TERMS OF REFERENCE FOR RFP FOR a Short Term Consultant (Local Expert)
Program: International Standards and Technical Regulations
Project: Food Safety System Analysis in Moldova

This ToR sets out responsibilities of a Local Expert (hereinafter: the Consultant) that will work with the International Finance Corporation Advisory Services in Europe and Central Asia (“IFC AS ECA”), International Standards and Technical Regulations (ISTR) Program to carry out the analysis of the food safety system in Albania, Bosnia and Herzegovina, FYR Macedonia, Kosovo, Montenegro, Serbia and Moldova and identify the main problems/issues to be addressed to ensure the national food safety framework is in compliance with local requirements and the EU food safety requirements.

A. Objectives/Purpose of Assignment

**Introduction to IFC AS ECA Private Sector Development**
IFC, a member of the World Bank Group, is an international organization whose mission is to promote sustainable private sector investment in developing countries, helping to reduce poverty and improve people’s lives. The International Finance Corporation Advisory Services in Europe and Central Asia (“IFC AS ECA”) provides technical assistance and advisory services to help strengthen the development of the private sector and infrastructure of the countries covered by IFC’s ECA Department.

International Standards and Technical Regulations (“ISTR”) program, financed by the Royal Norwegian Ministry of Foreign Affairs, is a five-year program (December 2005- December 2010) designed to promote international standards and technical regulations, and provide both companies and local business service providers with a range of topical training and consulting services relevant to specific industries. The program is operational in Bosnia and Herzegovina, Albania, Kosovo, Serbia, Macedonia and Montenegro.

**Background program information**
**International Standards and Technical Regulations (ISTR) program:** co-financed by the Royal Norwegian Ministry of Foreign Affairs supports introduction of international standards and regulations in selected companies within priority industrial sectors. Activities include public awareness raising, industry specific seminars and workshops for 1000 companies and intensive in-company training and consultations for 70 companies in the Southern Europe countries.

Focus of the program is on the following sectors: i) construction/construction materials, ii) food processing and retail, iii) general manufacturing and iv) information technology. These sectors were pre-identified as a part of broader, IFC regional approach in respect to opportunity for export, growth, investment and overall development impacts on regional economies.

**Project description:**
With the signing of Stabilization and Association Agreements (SAAs) as a first step toward the EU candidacy of the Western Balkan countries, most of these countries are currently operating under Interim Agreements, which allow free access to the EU markets for most goods from the Western Balkans and gradual opening of its markets to EU products and services. As per such agreements, food business operators are to comply with the EU food safety requirements and standards to enhance export of food products to European markets.

Under SAAs Western Balkan countries are required to adopt EU Food Safety Laws (by transposition of the EU Regulation 178/2002-EU Food Law), which has already been achieved by introduction of new Food Safety Laws. In addition, in some of these countries Food Safety Agencies are established in accordance with the EU model (as an independent body in order to ensure food and feed health safety,
perform scientific and expert technical tasks from Food Safety Law and implement international conventions and international treaties in the field of food and feed health safety). However, actual performance of the newly-established Food Safety Agencies is not always aligned with the performance of their EU counterparts, and there is significant room for capacity building of these Food Safety Authorities (i.e. food safety agencies, relevant Ministries, Inspections, labs etc) that is needed in order for them to be fully compliant with relevant EU Food Safety System.

With the aim of improving the food safety regulatory system in the region and identifying potential areas of intervention for the program, IFC is tendering this assignment with the objective of reviewing the current legal, institutional, and infrastructure framework under which the Western Balkan countries operate and provide relevant recommendations, as well as identifying the scope for future focus of the ISTR Program based on the current needs in the market. The Consultant is expected to work closely with an International Consulting firm hired by IFC that will manage and coordinate specific tasks and deliverables (listed under section B and C) and be jointly accountable for the timely delivery and quality of all deliverables of this assignment.

B. Scope of Work

The overall level of efforts for this assignment is estimated up to 30 man-days. The following activities are envisaged to be completed by the Consultant:

1) Food Safety System Assessment:
   - Perform detailed analysis of the current Food Safety Infrastructure that is in place or that is planned to be established (in accordance with the local legal framework) in Moldova and benchmark this system against the EU food safety system.
   - Review Food Safety Authority (Authorities), implementing bodies and all key stakeholders that exist in Moldova in charge of official food and feed controls, highlight their main responsibilities and benchmark this system against best practices, and provide a brief overview of food testing laboratories (list of food testing laboratories, are they accredited etc.).
   - In cooperation with relevant Authorities identify the needs for targeted awareness campaigns with relevant private sector beneficiaries and identify training needs for the relevant civil service staff engaged in the food safety system.
   - Evaluate the current Food Safety System from the private sector perspective, how effective the system is, how does it affect competition, innovation, and business entry in the relevant agribusiness sectors it regulates, how burdensome (or simple) is compliance with food safety requirements for food processing companies, what regulatory changes are needed according to the private sector, etc.
   - Based on the EU food safety model and best practices, in cooperation with an International Consultant, provide recommendations as for how the entire system should be reformed to ensure its efficiency and what areas for policy interventions might be within the framework of a full scale Advisory Services project in food safety area for short, medium and long term.

2) Food Safety Regulatory Assessment:
   - Perform detailed analysis of the current legal framework in place in Moldova and recommend any improvements and/or identify areas of support to relevant entities for a smooth implementation of the framework (official food and feed controls authorities, inspection, risk assessment and risk management, registration of food business operators).
• Identify and review which streamlined procedures, checklists, manuals etc. need to be developed and/or revised by the relevant Agency (Agencies) to increase efficiency of the food safety quality assurance.
• Based on the EU best practices together with an International Consultant, propose areas for policy interventions to streamline the national legislation in short, medium and long term.

Specific Tasks

Food Safety System Assessment
• Conduct comprehensive desk research, review and evaluate food safety infrastructure that exist in Moldova.
• Conduct an institutional assessment of all relevant agencies/ministries and controlling bodies on food safety in Moldova. For each institution describe overall mandate, responsibilities, and functions on issuing FS regulations, administering permits/licenses/ certificates/ conformity assessments/ etc., and conducting inspections/FS controls. Identify the areas of overlap or conflicts between the competences of each institution.
• Based on the guideline received from the International Consultant, conduct in-depth interviews with main Authorities in Moldova to evaluate their capacities and needs.
• Evaluate existing infrastructure for assuring food safety system in place (i.e. Laboratories and other aspects).
• Based on the guideline received from the International Consultant, conduct short interviews with relevant private sector beneficiaries in identifying needs for targeted awareness campaigns and provide recommendations for food safety education and training.
• Based on the questionnaire received from the International Consultant, collect relevant information on capacity building needs for staff engaged in the food safety system.
• Prepare a short report describing main activities and priority areas of intervention on food safety of each donor and/or international organization.
• Prepare a short report summarizing the key issues and problems of the FS system in Moldova identified during the desk review with specific focus on the main issues and problems of the FS system as seen by the private sector.

Food Safety Regulatory Assessment:
• Identify and analyze relevant legal framework that regulate the safety of food and food products in Moldova, provide a list of all relevant laws on food safety.
• Provide a list of all relevant laws on food safety in Moldova.
• Evaluate how food safety regulatory framework impacts private sector.
• In cooperation with International Consultant prepare a comparative table highlighting the differences between the main provisions of the laws affecting food safety in Moldova and the provisions of the EU legislation on the same topics.
• Conduct a desk review of the actual procedures, checklists, guidelines used by local authorities in evaluating food business operators.
• Prepare the inventory of the main and most burdensome/problematic licenses, permits, and other requirements that are necessary to operate a food processing business in Moldova, and together with International Consultant provide recommendations in comparison with best practices in EU.
• Conduct analysis of how food safety regulations regulate the import and export operations of food products (required documentation and certification, etc.), and controls on safety of food
are conducted at borders. Assess also level of mutual recognition and accreditation of testing laboratories with EU laboratories.

**Methodology**

To carry out the assignment, IFC expects the Consultant to perform the following:

- Conduct extensive consultations with the local IFC staff to learn what has already been done to address food safety related regulations.
- Conduct meetings with state agencies (i.e. Ministry of Agriculture, Food Safety Authorities, Veterinary Inspection Bodies, Directorates of Standardizations, Accreditations and Metrology, Food Testing Laboratories, etc.) responsible for the main aspects of food safety assurance in Moldova to validate the analysis.
- Where applicable, consult with the World Bank Projects (e.g. BERIS) to evaluate the current support provided in these areas.
- Conduct meetings with other relevant stakeholders (i.e. local consultants in food safety area, associations and other NGOs involved, food processors, etc.), as needed, to obtain a big picture of the entire food safety system in Moldova.
- Conduct in-depth interviews with food processors and food processors associations (minimum 4 interviews) to identify the most problematic areas of food safety regulation and food safety assurance system from the point of view of the private sector.
- Provide any additional information requested form the IFC project managers and International Consultant hired by IFC in compliance with the scope of work.

C. **Deliverables / Specific Outputs Expected from the Consultant**

The Consultant will work with an International Consultant and the Project staff and will develop and implement the following:

- Detailed Final Assessment report
  Presentation material on the outcomes of the assessment

Schedule of Deliverables

- Hiring by August 15th, 2010
- First draft of the Assessment Report until October 15th, 2010
- Final report by November 15th, 2010

Acceptance of Deliverables

The Consultant will report to Mrs. Ledia Cirko (lcirko@ifc.org), Operations Officer, and Mr. Stevan Gregovic (sgregovic@ifc.org), Operations Officer at IFC.

D. **Specific Inputs to be provided by the Client:**

N/a

E. **Special Terms & Conditions / Specific Criteria**
Selection criteria

In order to implement this project IFC is looking to hire a Consultant, wide experience in the area of food safety with the focus on policy assessment and policy making. The Consultant hired should meet the following criteria:

- Preferably a University degree in food processing technology, veterinary, quality systems, law or other relevant field, and at least 15 years work experience in the relevant field.
- Strong analytical skills and experience relevant to practical understanding of the political economy of regulatory reform.
- Proven experience in working with similar projects related to food safety systems in Western Balkan countries
- Excellent knowledge of English and local language (must);
- Excellent writing skills in the English language.
- Regional expertise will be considered an asset.
- Previous experience of working with the World Bank Group is of benefit.