



## Environmental Protection of International River Basins Project

Contract No. 2011/279-666



This project is funded by  
The European Union

A project implemented by a Consortium  
led by Hulla & Co. Human Dynamics KG

### Terms of Reference

#### Assistance in preparation of secondary legislation in Azerbaijan in support of implementation Azerbaijan Water Code and approximation to the EU Water Framework Directive and Urban Waste Water Treatment Directive

#### I. Background and Objectives

The consultant will assist Human Dynamics to fulfil its requirements under the EU technical assistance contract 'Environmental Protection of International River Basins (EPIRB)' (Terms of Reference given in Annex 1). The overall objectives of the EPIRB project are:

- To improve availability and quality of data on the ecological, chemical, and hydro-morphological status of trans-boundary river basins including groundwater; and
- To develop River Basin Management Plans for selected river basins / sub-river basins according to the requirements of the WFD.

The project is being implemented in six countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and five pilot river basins:

- Akhurian Basin District (Armenia),
- Central Kura (Azerbaijan),
- Upper Dnieper Basin (Belarus, Ukraine),
- Chorokhi-Adjaristskali Basin (Georgia),
- Prut Basin (Moldova, Ukraine)

As part of the River Basin Management Plan development process the project will implement selected number of improvement measures from the overall Programme of Measures (PoM), as defined under the Water Framework Directive. The selected measures have been agreed with the beneficiaries in each country and will be executed in accordance with the EC contractual conditions. In the Republic of Azerbaijan the following measures have been chosen:

- Assistance to preparing secondary legislation in support of the Water Code to introduce the concept and principles of IWRM and approximation and application of the WFD and UWWTD.
- Water resource studies in selected transboundary tributaries in the pilot basin demonstrating IWRM and WFD concepts and objectives, through the establishment of environmental flows and EQOs. The final product will be detailed water resource plans in the tributary basins.

- Investigative monitoring in the upper Kura basin to establish a pollution baseline. The Upper Kura is a complex basin with many problems (point source and diffuse pollution) which cannot all be fully investigated under the project supported gap filling Joint Field Surveys. The proposed pilot will fill key knowledge gaps and strengthen and help prioritise the RBMP.

The following Terms of Reference are to assist the Government of Azerbaijan in preparing secondary legislation in support of IWRM and the WFD and UWWTD.

## II Scope of Works

The State Commission of the Republic of Azerbaijan on EU Integration is responsible for implementation of all activities related to approximation of Azerbaijan legislation into EU legislation, including water legislation including the Water Framework Directive, UWWTD and flood protection, according to the Action Plan signed between Azerbaijan and European Union in 2006. Azerbaijan is committed to this process and is seeking to establish strong legal and institutional frameworks to deliver its objectives.

The concept of Integrated Water Resources Management is reflected in Water Code of the Republic of Azerbaijan, as are the mechanisms introduction of the principles of the EU Water Framework Directive and Urban Waste Water Treatment Directive. However to ensure their implementation requires specific decisions of Cabinet of Ministers to be agreed and drafted, and secondary legislation to be developed. The institutional framework needs to be clarified, with current overlap of fragmentation of responsibilities resolved. Toward this objective, the Ministry has requested assistance in undertaking a legal and institutional review of the existing situation; prepare draft decrees of Cabinet of Ministers on application of the River Basin Management approach and establishment of River Basin Organisations; and drafting of key secondary legislation required for application of the WFD and UWWTD.

The project beneficiaries and stakeholders who will need to be consulted during implementation of this project include:

- Ministry of Ecology and Natural Resources
- State Water Resources Agency, under the Ministry of Emergency Situations
- National Environmental Monitoring Department, under the Ministry of Ecology and Natural Resources
- National Hydro-meteorology Department, under the Ministry of Ecology and Natural Resources
- Hydro-geological Expedition, under the Ministry of Ecology and Natural resources
- Azerbaijan Amelioration and Water Farm OJSC
- Azersu JSC on Drinking Water Supply and Sanitation

The project is divided into four phases:

1. Identification of institutional responsibilities for the application of IWRM principles at the national level and the application of WFD and UWWTD and recommendations for institutional reform.

2. Development of mechanism for application of the Basin Approach as indicated in Water Code of Azerbaijan Republic according to principles of EU WFD and preparation of a draft Decree of Cabinet of Ministers on adoption of the mechanism
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3. Development of a draft Decree of Cabinet of Ministers on creation and operation of Basin Management Organizations, including preparation Basin Management Organisation charters (objectives, functions, status and composition).
4. Development of secondary legislation for the application of the Water Framework Directive and Urban Waste-Water Treatment Directive in Azerbaijan

### **III Reporting, Deliverables and Programme**

The contractor shall report to Timothy Turner, the project team leader, regarding overall deliverables and to Rafiq , Verdiyev, the Country Water Management Expert, for all day-to-day management issues. The contract is anticipated to commence on 26th May 2014 and have duration of 10 months, with a completion date of 31 March 2015.

The contractor shall produce the following reports and documents:

- Inception report – due date 15 June 2014
- Review of institutional structure for application of IWRM and EU WFD and next steps – 30 September 2014
- Report on River Basin Management in accordance with IWRM and WFD and draft decrees of Cabinet of Ministers – 31 December 2014
- Report on secondary legislation and development of key legislation for application of WFD and UWWTD – 1 March 2015
- Final report – 31 March 2015

In developing the above reports and legislation the contractor will work closely with Ministry and Cabinet of Ministers.

The contractor will prepare the inception report within the first 15 days which will include:

- appreciation of the scope of the works;
- methodology and internal consultation process
- detailed project programme and deliverable dates
- staff profiles

The documents shall be prepared in both the Azeri and English languages. The contractor shall report quarterly on progress to Human Dynamics and the Ministry.

### **IV Remuneration and payment schedule**

The contractor will receive a lump-sum of 19,500 euros for the above services to be paid in four tranches. The first tranche of 3,000 euros to be paid on approval of the inception report, the second of 5,000 euros on delivery and approval of the institutional review, the third of 6,000 euros on delivery of the Basin mechanism and BWO charter report (including the draft decrees of the Cabinet of Ministers) and the fourth of 5,500 euros on receipt of secondary legislation report for application of WFD and UWWTD and final report. The final report will summarise the work undertaken and identify where necessary lessons learnt and next steps.