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EU4Environment
Water and Data in Eastern Partner Countries

EU4Environment – Water Resources and Environmental Data

TERMS OF REFERENCES FOR LOCAL CONTRACTOR
PREPARATION OF THE STRATEGIC ENVIRONMENTAL ASSESSMENTS FOR THE 9 RIVER BASIN
MANAGEMENT PLANS IN UKRAINE
OCTOBER 2023

1. Financing

European Union (ENI/2021/424-550)

Co-financing by Austria (Austrian Development Agency) and France (Artois Picardy Water Agency)

2. Procedure

Simplified procedure according to EU PRAG¹

3. Contracting Authority

International Office for Water (OiEau) - France

4. Nature of contract

Service contract

5. Time period of implementation

November 2023 – August 2024

6. Contract amount

Max. amount: 20 000 EUR

¹ Practical Guide to Contract Procedures for EU External Actions

7. Background information

The Programme “EU4Environment – Water resources and Environmental Data” (hereinafter - the EU4WD Programme) aims to operationalise several key mechanisms to preserve natural resources, enabling countries’ green growth in line with the European Green Deal and a post-COVID-19 green recovery. This will contribute towards longer-term environmental, climatic, and socio-economic resilience, and improved human health and wellbeing, as well as the achievement of the Sustainable Development Goals (SDGs).

The Programme’s specific objectives are:

- Specific Objective 1 “Water resources management”: Water policies and practices support more sustainable use of freshwater resources and help reduce the adverse impacts of human activities on water quality and ecosystems.
- Specific Objective 2 “Environmental statistics and open data”: The use of sound environmental statistics by the partner countries is extended and improved, and better availability of policy-relevant data to decision-makers and citizens is ensured.

The Programme, co-financed by the European Union, is implemented in close cooperation and coordination with the Implementing Partners: three Member State agencies: Umweltbundesamt GmbH (also called “UBA” or “Environment Agency Austria”), Austrian Development Agency (ADA) and International Office for Water (OiEau, France) as well as two international organisations (OECD and UNECE).

8. Scope of work and deliverables

The main objective of this assignment is to prepare the adoption of the 9 River Basin Management Plans in Ukraine (see map in annex 1) by preparing the Strategic Environmental Assessments.

Draft river basin management plan (RBMP) for the Dnipro River Basin (RBD) is being developed with the support of the EU4Environment Water and Data (EU4WD) Programme, with active participation of the Ministry of Environmental Protection and Natural Resources of Ukraine. The draft RBMP is being developed in line with the approaches and principles of the EU Water Framework Directive, as well as the approaches and principles envisaged by the water sector legislation of Ukraine.

Development of 9 river basin management plans (RBMPs) and their approval by the Cabinet of Ministers of Ukraine is defined in the Water Strategy of Ukraine until 2050 (approved by the Decree of the Cabinet of Ministers of Ukraine on December 9, 2022, No. 1134-p), specifically in its Goal 5 "Implementation of integrated management of water resources according to the basin principle and the principles of the Organization for Economic Cooperation and Development (OECD) regarding water governance in the areas of river basins, in coastal and sea waters".

The development and approval of the RBMPs according to the requirements of the EU Water Framework Directive is also provided for in Annex XXX to the EU-Ukraine Association Agreement. In accordance with Article 13-2 of the Water Code of Ukraine, RBMPs shall be developed and implemented in order to achieve the environmental objectives defined for each river basin district within the established time frame. RBMPs shall be approved by the Cabinet of Ministers of Ukraine every six years.

The procedure for the development of the RBMPs was approved by the Resolution No. 336 of the Cabinet of Ministers of Ukraine on May 18, 2017. In accordance with the Procedure, the first RBMP for each river basin district shall be submitted to the Cabinet of Ministers of Ukraine for approval no later than August 1, 2024.

Draft RBMPs are subject to strategic environmental assessment (SEA) in accordance with the Protocol on the SEA to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). In accordance with Article 4 of the Protocol on SEA, each Party shall ensure the conduction of the SEA for plans and programmes specified in paragraphs 2, 3 and 4 of the said article, which are likely to cause significant environmental consequences, in particular related to the health of the population.

Thus, the Ministry of Environmental Protection and Natural Resources of Ukraine, who is the owner of the RBMP for the Dnipro RBD and the initiator of the process of formal adoption, has requested the support of the EU4WD Programme in the above-mentioned activity, which will help to prepare the formal adoption of the 9 draft RBMPs in Ukraine.

Procedures of Strategic Environmental Assessment

According to Clause 2 of Article 4 of the SEA Protocol, it is carried out in relation to plans and programmes which are prepared for agriculture, forestry, fishing, energy, industry (specifically mining), transport, regional development, waste disposal, water management, communication, tourism, urban planning and rural development or land use, and those that establish a framework for consenting to the future development of projects that require an environmental impact assessment under the national law.

Conduction of the SEA in Ukraine is regulated by the Law of Ukraine "On Strategic Environmental Assessment" (<https://zakon.rada.gov.ua/laws/show/2354-19#Text>). According to Article 9 of the Law, the SEA is conducted in the following stages:

- 1) scoping of SEA,
- 2) preparation of a SEA report,
- 3) public consultations, consultations with executive authorities and transboundary consultations,
- 4) taking into account of the SEA report, the results of public consultations and consultations specified in point 3,
- 5) information on the adoption of a public planning document,
- 6) monitoring of effects of the implementation of the public planning document on the environment, including human health,

The Ministry of Environment has created a Unified SEA Register, the procedure for which was approved by Resolution No. 430 of the Cabinet of Ministers of Ukraine dated May 2, 2023 (<https://zakon.rada.gov.ua/laws/show/430-2023-%D0%BF#top>).

According to the Procedure for the development of the RBMPs, public consultations on the draft RBMPs and the SEA report shall be held for at least six months from the date of their publication.

Taking into account the need to comply with the timelines of public consultations and the submission of the draft RBMPs to the Cabinet of Ministers of Ukraine for approval not later than August 1, 2024:

- the declaration of scoping of the SEA shall be made public in accordance with the legislation (in the Unified SEA Register and on the planner's website) no later than December 1, 2023
- the SEA report shall be prepared and published in accordance with legislation (in the Unified SEA Register and on the planner's website) by December 31, 2023.

An estimated schedule of the SEA for each draft RBMPs is as follows:

- (1) Development of a declaration of scoping of the SEA and its publication (performed in close cooperation with the planner - the central authority) – not later than 1 December 2023,
- (2) Development of the SEA report and its publication accordance with the legislation (at the Unified SEA Register and on the planner's website) – by 31 December 2023,
- (3) Public consultations, consultations with executive authorities and transboundary consultations – in the period of 1 January 2024 – 1 July 2024,
- (4) Development of a statement of consultations, summarizing comments and suggestions received and indicating how comments and suggestions expressed during public consultations and the consultations referred to in point 3 have been taken into account in the draft RBMP and in the SEA report – by 10 July 2024.

An experienced service provider company is to perform all tasks described above and submit the results to the authorized entity with the properly organised and documented materials of the public notification and consultations.

Deliverables & format

The following three deliverables will have to be produced during the assignment for the 9 RBMPs:

Deliverable 1: The declaration of scoping of the SEAs and its publication (by 1 December 2023),

Deliverable 2: The 9 SEA reports and their publication in accordance with the legislation (by 31 December 2023),

Deliverable 3: Records of the public consultations, consultations with executive authorities and transboundary consultations (where held) (by 1 July 2024),

Deliverable 4: Statement of consultations, summarizing comments and suggestions received and indicating how comments and suggestions expressed during public consultations, consultations with executive authorities and the transboundary consultations (where held) have been taken into account in the draft RBMP and the SEA reports (by 10 July 2024).

The reports and deliverables will have to be submitted in Ukrainian and English languages.

9. Schedule and implementation modalities

Schedule

Duration of the assignment will be up to 1st August 2024 and is expected to start from 15 November 2023. The Contracting Authority will provide all the required baseline data and documents concerning the Dnipro RBMP to the service provider. The State Agency for Water Resources of Ukraine (SAWR) will provide these elements for the other RBMPs.

Payment for the deliverables shall be considered only when the work is accepted by the project team on behalf of the country beneficiaries.

Implementation modalities

Works shall be implemented by a company or group of NGO(s), university, research institution, etc. that are not representing the project beneficiaries. The studies will be closely coordinated, assisted and monitored by the project team (OIEau, UBA, UNECE and the National Programme Representative) and the beneficiaries (Section for Protection of Water Resources of the Ministry of Environmental Protection and Natural Resources of Ukraine and the State Water Agency of Ukraine). Close coordination shall be ensured with the beneficiaries who will take full ownership of the documents produced.

The service provider should have at least 3 years proven experience in the environmental impact assessment, strategic environmental assessment and involvement in the expert examination processes as an initiator or by another role. The potential service provider should have also proven experience in at least 3 case experiences in strategic environmental assessment and expertise involvement for concept documents, at least 1 of which should be in the environment sector.

The contractor has to designate competent specialists for each part of the assignment as well as a coordinator who is responsible of managing these specialists, harmonise the documents, and inform regularly the project team.

Contact details

National Programme Representative of the Programme “EU4Environment Water and Data” in Ukraine:

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The responsible thematic leader:

Mr Philippe Seguin, International Office for Water (OiEau),

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10. Participation to the tender

Interested parties (individual and legal persons) are invited to inquire the full tender dossier containing instructions and further information about the tender procedure from Ms. Ilke CICEKOGLU, Project Assistant, International Office for Water (OiEau) and Mr Philippe SEGUIN, Thematic Leader, International Office for Water (OiEau).

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Deadline for submission of the technical and financial offer is **10 November 2023, 18:00 CET**.

Annex 1: Map of the 9 River Basin Districts of Ukraine

