

EU4Environment in Eastern Partnership Countries:
Water Resources and Environmental Data (ENI/2021/425-550)

TERMS OF REFERENCES FOR LOCAL CONTRACTOR

ORGANISATION OF THE PUBLIC CONSULTATION PROCESS FOR THE DNIPRO RIVER BASIN MANAGEMENT PLAN IN UKRAINE (PROGRAMME OF MEASURES)

JANUARY 2024

1. Financing

European Union (ENI/2021/424-550)
Co-financing by Austria (Austrian Development Agency) and France (Artois Picardie 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

February 2024 – July 2024

6. Contract amount (optional)

Maximum amount: 20 000 EUR

7. Background information

The EU4Environment Water and Data programme aims at improving people's wellbeing in EU's Eastern Partnership Countries and enabling their green transformation in line with the European Green Deal and

¹ Practical Guide to Contract Procedures for EU External Actions

Implementing partners

Co-funded by

With funding from

the Sustainable Development Goals (SDGs). The programme's activities are clustered around two specific objectives: 1) support a more sustainable use of water resources and 2) improve the use of sound environmental data and their availability for policy-makers and citizens. It ensures continuity of the Shared Environmental Information System Phase II and the EU Water Initiative Plus for Eastern Partnership programmes.

The programme is implemented by five Partner organisations: Environment Agency Austria (UBA), Austrian Development Agency (ADA), International Office for Water (OiEau) (France), Organisation for Economic Co-operation and Development (OECD), United Nations Economic Commission for Europe (UNECE). The programme is principally funded by the European Union and co-funded by the Austrian Development Cooperation and the French Artois-Picardie Water Agency based on a budget of EUR 12,75 million (EUR 12 million EU contribution). The implementation period is 2021-2024.

The draft **river basin management plan (RBMP)** for the Dnipro River Basin (RBD) is being developed by Ukrainian consultants with the support of the EU4Environment Water and Data Programme (EU4ENV), and with active participation of the Minister of Environmental Protection and Natural Resources of Ukraine (MENR) and of the State Agency of Water Resources (SAWR). 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. RBMPs shall be approved by the Cabinet of Ministers of Ukraine every six years.

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 EU4Environment Water and Data Programme in the above-mentioned activity, which will help to prepare the formal adoption of the Dnipro RBMP in Ukraine (1 of the 9 draft RBMPs currently being developed).

8. Scope of work

The main objective of this assignment is to organize the public consultation process for the development of the Dnipro river basin management plan (RBMP) in Ukraine (see map in annex 1).

After a "first round" of consultation held in 2021 on the significant water management issues, the consultation now focuses on the programme of measures and the whole RBMP.

By public consultation we understand a dialogue with local stakeholders and residents, who have different levels of knowledge, engagement and interests regarding the development of the River Basin Management Plan. Therefore, public consultation should involve not only the permanent members appointed to participate in the basin council, but also water users' representatives, NGOs, educational institutions, Academia, etc.

Procedures of public consultation

Public consultation is an institutionalised form of stakeholder engagement, which is part of the so-called participatory approaches. Participatory approaches provide many benefits in shaping policies and defining governance, especially when natural resources are concerned. Ukraine is a Party to the Aarhus convention, which provides for access to environmental information, public participation in environmental decision-making and access to justice.

Public consultation for the development of river basin management plan has been formalised in the EU legislation ([EU Water Framework Directive, article 14](#)). The development and approval of the RBMPs according to the EU Water Framework Directive is stated in Annex XXX to the EU-Ukraine Association Agreement.

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. Article 9 states that the draft River Basin Management Plans are reviewed and approved by the relevant Basin Councils and posted on the websites of the Ministry of Environmental Protection and Natural Resources and the State Agency of Water Resources of Ukraine. Article 11 states that financing measures in the River Basin Management Plan, at the expense of state and local budgets and other sources not prohibited by law and financing of these measures from the state budget expenditures is made within the State Budget of Ukraine for the year. The Annex to the Procedure provides a structure of the RBMP document, which must include a report on public information and public discussion of the draft river basin management plan.

9. Task and Deliverables

The awarded candidate is responsible for the three main tasks:

- **Consultation process**
 - **Strategic organisation:** objectives, target audience(s), agenda
 - **Logistics:** organise and cover the costs of consultation meetings for herself/himself, experts and participants (venue, transport, catering, etc). At least 1 offline meeting should be organized in each sub-basin of the Dnipro.
 - **Facilitation** during consultation meeting (working groups, mind mapping, etc).
 - **Reporting** on the consultation process (track process of comments management - accepted, reviewed, or rejected- this process must be as transparent as possible. See a proposal of template in annex 2, to be adapted to the local context).
- **Communication and information**
 - **Preparation of specific documentation** in close cooperation with the experts in charge of the RBMP preparation
 - **Organisation and implementation of a short communication campaign**, in close cooperation with the State Agency of Water Resources
- **Legal assistance** to the beneficiaries (MEPR and SAWR) in the preparation of supporting documents for the approval of the RBMPs by the Cabinet of Ministers of Ukraine (CMU) in accordance with the requirements of the CMU regulations (CMU Regulations, approved by the CMU Resolution of July 18, 2007 No. 950)

The following deliverables will have to be produced by the awarded candidate during this assignment:

- **Deliverable 1 - Report on conducting public consultations on project of Dnipro RBMP**, which must include at minima:
 - Analysis of the participation (number, age, gender, sectors represented)
 - Analysis of comments received (number, content)
 - Explanation of how comments have been considered (rejected/incorporated into the RBMP)
 - Lessons learnt on the consultation process

- **Deliverable 2 - Annexes to the consultation reports**, which must include at minima:
 - List of meetings, interviews, contacts made during the consultation process
 - List of participants in consultation meetings with gender ratio
 - Any other specific documentation prepared for the consultation process

- **Deliverable 3 - information and communication materials produced** for the consultation process, which must include at minima:
 - Plan-schedule of the communication campaign (must be agreed with the State Agency for Water Resources of Ukraine as soon as possible after the start of the contract)
 - Short information brochures (text with infographics in an appropriate design for convenient perception of information by the public, up to 8 pages) regarding the RBMP (in the following sections - Dnipro, Upper Dnipro and Desna subbasins, Middle Dnipro, Lower Dnipro and Pripyat)
 - Links to media references about the consultation (publication through institutional channels or Ukrainian media).

- **Deliverable 4: documents for submission of the Dnipro RBMP to the Cabinet of Ministers of Ukraine for approval**
 - the draft of the act with the RBMP of the Dnipro river basin updated in accordance with the requirements of the preparation of normative legal acts in Ukraine;
 - explanatory note;
 - financial and economic calculations of the impact of the implementation of the act in accordance with the approved CMU Methodology
 - and other supporting documents in accordance with the requirements of the CMU Regulations, approved by the CMU Resolution of July 18, 2007 No. 950).

Reports will be transmitted in digital form which can be corrected in Ukrainian and English. Priority will be focused on illustrations and straightforward style.

The specific material prepared will be submitted to OiEau before to be used for the meetings with the stakeholders.

10. Schedule

The assignment is expected to start from 1st February 2024 and will last to 15 July 2024 (5,5 months).

11. Payment modalities

Payment for the deliverables shall be considered only when the work is accepted by the contracting authority (OiEau) on behalf of the country beneficiaries.

The budget of the assignment covers:

- fees for the team
- meetings costs (venue, catering, transportation, IT, etc)
- production of specific documentation

The budget presented in paragraph 6 is a MAXIMUM budget if all the activities mentioned in the Terms of References are realised.

12. Implementation modalities

Works shall be implemented by a Ukrainian company, NGO(s), university, research institution, etc. that do not represent the project beneficiaries (Minister of Environmental Protection and Natural Resources of Ukraine, State Agency of Water Resources of Ukraine).

The service provider should have past experience of conducting consultation process or similar participatory process in the environmental field, preferably in the water field.

The service provider should have the following competencies:

- Background in sociology and/or human geography OR engineer (ecology, agronomy, hydraulics, etc.) with a strong interest in the social dimension of managing territories and their resources,
- Good knowledge on water resources management (what are the issues at stake)
- good knowledge of the basin and subbasin districts, of the stakeholders and interests at stake.
- Good coordination skills to smoothly organise the venue, catering, transportation, for consultation meetings
- Skills in communication
- Fluency in Ukrainian, ability to work in English

13. Coordination and contacts

The awarded candidate will work in close coordination with:

- The Ukrainian expert team who develops the technical chapters of the Dnipro RBMP: *Oleksii Iaroshevych*
- The State Agency of Water Resources of Ukraine (SAWR) and relevant River Basin Authorities (BUVR)
- The national representative of the EU4Environment Water and Data programme in Ukraine: *Nataliia Zakorchevna*
- The responsible for communication and stakeholder involvement for EU4Environment-Water and Data: *Chloé Déchelette* (International Office for Water, France).

Close coordination shall be ensured with the Ukrainian beneficiaries (MENR and SAWR) who will take full ownership of the documents produced.

The service provider has to designate competent specialists to support the consultation process as well as a coordinator who is responsible of managing these specialists, and inform regularly the beneficiaries and report to the contracting authority.

14. EU visibility

Any communication under this contract must be consistent with the overall EU message for Ukraine, the overall EU message on environmental issues and solutions, and comply with EU visibility rules.

The official guidelines can be accessed here: https://international-partnerships.ec.europa.eu/knowledge-hub/communicating-and-raising-eu-visibility-guidance-external-actions_en

NOTE: All recipients of EU funding have a general obligation to acknowledge the origin and ensure the visibility of any EU funding received (logo + disclaimer on all material produced.)

15. 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 (email address: i.cicekoglu@oieau.fr), Project Assistant, International Office for Water (OiEau), and
- Ms Chloé DECHELETTE (email address: c.dechelette@oieau.fr), responsible for communication and stakeholder involvement for the EU4Environment Water and Data programme, International Office for Water (OiEau).

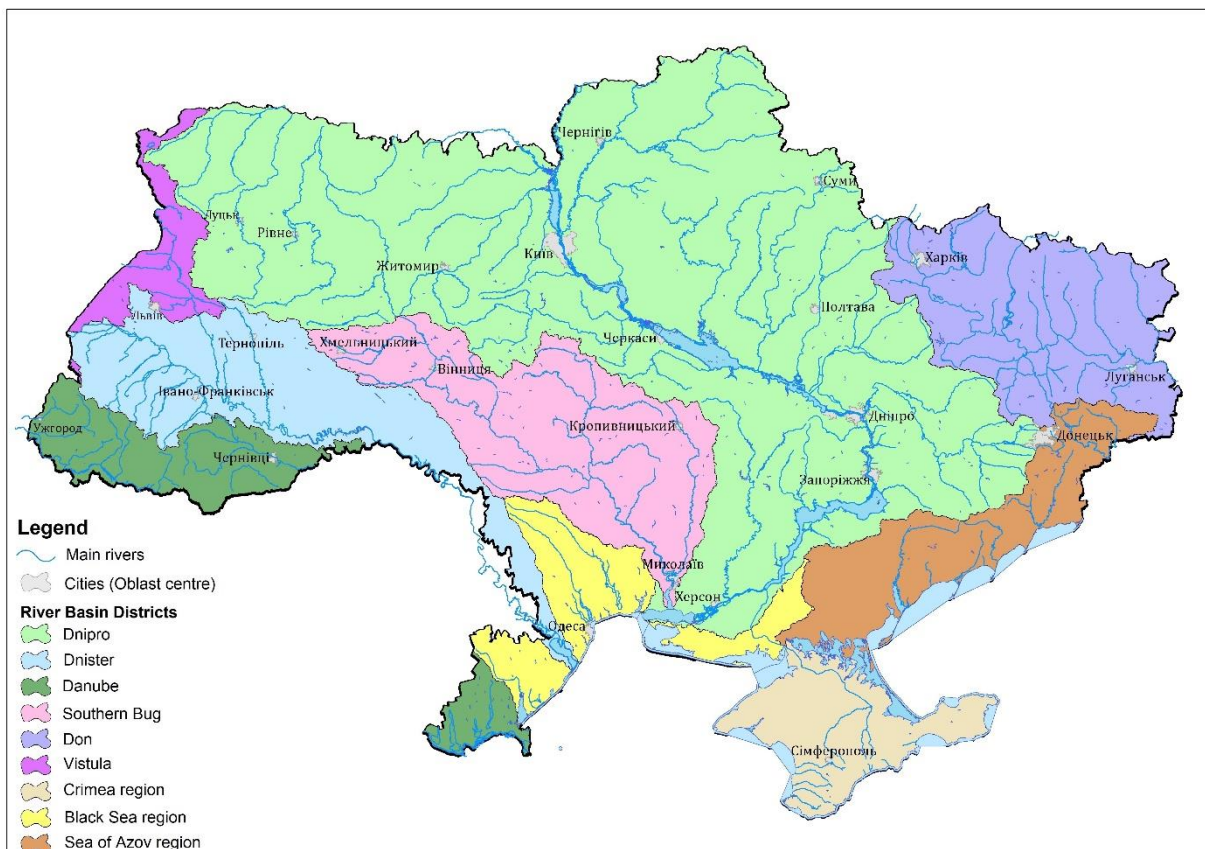
Deadline for submission of the **technical and financial** offer is **29 January 2024, 18:00 CET**.

16. Useful links

- [EU Water Framework Directive, article 14](#)
- [CIS Guidance Document n°8 “Public Participation in Relation to the Water Framework Directive”](#)
- [European Environment Agency, “Public Participation: contributing to better water management. Experiences from eight case studies across Europe, \(2014, Eng\)](#)
- [Example of questionnaire](#) (Dnipro RBMP 1st round of consultation, significant water management issues, Middle Dnipro sub basin)
- [Examples of consultation reporting documents](#) (ICPDR on the Danube basin)
- Draft RBMPs <https://mepr.gov.ua/diyalnist/napryamky/stale-upravlinnya-vodnymy-resursamy/plany-upravlinnya-richkovymy-basejnamy/>

17. Annexes

Annex 1: Map of River Basin Districts of Ukraine



Annex 2: Proposal of template for the disposition of comments

ID	Date of comment	Reception mode (meeting, letter, website, questionnaire, etc)	Author's organisation	Bassin	Sub-basin, province, district, etc	Subject	Comments, observations, opinions	User-entered data	RBMP chapter concerned	Type of comment (input, improvement, misunderstanding, criticism, etc)	Proposed modification to the Draft (specify the concerned chapter)	Final decision (specify: ministry, basin council, technical arbitration, etc)