manager and the Team Leader, the Expert shall carry out the following tasks:

Task 1 Provide **Strategic Recommendation on ND Article 3 Implementation Options**



- 1.1. **Review the two implementation alternatives under Article 3 of the Directive:**
 - **Option A: Delineation of NVZs (targeted zoning based on monitoring and risk).**
 - **Option B: Application of the action programme to the whole territory.**
- 1.2. **Assess:**
 - Existing monitoring capacity and limitations.
 - Agricultural pressures and spatial distribution.
 - Administrative burden of zonal versus full-territory approach.
 - Potential legal and compliance implications.
 - Lessons from other EU countries.
- 1.3. **Provide a written recommendation report to relevant ministries (MoEPP and MAFWE), including:**
 - Comparative analysis of both options.
 - Suggested approach for North Macedonia.
 - Supporting justification referencing Article 3.
- 1.4. **Facilitate a decision-making workshop involving MoEPP, MAFWE, HMS, and key stakeholders to validate and formally select the approach.**

<p>Task 2.a (Conditional) Prepare a Justification Report for NVZ Delineation Using Weight-of-Evidence Approach <u>This section applies only if Option A (NVZ designation) is chosen.</u></p> <p>2.1. Compile and analyse:</p> <ul style="list-style-type: none"> ▪ Partial nitrate monitoring data from surface and groundwater. ▪ Agricultural pressure data: livestock density, fertilizer use, cropping intensity. ▪ Soil, hydrology, and aquifer vulnerability data. ▪ Hydrogeological maps and land topography. <p>2.2. Apply the scientific criteria under Article 3:</p> <ul style="list-style-type: none"> ▪ Physical and environmental characteristics of land and waters. ▪ Behaviour of nitrogen compounds in soils and waters under national conditions. ▪ Impact of existing or planned measures under Article 5. <p>2.3. Conduct spatial analysis and GIS mapping to integrate these data layers and delineate NVZs using a risk-based, weight-of-evidence approach.</p> <p>2.4. Draft and justify NVZ boundaries, including:</p> <ul style="list-style-type: none"> ▪ Delineation rationale, ▪ Proposed monitoring points, ▪ Implications for enforcement and farmer obligations. 	<p>Task 2.b. (Conditional) Prepare a Justification Report for Whole Territory Approach- <u>This section applies only if Option B (Application of the action programme to the whole territory).</u></p> <p>2.1 Develop formal justification document attached to the government's decision) that include:</p> <ul style="list-style-type: none"> ▪ Summary of available data and evidence: Partial monitoring results (even if incomplete); Agricultural pressure mapping; Vulnerability of soils and aquifers; ▪ An explanation why targeted designation is impractical or insufficient, including but not limited to: Lack of capacity to monitor/delineate zones accurately; Risk of significant diffuse pollution throughout the country; Consistency with precautionary principles. <p>2.2 Develop a National Action Programme that:</p> <ul style="list-style-type: none"> ▪ Define measures for: Fertilizer application limits; Closed period; Manure storage requirements; Buffer zones near watercourses; Describe monitoring and inspection arrangements; suggest mechanisms for farmer obligations and reporting. ▪ Establish provisions for review and updates.
<p>Task 3a. (Conditional) Legal and Reporting Support <u>(This section applies only if Option A(NVZ designation) is chosen)</u></p> <p>3.1. Prepare a technical annex and mapping package to support the inclusion of NVZ boundaries in the forthcoming secondary legislation.</p>	<p>Task 3b. Conditional) Legal and Reporting Support <u>(This section applies only if Option B (Application of the action programme to the whole territory) is chosen.</u></p> <p>3.1. Prepare a technical annex and mapping package to support the preparation of the</p>

3.2. Develop inputs for reporting (progress monitoring/or under Article 10 to be submitted upon EU accession), documenting: <ul style="list-style-type: none"> Decision-making process, Technical criteria, Spatial coverage and population/farmers affected. 	<ul style="list-style-type: none"> Draft secondary legislation (Rulebooks) adopting the whole territory designation. Draft the action programme text. Draft a government decision referencing Article 3 3.3. Develop inputs for reporting (progress monitoring/or under Article 10 to be submitted upon EU accession), documenting: <ul style="list-style-type: none"> Decision-making process, Technical criteria
--	---

Task 4. Capacity Building and Communication

- 4.1. Organize 1–2 technical consultation/training sessions for institutional staff on NVZ designation, GIS integration/ Application of the action programme to the whole territory, and implementation planning.
- 4.2. Develop a briefing note or policy summary for decision-makers.
- 4.3. Support a public consultation or information session (if deemed necessary). The expert is expected to provide a presentation summarising the key findings and recommendations from the gap assessment report and recommendations. The aim is to gather feedback and promote dialogue on implementation and reach consensus on the next steps to harmonize legislation

D. MAIN DELIVERABLES AND PAYMENTS SHEDULE

Deliverable 1:				Strategic recommendation report and one workshop of the Task 1 by 20 th November 2025			
Deliverable 2:				Analysis and Justification Report of the Task 2 by 20 th January 2026			
For NVZ Designation approach				For whole Territory Approach			
No	Title	Contents	Dead-line	No	Title	Contents	Dead-line
D2.1	NVZ Data Analysis Report and NVZ Maps	Compilation and analysis of monitoring data, agricultural pressure data, soil and hydrogeological vulnerability information with Draft NVZ Delineation Maps- GIS-based draft maps showing proposed NVZ boundaries and supporting spatial data layers	December 2025	D2.1	Data Analysis Report	Compilation and analysis of monitoring data, agricultural pressure data, soil and hydrogeological vulnerability information	December 2025
D2.2	NVZ Justification Document	Scientific justification for delineation in accordance with Article 3(3)(b), referencing all data sources with the Draft Government Decision text for NVZ Designation	January 2026	D2.2	Justification Document	Scientific and policy rationale for applying the action programme to the entire territory, referencing agricultural pressures, vulnerability, and feasibility considerations with draft Governmental decision to adopt the whole territory approach under Article 3(5) with Draft Action Programme of the Task 2	January 2026
Deliverable 3				Technical annex and mapping package by March 2026			

Deliverable 4:	Develop inputs for progress monitoring reporting by April 2026
Deliverable 5:	Final report on Capacity Building and Communication by April 2026

The payment for the services will be carried out in instalments upon submission and acceptance of the deliverables.

E. REQUIREMENTS AND SKILLS

- Advanced degree in Environmental Science, Agriculture, Water Management, or related field.
- Proven experience in research/harmonization or implementation of the Nitrates Directive or comparable experience in related to soil/water quality protection or designation of Nitrate Vulnerable Zones or comparable zoning measures, or preparation of strategies and action programmes and related agricultural measures to control diffuse pollution.
- Demonstrated experience supporting national or regional authorities in EU approximation or compliance processes.
- Experience drafting legal and regulatory instruments (laws, rulebooks, guidelines) reporting is an advantage.
- GIS and data management expertise is an advantage.
- Excellent working knowledge of English.

F. TERMS AND CONDITIONS

- *Contract modality and duration*

The expert will be hired under IC (Individual Contract) modality until March 2026. A maximum of 40 expert-days is anticipated for the entire period of the assignment.

- *Reporting*

The expert will report to the Outcome Manager and the produced documentation needs to be submitted in English. The specific legislative amendments to Law on waters and other legislation as well as the list of subsidiary acts and their scope preferably to be submitted in Macedonian language

- *Travel and other associated costs*

The expert is expected to be present North Macedonia to participate in presentations of the work/reports/deliverables which will be agreed in prior with the Programme staff. Costs for the accommodation and international travel costs for such events will be organized and covered by the Programme. Meetings can also be organised remotely/ home country.

- *Payments schedule*

The payment for the services will be on a regular basis, based on the number of used expert-days in line with previously assigned timetable/mission plan and approved time sheets (to be certified by the Outcome Manager prior to the payments of the instalments).

- *Ownership and submission of data, reports and other material produced*

All primary data, reports, visual elements and other products during this assignment shall be made available to Program in electronic format. The Program keeps the right to use all products without any restrictions (e.g., in various publications, websites, presentations).

G. APPLICATION PROCEDURE

Interested offerors are invited to submit the following documents (in pdf format):

- Draft methodology and workplan
- Offeror's letter pertaining the expert confirmation of availability

- Financial proposal² in the form of a lumpsum of all-inclusive cost in **MKD/EUR**.
- Most updated CV with focus on required qualification as well as the details of relevant professional experience.
- At least two favourable references

to the following address:

Skat Consulting Ltd. St. Gallen Switzerland - Branch Office Skopje
address: Maksim Gorki no. 16, 1000 Skopje
e-mail: northmacedonia@skat.ch
web: www.skat.ch

Contact for more information

Biljana Puleska Janushevska, GWP Programme, Outcome 2 Manager
address: Maksim Gorki no. 16, 1000 Skopje
email: biljana.puleska@pointpro.com.mk
phone: +389 70 363 700

² National expert submits proposal in MKD, international expert submits proposal in EUR

ANNEX 1: OFFEROR'S LETTER CONFIRMING INTEREST AND AVAILABILITY FOR THE ASSIGNMENT

Dear Sir/Madam:

I hereby declare that:

- A) I have read, understood and hereby accept the Terms of Reference describing the duties and responsibilities of *[indicate the purpose of the assignment as per TOR]* under the "Groundwater Management, Use and Protection Programme in North Macedonia - Phase 1";
- B) I have also read, understood and hereby accept SKAT Consulting's General Conditions of Contract for Consultancy Services;
- C) I hereby propose my services and I confirm my interest in performing the assignment through the submission of my CV which I have duly signed and attached hereto as Annex 1;
- D) In compliance with the requirements of the Terms of Reference, I hereby confirm that I am available for the entire duration of the assignment, and I shall perform the services in the manner described in my proposed approach/methodology which I have attached hereto as Annex 3 *[delete this item if the TOR does not require submission of this document]*;
- E) I hereby propose to complete the services based on the following payment rate: *[please check the box corresponding to the preferred option]*:
 - ☐ An all-inclusive daily fee of *[state amount in words and in numbers indicating currency]*
 - ☐ A total lump sum of *[state amount in words and in numbers indicating currency]*, payable in the manner described in the Terms of Reference.
- F) For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex 2;
- G) I recognize that the payment of the abovementioned amounts due to me shall be based on my delivery of outputs within the timeframe specified in the TOR, which shall be subject to SKAT Consulting's review, acceptance and payment certification procedures;
- H) This offer shall remain valid for a total period of _____ days *[minimum of 90 days]* after the submission deadline;
- I) If I am selected for this assignment, I shall sign a Contract for Consultancy Services with Skat Consulting Ltd. - Branch Office Skopje;
- J) I hereby confirm that *[check all that applies]*:

- ☐ At the time of this submission, I have no active Contract for Consultancy Services or any form of engagement with Skat Consulting Ltd. - Branch Office Skopje;
- ☐ I am currently engaged with Skat Consulting Ltd. - Branch Office Skopje or Skat Consulting Ltd. St. Gallen Switzerland and/or other entities for the following work:

Assignment	Contract Type	Name of Institution/Company	Contract Duration	Contract Amount

- ☐ I am also anticipating conclusion of the following work from Skat Consulting Ltd. - Branch Office Skopje or Skat Consulting Ltd. St. Gallen Switzerland and/or other entities for which I have submitted a proposal:

Assignment	Contract Type	Name of Institution/ Company	Contract Duration	Contract Amount

K) I fully understand and recognize that Skat Consulting Ltd. - Branch Office Skopje is not bound to accept this proposal, and I also understand and accept that I shall bear all costs associated with its preparation and submission and that Skat Consulting Ltd. - Branch Office Skopje will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.

L) **If you are a former employee of the Skat Consulting Ltd. St. Gallen Switzerland recently separated, please add this section to your letter:** I hereby confirm that I have complied with the minimum break in service required before I can be eligible for an Individual Contract.

M) I also fully understand that, if I am engaged as a Consultant, I have no expectations nor entitlements whatsoever to be re-instated or re-employed as an employee.

O) Do you have any objections to our making enquiries of your present employer?

YES ☐ NO ☐

P) Are you now, or have you ever been a permanent civil servant in your government's employ?

YES ☐ NO ☐ If answer is "yes", WHEN? _____

Q) REFERENCES: List three persons, not related to you, who are familiar with your character and qualifications.

Full Name	Full Address, including E-Mail Address and Telephone Number	Name of Organization Business or Occupation

R) Have you been arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law (excluding minor traffic violations)?

YES ☐ NO ☐ If "yes", give full particulars of each case in an attached statement.

I certify that the statements made by me in answer to the foregoing questions are true, complete and correct to the best of my knowledge and belief. I understand that any misrepresentation or material omission made in the CV or other document requested by the Company may result in the termination of the contract without notice.

DATE: _____

SIGNATURE: _____

NB. You will be requested to supply documentary evidence which support the statements you have made above. Do not, however, send any documentary evidence until you have been asked to do so and, in any event, do not submit the original texts of references or testimonials unless they have been obtained for the sole use of Skat Consulting Ltd. - Branch Office Skopje.

Annexes *[please check all that applies]:*

- ☐ CV shall include Education/Qualification, Professional Certification, Employment Records /Experience
- ☐ Financial offer as daily fee
- ☐ Draft methodology and workplan

ANNEX 2: BREAKDOWN OF COSTS³ SUPPORTING THE ALL-INCLUSIVE FINANCIAL PROPOSAL

A) Breakdown of Cost by Components:

Cost Components	Unit Cost	Quantity	Total Rate for the Contract Duration
I. Personnel Costs			
Professional Fees			
Life Insurance			
Medical Insurance			
Communications			
Land Transportation			
Others (pls. specify)			
II. Travel*			
Round Trip Airfares			
Living Allowance			
Travel Insurance			
Terminal Expenses			

B) Breakdown of Cost by Deliverables**

Deliverables <i>[list them as referred to in the TOR]</i>	Percentage of Total Price (Weight for payment)	Amount
Deliverable 1		
Deliverable 2		
Total		

**If needed, costs for international travel and accommodation for such events will be organized and covered by the Programme. Those costs should not be included in the daily fee. Meetings can also be organised remotely/ home country*

***Basis for payment tranches*

³ The costs should only cover the requirements identified in the Terms of Reference (TOR)