**TERMS OF REFERENCE**

**Consultancy Services for supporting the RAPID Project** **implementation with reviewing and revising the *“Code of Good Agricultural Practice for Water Protection Against Pollution with Nitrates from Agricultural Sources”* and the *“Action Program for the Water Protection Against Pollution with Nitrates from Agricultural Sources”,***

**as well as with the preparation of the *“A*dvisory Code of Good Agricultural Practice to Control Ammonia Emissions *“***

1. Background

The Government of Romania has received a loan from the International Bank for Reconstruction and Development (IBRD) to support the implementation of the Rural Pollution Prevention and Reduction Project (RAPID Project).

RAPID Project is an initiative aimed at addressing environmental challenges in the rural areas of Romania. Focused on mitigating pollution and promoting sustainable practices, the project seeks to safeguard the country's rural landscapes, preserve natural resources, and enhance the overall well-being of local communities.

The Loan 9505-RO for the Project was ratified by Romania by the Law no. 332/2023 on November 7th, 2023, and it became effective on December 13th, 2023. The Project closing date is June 30th, 2028.

The objectives of the Project are to strengthen the institutional capacity of selected public entities, monitor the environmental pollution from agricultural sources, and transfer knowledge on agricultural pollution reduction to participating farmers. The project consists of three components:

1. **Modernization of Public Institutions:** Enhance the institutional capacity of the Ministry of Environment, Waters, and Forests (MEWF) to monitor, evaluate, and report investments, including those related to environmental aspects of the National Recovery and Resilience Plan (NRRP). This involves increasing the national capacity for monitoring, prevention, and reduction of pollution from agricultural sources in rural areas, including the National Administration "Romanian Waters" (NARW), the National Phytosanitary Authority (NFA), and the Directorate for Land Consolidation and Land Fund (DÎFFF) within the Ministry of Agriculture and Rural Development (MARD).
2. **Knowledge Exchange and Awareness:** Facilitate knowledge exchange, awareness, and information/innovation transfer to participating farmers. This includes establishing model farms to promote best agricultural practices for pollution prevention and reduction. The project also involves creating national knowledge transfer networks and conducting information and awareness campaigns for the public regarding project activities, including other environmentally-focused interventions funded under the NRRP.
3. **Project Management:** Ensure effective project management to oversee and coordinate the various components and activities outlined in the Project.

The Project aims to create a comprehensive framework for addressing agricultural pollution in Romania, involving institutional capacity building, knowledge dissemination, and active participation of farmers in adopting sustainable practices.

As presented above, Component 1 aims at the institutional capacity building, while Component 2 is centered around awareness raising and adopting good practices among farmers and agricultural entrepreneurs on new technologies and innovations that increase use efficiency and reduce pollution. In achieving this, reviewing and revising the national legislation, considering the international and EU obligations, as well the scientific and technological progress, should allow Romanian agriculture to increase its efficiency, while reducing the losses which can cause water pollution with nitrates and air pollution with ammonia. Furthermore, improving the national norms and codes for good agricultural practices on reducing pollution with nitrates and to control ammonia emissions, will ensure the necessary technical measures which shall be further promoted through a national awareness campaign and trainings for farmers to be delivered through knowledge transfer networks (KTNs), activities which are funded through the RAPID Project and foreseen to be implemented during 2025 - 2028.

The “Code of Good Agricultural Practice for Water Protection Against Pollution with Nitrates from Agricultural Sources” and the “Action Program for the Water Protection Against Pollution with Nitrates from Agricultural Sources” are mandatory documents that Romania must review and revise at each 4 years, according to the EU Nitrates Directive (91/676/EEC), the last revision taking place in August, 2021.

As regards to the “Advisory Code of Good Agricultural Practice to Control Ammonia Emissions“, Romania has the obligation of preparing it according to the NEC Directive (2016/2284/EU and to the Gothenburg Protocol (Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, as negotiated under the UNECE Convention on Long-Range Transboundary Air Pollution). Is also worth mentioning that, according to the Gothenburg Protocol and NEC Directive, Romania has emission reduction commitments on five main air pollutants, including on ammonia emissions, set for 2020 and 2030. On this, UNECE has prepared assessments and guidelines, like the Assessment Report on Ammonia (2019) [[1]](#footnote-1) and various guidance documents, including the *Guidance document on integrated sustainable nitrogen management* and the *Guidance document for preventing and abating ammonia emissions from agricultural sources.* [[2]](#footnote-2) Although the preparation of the Advisory Code is an obligation for Romania, the implementation of its measures remains voluntary for farmers.

The Ministry of Environment, Waters and Forests, as implementing institution, through the Project Management Unit for the "Rural Pollution Prevention and Reduction" Project (PMU "RAPID") (named hereafter The Client) intends to use part of the "RAPID" Project’s funds for purchasing consultancy services implementation on reviewing and revising the “Code of Good Agricultural Practice 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” (according to Nitrates Directive), as well on the preparation of the “Advisory Code of Good Agricultural Practice to Control Ammonia Emissions “ (as requested by the NEC Directive and Gothenburg Protocol).

**Definitions of terms:**

The Project – represents the Rural Pollution Prevention and Reduction Project, referred to as the "RAPID" Project

MEWF – Ministry of Environment, Waters and Forests

PMU – Project Management Unit – represents the unit established within the Ministry of Environment, Waters and Forests, that manages the implementation of the Rural Pollution Prevention and Reduction Project

The Contract – represents the contract to be signed with the awarded Consultant

The Client – is the Ministry of Environment, Waters and Forests through the PMU for RAPID Project

KTNs – Knowledge Transfer Networks as funded through RAPID Project to deliver trainings to farmers during 2025 – 2028, aiming at adoption of good agricultural practices

MARD – Ministry of Agriculture and Rural Development

MS – Ministry of Health

GNM- National Environmental Guard

NARW – National Administration "Romanian Waters"

APIA – Payments and Intervention Agency for Agriculture

AFIR – Agency for Financing Rural Investments

NEC Directive – EU National Emission Ceilings Directive on the reduction of national emissions of certain atmospheric pollutants (2016/2284/EU)

Nitrates Directive – EU Directive concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC)

1. Objectives of the assignment

The overall objective of the consultancy services under the present assignment is to review and revise the Code and the Action Program for water protection against pollution with nitrates from agricultural sources and to prepare a national Code of good agricultural practice to control ammonia emissions, aligned with the EU and international obligations and adapted to the national specificities.

The specific objectives are:

**A. Related to the “Code of Good Agricultural Practice 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”**

* To prepare the draft Code and Action Program following the EU Nitrates Directive (91/676/EEC);
* To identify the necessary updates, through an online national public consultation and through direct consultations of the representatives of the agricultural sector, of the public institutions (e.g., MEWF, MARD, NARW, APIA, AFIR, GNM, etc.) and of the scientific community (national research institutes and universities);
* To ensure the proposed updates are aligned with the EU legislation and are all-encompassing scientific studies that cover both agronomy and environment protection (especially in regard to waters protection and nitrogen use efficiency).

**B. Related to the national voluntary “Advisory Code of Good Agricultural Practice to Control Ammonia Emissions “**

* To prepare the draft Advisory Code considering the UNECE Framework Code for Good Agricultural Practice for Reducing Ammonia Emissions and UNECE guidance documents in this field;
* To ensure proper consultation of the draft Advisory Code via an online national public consultation and through direct consultations of the representatives of the agricultural sector, of the public institutions (e.g., MEWF, MARD, NARW, APIA, AFIR, GNM, etc.) and of the scientific community (national research institutes and universities;
* To ensure that the Advisory Code is aligned with the EU legislation and UNECE recommendations and all-encompassing scientific studies that cover both agronomy and environment protection, particularly in regard to reduce and control ammonia emissions.

1. Scope of the services:

With a view to meeting the overall objective and specific objectives of the assignment, the Consultant will support PMU by engaging in the following tasks and having, without being limited to, the following responsibilities:

1. **Related to the “Code of Good Agricultural Practice 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. Ensure an online public consultation of the documents under review and collect the received feedback;
     2. Directly contact and establish meetings with representatives of the agricultural sector (main farmers organisations), of the public institutions (e.g., MEWF, MARD, NARW, APIA, AFIR, GNM, etc.) and with representatives of the national research institutes and universities for collecting feedback on the reviewed documents;
     3. Update the prohibition period for the application of fertilisers, based on the most recent data on average temperature at LAU 2 level (former NUTS 5) and providing the lists of Administrative Territorial Units (ATUs) and GIS maps, aggregating the ATUs at the level of mountains, hills and plains;
     4. Consult the relevant scientific studies/papers on the Romanian agriculture and/or other countries with similar agriculture and economy on aspects related to excretion rates on all farm animals (including birds), on generated manure (by considering both dejections and the straws/other materials for bedding, were applicable), the manure volume and weight, and its nitrogen content (% and weight after emission losses), as fresh manure and as composted manure;
     5. Provide the most efficient low-cost options for manure storage, as allowed by the Nitrates Directive;
     6. Participate at the meetings of the national Commission for the application of the Action Program for Water Protection Against Pollution with Nitrates from Agricultural Sources according to the GD no. 964/2000 (Nitrates Commission), presenting the proposed updates and collecting further feedback and guidance;
     7. Analysing various proposals for updates/modifications against the provisions of the Nitrates Directive, farmers experience / opinion, scientific studies and experience of other countries and prepare and provide a 1st draft of the reviewed documents;
     8. Update the analysis and the thresholds for the maximum fertilisation rates that may be applied without being imposed a fertilization plan based on soil studies, by considering the crops nitrogen consumption and the average yields for the last 5 years;
     9. Organize, in Bucharest, 3 in-person consultations (and, if necessary, with online access) with: 1) farmer organisations representatives and NGOs, 2) scientific community and 3) relevant public institutions (each event with around 40 in-person attendees) and participate at the discussions / debates and collect further feedback; Each workshop should include a welcome breakfast (coffee, tea, water and pastry – salty and sweet), 2 coffee breaks and 1 lunch for all participants. Ensure logistics (workshop space, equipment like projectors, microphones, Wi-Fi, laptops – for online access). Ensure a facilitator for all three workshops and prepare the presentations. For each workshop, a report will be prepared including at least: the meeting minutes, participants list, 5 relevant photos, main proposals from the participants;
     10. Address the remarks/proposals and prepare, including by initiating or deepening further analysis and, based on the conclusions, elaborate the second draft of the reviewed documents;
     11. Ensure a clear track of all the remarks / proposals and how were addressed;
     12. Present the reviewed documents to the members of the national Commission for the application of the Action Program for Water Protection Against Pollution with Nitrates from Agricultural Sources and receive possible further guidance / recommendations / requests for analysis;
     13. Prepare the consolidated documents and ensure their presentation for the Nitrates Committee endorsement, to be further consulted (through the MEWF) with the European Commission representatives;
     14. Ensure further consolidation of the documents, as may be requested after the consultation with the European Commission and/or as requested / necessary for their approval by the Nitrates Committee members and officially (through common ministers’ order);
     15. Include, at the level of the Code, a strong consideration for the latest technological and scientific progress, with a view at the full cycle of nitrogen and by considering an integrated approach in the reduction of the nitrogen waste (including, among others, voluntary measures that may reduce the loss of ammonia, nitrous oxide and nitrogen oxides) and revise the existing measures at the level of the Action Programme, as applicable;
     16. Conduct further various analysis, including review of scientific papers, relevant for reviewing the documents, at any time during the Contract implementation, as requested by the PMU, in the light of the proposals` alignment with EU legislation, scientific findings and national context, including specificities of the Romanian agriculture, soil, biodiversity and climate;
     17. Other tasks necessary for meeting the objectives of the assignment, as agreed with the Contract Coordinator.
2. **Related to the national “Advisory Code of Good Agricultural Practice to control Ammonia Emissions “**
   * 1. Analyse the provisions of the UNECE Framework Code for Good Agricultural Practice for Reducing Ammonia Emissions of 2014 and the UNECE Guidance documents and prepare a draft Table of content of the envisaged Code, covering at least the following items: nitrogen management, taking into account the whole nitrogen cycle; livestock feeding strategies; low-emission manure spreading techniques; low-emission manure storage systems; low-emission animal housing systems; possibilities for limiting ammonia emissions from the use of mineral fertilisers and a list of draft measures proposed (to be further consulted and consolidated), with emphasis on most efficient low-cost and easy to be adopted measures, considering the Romanian agriculture, soil, biodiversity and climate specificities;
     2. Directly contact and establish meetings with representatives of the agricultural sector (main farmers organisations), of the public institutions (e.g., MEWF, MARD, NARW, APIA, AFIR, GNM, etc.) and with representatives of the national research institutes and universities for collecting feedback on proposed measures;
     3. Participate at the meetings of the national Nitrates Commission and establish meetings with representatives of the relevant departments within the MEWF and MARD, presenting the proposed measures and collecting further feedback;
     4. Analysing various measures considering the farmers experience / opinion, scientific studies and experience of other countries and prepare and provide a 1st draft of the Code;
     5. Ensure the draft Code is consulted along the 3 in-person workshop (during the same consultation workshops, as organised for the Code and Action Programme for Water Protection Against Pollution with Nitrates from Agricultural Sources) and participate at the discussions / debates and collect further feedback;
     6. Address the remarks/proposals and prepare, including by initiating or deepening further analysis and, based on the conclusions, elaborate the second draft of the review documents;
     7. Ensure a clear track of all the remarks / proposals and how were addressed;
     8. Prepare the second draft of the reviewed documents based on the received feedback;
     9. Present the reviewed documents to the members of the Nitrates Commission and to the representatives of the relevant MEWF technical departments, and receive possible further guidance / recommendations / requests for analysis;
     10. Prepare the consolidated documents and ensure their presentation for the Nitrates Commission opinion;
     11. Ensure the reviewed documents consolidation as may be requested after the consultation with the European Commission and/or as requested / necessary for their endorsement / approval;
     12. Conduct various analysis relevant for preparation of the Advisory Code, at any time during the Contract implementation, as requested by the PMU, in the light of the Code alignment with EU legislation and Gothenburg Protocol, scientific findings and national context, including specificities of the Romanian agriculture, soil, biodiversity and climate;
     13. Other tasks necessary for meeting the objectives of the assignment, as agreed with the Contract Coordinator.

The Consultant will closely coordinate its activity with the representatives of the PMU.

Any deviation from the above tasks and responsibilities may be accepted, if duly justified by the Consultant.

All documents delivered, including drafts, will be submitted for the approval of the Client.

The Consultant will closely coordinate its activity with the staff members of the PMU nominated for the related activities under the Project, throughout the entire duration of the implementation of the assignment. The RAPID PMU will ensure contract coordination.

1. Consultant’s Profile:

The Consultant may be an eligible consulting firm 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 on preparing policy and/or implementation systems (at the level of public institutions) on EU environmental and/or agriculture areas;
* At least 5 years of specific experience in providing analysis/assessments/research/studies in the areas of nitrates / ammonia pollution / increase efficiency of chemical fertilisers / manure management, and/or pollution control in agriculture, and/or management of soil and water quality. Elaboration of national-wide methodologies / legislation / guidelines / codes / monitoring systems on pollution control in collaboration with farmers and other stakeholders involved in agricultural, is an advantage. Particular experience on nitrates and ammonia pollution is desirable.

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

1. **Team Leader** with at least 8 years of experience in managing or implementing projects on preparing codes/guidelines/action programmes or plans / management plans or conducting technical studies on pollution from agricultural sources / (eco)conditionalities / agri-environment / Natura 2000 / organic farming / agroecology. Specific experience on Nitrates and/or NEC Directive is desirable;
2. **1 key environmental expert** with at least 5 years of experience in environmental issues, such as Nitrates Directive/ NEC Directive / EIA[[3]](#footnote-3) or SEA[[4]](#footnote-4) on agricultural / (eco)conditionalities / agri-environment / Natura 2000 / organic farming / agroecology. Specific experience on Nitrates and/or NEC Directive is desirable;
3. **1 key crop cultivation expert with at least 5 years of experience** in research or teaching university sciences on agriculture, particularly on crop cultivation. Specific experience on Romanian agriculture is desirable;
4. **1 key livestock expert with at least 5 years of experience** in research or teaching university sciences on agriculture, particularly on livestock. Specific experience on Romanian agriculture is desirable.

After contract signing, the Consultant shall provide for Client’s approval, the CVs of at least 2 non-key experts: of 1 non – key GIS expert with at least 3 years of experience in GIS modelling and of 1 non-key logistical expert with at least 3 years of experience in organising workshops / conferences / public consultation events.

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

**The Consultant should provide job descriptions and tasks assigned for each proposed key and non-key expert and clearly indicate the estimated staff time-input for each expert proposed under each phase of the assignment.**

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

1. Duration of the assignment

For the activities under the Chapter 3 – Scope of the services, the Consultant may allocate up to 400 working days (3,200 working hours).

The services under this Contract shall be provided until the end of December 2025, or any other period mutually agreed by the parties, as may be necessary. The contract may be extended, in terms of both time duration and inputs.

The consultant is expected to commence performance of the services within maximum 10 working days after contract signing.

1. Reporting

The Consultant shall deliver quarterly Progress reports that will include all the deliverables submitted and description of implemented activities, accompanied by timesheets with the daily time actually spent and the associated deliverables.

As regards the workshops for consultations, the Consultant shall provide the lists of participants and relevant photos, together with minutes with the conclusions of the meetings.

The quarterly Progress reports will be submitted within one month following the end of the reporting month, and each report will be containing a description of the work carried-out and all the deliverables.

All the Reports shall be in Romanian language, and shall be transmitted in one hard copy, together with the electronic versions (by electronic mail). The deliverables shall be in Romanian and in English, as needed / if indicated by the PMU.

All the Reports that need approval shall be submitted to the authorized representative of the Client, for analysis and approval by the Acceptance Committee named by the Client.

The Consultant shall modify or complete the Reports as requested by the Client / Acceptance Committee, in maximum 10 working days from receiving such requests or during a longer period as agreed by the Consultant and the Client’s authorized representative, if the situation requires.

The Acceptance Committee shall decide upon the acceptance of the reports and deliverables submitted under the present assignment.

Based on the acceptance documents issued by the Acceptance Committee, the Consultant shall issue the invoices and the Client shall pay, according to the Contract provisions.

1. Institutional arrangements, Data, Local Services, Personnel and Facilities to be provided by the Client

The Client and the Beneficiary will provide access to all relevant information, documents and stakeholders ‘contact points to facilitate the implementation of the activities under this assignment. The PMU shall ensure access to all relevant climate data series for updating the prohibition period for application of fertilisers.

The PMU will facilitate the discussions between the Consultant and the national Nitrates Commission which is established at the level of the MEWF, MARD and MS (as the Nitrates Commission has the role of endorsing the “Code of Good Agricultural Practice 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” before their official approval).

The Consultant:

* Will liaise with RAPID PMU for guidance on contract implementation;
* Will work under the direct supervision of the PMU Director and the designated Contract Coordinator;
* Will cooperate closely with the PMU’s Knowledge Transfer Coordinator.

The Consultant will not at any time communicate to any person or entity any confidential information acquired in the course of the assignment.

All workshops will be organized only after prior approval of the PMU.

All documentation prepared by the Consultant in the course of the assignment will remain the absolute property of the Client. The Consultant will, not later than upon termination or expiration of the contract for the current assignment, deliver all such documentation to the Client.

The Client will not pay or reimburse the Consultant for any other costs outside of the remuneration fees and the reimbursables for the organised consultation workshops expressed as a cost/participant, as agreed for in the contract.

Reimbursables for organising consultation workshops will be expressed as a cost/participant, and will include:

Meals: breakfast (coffee, tea, water and pastry – salty and sweet), 2 coffee breaks and 1 lunch;

Logistics: workshop space (meeting room), equipment like projectors, microphones, Wi-Fi, laptops – for online access.

1. Assessment Report on Ammonia (2019) - <https://unece.org/fileadmin/DAM/env/documents/2019/AIR/EMEP_WGE_Joint_Session/Assessment_Report_on_Ammonia_20190827.pdf> [↑](#footnote-ref-1)
2. UNECE Guidance documents - <https://unece.org/environmental-policy/air/guidance-documents> [↑](#footnote-ref-2)
3. EIA – Environmental Impact Assessment [↑](#footnote-ref-3)
4. SEA – Strategic Environmental Assessment [↑](#footnote-ref-4)