

TERMS OF REFERENCE

SEA Evaluation of the Estonia - Latvia - Russia Cross- Border Cooperation Programme 2007 - 2013

1. BACKGROUND

In July 2003, the Commission adopted a Communication entitled "Paving the Way for a New Neighbourhood Instrument". The Communication examined the issue of co-operation along the external borders of the Union and addressed the key difficulties in implementing this co-operation, proposing practical improvements that can be made to co-ordinate the existing funding instruments such as Tacis CBC and INTERREG IIIA until 2006 and the basic principles of the joint implementation of the cross-border programmes in the external borders of the Union from 2007.

Preparation of a cross-border co-operation priority for 2004-2006 between Estonia, Latvia, and Russia started in March 2003, after the European Commission had proposed to include new cross-border co-operation priorities (Northern INTERREG III A Priority) within the BSR INTERREG III B Neighbourhood Programme. For the Northern INTERREG III A Priority of the BSR INTERREG III B Neighbourhood Programme, the implementation of the new concept offered good opportunities to avoid previous co-operation difficulties at the EU external border, which Estonia and Latvia as a former candidate countries also experienced, and implement joint projects with Russia much more smoothly. Active engagement of the Russian partners as full members enabled to address more systematically and in real co-operation a board range of joint problems in the border regions of the three countries, thus contributing positively to a balanced development of the whole EU external border area.

For 2007-2013 the Commission proposed a new financial instrument, the European Neighbourhood and Partnership Instrument (ENPI) supporting the implementation of the EU Neighbourhood Policy. The ENPI is a comprehensive and proportionate approach which will address specific areas of cooperation, in particular cross-border co-operation, in addition to the areas addressed by existing instruments or their successors. Regulation (EC) No 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument was approved in October 2006

The new cooperation programme between the Estonia, Latvia and Russia 2007 -2013 will continue under the ENPI. Estonia, Latvia and Russia had started with the preparation of the programme in establishing the Joint Task Force (JTF) for programming. The JTF, comprising representatives of all participating countries, is the main forum for finding agreement between the countries on programming and approving the final draft of the Programme. The aim of the JTF is to draft the programme document and submit it to the European Commission by April 2007. In the kick-off meeting in Riga on 7 July and the JTF first meeting in Tallinn on 22-23 August 2006, the participating countries agreed on the

structure of the programming. The responsibilities of the JTF are laid down in the Minutes of the first JTF meeting.

According to the decision of the JTF, the country where the JMA is established shall have the practical responsibility for coordinating the programming process (incl. collecting the necessary statistical data from participating countries, RCBI expert and preparing comprehensive draft PD, making amendments in PD according to the JTF decisions etc). The objectives and priorities allocated to the programme are still being negotiated. The total amount of funding allocated to the programme is EUR 47.778,39

According to the Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, the Community assistance shall promote enhanced cooperation and progressive economic integration between the European Union and the partner countries. It shall also encourage partner countries' efforts aimed at promoting good governance and equitable social and economic development. According to the ENPI Strategy Paper 2007-2017, the ENPI CBC programmes shall focus on following four key objectives:

1. Economic and social development
2. Common challenges
3. Efficient and secure border
4. People to people co-operation

2. LEGAL BASIS AND OBJECTIVE OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT

The Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 establishes that environmental assessment shall be carried out for certain plans and programmes which are likely to have a significant environmental effects.

The objective of the SEA is to integrate environmental considerations into the preparation and adoption of the Estonia-Latvia-Russia ENPI Cross-Border Cooperation Programme 2007 – 2013 with a view to promoting sustainable development.

3. METHODOLOGY

The expert should select the methodology that he/she considers the most appropriate. The methodology should reflect the size of planned interventions. The proposed methodology should mainly consist of desk-based research of the draft programme document (and its complement) the relevant national strategies and legislation of the participating countries, the participation in the meetings of the JTF and the results of the public hearings of the draft programme document. Expected public hearings is planned to launch in April 2007. The draft of the programme document is expected to be ready by May 2007.

4. THE PROCESS, EXPECTED OUTPUTS AND TIMING

These Terms of Reference are directed at carrying out the Strategic Environmental Assessment of the Estonia-Latvia-Russia Cross-Border Cooperation programme 2007 - 2013 and produce a **Strategic Environmental Assessment Report** according to the Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment. Tasks include providing feedback and recommendations to the Programme bodies as appropriate. Attendance of the expert at the JTF meetings will be required as decided by the JTF.

The contractor shall make available at least one expert starting the Strategic Environmental Assessment after selection of the evaluator has been completed. The present timetable suggests that work could be taken up in December 2006.

The Strategic Environmental Assessment Report shall contain information on points referred to in Annex 1 of the Directive 2001/42/EC, taking into account the objectives and contents of Estonia-Latvia-Russia Cross-Border Cooperation programme 2007 - 2013 and its level of financing.

According to the Article 6 of the Directive 2001/42/EC the Strategic Environmental Assessment Report shall be made available to the environmental authorities and wide public for public consultations.

The final draft SEA report shall include a section explaining the extent to which the results of the Environmental Assessment have been taken into account in the final draft of the Estonia-Latvia-Russia Cross-Border Cooperation programme 2007 - 2013 (Directive 2001/42/EC, article 8).

The SEA process will be coordinated by the Latvian Ministry of Regional Development and Local Governments who is acting as the Joint Management Authority (JMA) of the programme while keeping the authorities of the other participating countries informed through the National Contact Persons and JTF. An initial meeting between the expert, the JMA and National Contact Persons could be held in connection with third JTF meeting that is planned to take place in December 2006.

The first draft SEA report shall be submitted to the fourth JTF meeting that is planned to take place in January 2007. However, the timetable might be extended, as it is dependent on the final approval of the ENPI regulation and Strategy. The final meeting of the JTF is expected to take place in May 2007.

The SEA report will be approved by the JTF and annexed to the Programme document when submitting it to the European Commission for approval. The evaluator should foresee a reserve of working days in case additional analysis and/ or amendments of the report are requested during the negotiations with the European Commission on the Programme.

According to the decision of the second JTF meeting in Riga 9 October 2006, the Estonia and Latvia have designated the Latvian Ministry of Regional Development and Local Governments as the Joint Management Authority (JMA) of the programme to be responsible for arranging the call for tenders and the contracting the SEA expert based on the Terms of Reference adopted by the JTF.

5. SOURCES OF MATERIAL AND SPECIFIC PROVISIONS FOR IMPLEMENTATION

The main sources of written material will include:

- Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument.
- Draft Commission Strategy Paper 2007-2013 and Indicative Programme 2007-2010 of the ENPI.
- Draft Guidelines for preparing CBC programmes under ENPI.
- Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (www.europa.eu.int/eur-lex).
- Draft documents of the Estonia-Latvia-Russia Cross-Border Cooperation Programme 2007 – 2013 as they are produced/ available and the minutes of the JTF.

In addition, the expert will have access to information and data as far as necessary for the fulfilment of the tasks described.

The contractor is required to observe confidentiality when dealing with the information and data referred to above. Otherwise, the contract may be annulled without any compensation.

After the first meeting with the JMA, the expert will draft and submit a work plan specifying the proposed approach including the agreed implementation schedule and an outline of SEA evaluation report.

The contractor will provide interim progress reports as agreed. All reports will be prepared in English.

6. SELECTION AND AWARD CRITERIA, BUDGET.

The contractor must be independent of the administrations responsible for the implementation of the current BSR INTERREG III B Neighbourhood Programme (incl. the Managing/ Paying Authority and the Joint Secretariat) and of the institutions of participating countries in the programme.

The expert proposed should have the following qualification profile:

- Proved experience of evaluation of trans-national and/or cross-border EU co-operation programmes;
- Proved experience on Environmental Assessment of EU programmes;
- Experience with EU Neighbourhood Policy and the TACIS programmes.

In addition, the expert should have very good communication skills. He/she must be fluent in English in speaking and writing as English is the common language of the programme in

preparation. The Russian language is an advantage.

The ceiling budget for this contract is **LVL 5,000** including 18% Latvian VAT. The amount will be allocated from the technical assistance budget of the present IIIA North Priority of the BSR INTERREG III B Neighbourhood Programme. The contracting party will Latvian Ministry of Regional Development and Local Governments It is envisaged to conclude the contract in December 2006.

Proposals should set out:

- The contractor's (company's) name, address, telephone, fax and e-mail;
- Status of the contractor (whether they apply as an individual or as part of a company);
- Attestations relating to the contractor's situation in respect of VAT,
- Bank reference.

Based on the Terms of Reference, the proposal should set out the following issues upon which the proposal will be judged:

- A demonstrated understanding of the scope and the purposes of this assignment based on the EC draft regulations and guidelines for 2007 – 2013 and the current BSR INTERREG III B NP documents;
- A realistic methodology and implementation schedule;
- A proposal for suitable experts including CVs;
- Specific inputs (person/days) and availability of experts;
- A budget plan broken down into: expertise per unit costs (person/days); general costs (overheads, material) and reimbursable costs (travel and daily subsistence allowance).

The proposal should be submitted in English no later than 20 April, 2007 (final date of receipt) by e-mail to:

Latvian Ministry of Regional Development and Local Governments:
pasts@raplm.gov.lv

followed by a paper copy with original signatures to:

Ministry of Regional Development and Local Governments
Lacplesa Street 27
Riga, LV- 1011
Latvia

The proposals will be evaluated by the JTF and representatives of the Managing Authority.