**Tender on Implementing Regulatory Impact Assessment (RIA)**

**of the Draft Law of Georgia on Biodiversity**

The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Programme “Legal Approximation towards European Standards in the South Caucasus” is requesting offers/proposals from a service provider that has experience in implementing Regulatory Impact Assessments (hereinafter - RIA) of legislative acts:

**I. Background**

The protection of biodiversity is a key commitment in the Association Agreement signed between the EU and Georgia in 2014 and marks the beginning of intensive elaboration with regards to meeting the EU’s obligations regarding the protection of flora, fauna and fish. In September 2015, the 193 member states of the United Nations adopted the Agenda 2030 for Sustainable Development with its 17 Sustainable Development Goals (SDGs). The Agenda 2030 presents a global consensus of historic significance and a new, overarching framework for international cooperation. The Georgian government has committed to the implementation of the ambitious global agenda and has subsequently presented a first voluntary national review on the implementation of the SDGs at the High-Level-Political Forum 2016[[1]](#footnote-1). Protection of biodiversity is a key concern anchored in the Agenda 2030, prominently in SDG 15 covering ‘Life on Land’. The related targets and global indicators tackle the reduction of negative factors directly affecting threatened natural habitats through the sustainable management of these habitats. In sum, a sound national biodiversity law integrating these global demands positions Georgia at the front row of ambitious environmentally sustainable regulatory frameworks.

Currently the draft law on biodiversity is being designed as a complementary law next to the new law on environmental impact assessment code. The new biodiversity law is intended as an ambitious umbrella law that minds elements of international conventions and delivers on regulatory features such as synergies with environmental codes, the alignment with liability law and clear thresholds and criteria regarding the protection of biodiversity.

However, before opening public discussions on the current draft law, the project **‘Regulatory Impact Assessments in light of Agenda 2030’** implemented as part of GIZ’s Legal Approximation towards European Standards in the South Caucasus Programme in close coordination with the Ministry of Environment and Natural Resource Protection of Georgia (hereafter - MoENRP) decided to conduct a RIA on the Draft Law on Biodiversity.

Any effective legislative and public policy initiative of the government should be evidence-based, thoroughly evaluating the social, environmental and economic impacts. According to the EU 2009 Guidelines[[2]](#footnote-2) “the RIA process prepares evidence for political decision-makers on the advantages and disadvantages of possible policy options by assessing their potential impacts." The RIA process shall further be guided by the implementation principles of the Agenda 2030, namely to: (i) foster integrative approaches covering environmental, social and economic impact dimensions (ii) leave no one behind by ensuring greater efforts to address the poorest and most vulnerable groups and reduce inequalities (iii) underline shared responsibility of all stakeholders with multi-stakeholder approaches (iv) enable accountability with strong review and monitoring mechanisms.

Starting with the definition of the policy objective/s in light of the Agenda 2030, RIA analyzes options for reaching the objectives. The options are analyzed and compared in order to assess their possible impact and to recommend the most appropriate one. Moreover, RIA has to outline monitoring and evaluation steps to be followed when implementing the normative act. The RIA shall be conducted well-consulted among a broad group of stakeholders and ready to be presented for public consultations to legal professionals, governmental agencies, civil society organizations, the business community and the general public. The results and findings of this inclusive and transparent process are presented in the Regulatory Impact Assessment (RIA) report.

As the conduction of *ex ante RIA* prior to a law being passed is still a young practice in Georgian legal drafting the service provider should pay particular attention to ensuring capacity development of the ministry staff with regards to the RIA methodology throughout the RIA process.

Effectively, the RIA on the draft Law on Biodiversity will contribute to the quality of the draft law and eventually also pave the way for a better implementation of the new law.

**III. Objective and expected components**

The service provider shall conduct a RIA on the Draft Law of Georgia on Biodiversity based on the RIA instructions prescribed below and through following activities:

**Activities:**

1. Propose the RIA methodology based on the Agenda 2030 requirements (SDGs and implementation principles) as well as on international best practices and particularly considering "Recommendations on RIA National Framework of Georgia";
2. Develop an action plan for the implementation of the RIA with a detailed budget, concrete timelines and clear milestones; a precise capacity development concept with regards to building the ministry staff’s RIA related methodological capacities will be a clear asset for the applicant.
3. Identify the objectives and case for action (size and scope) and establish the baseline; the service provider shall focus, but shall not be limited to such issues as synergies with environmental codes, alignment with liability law, inclusion of red species protection;
4. Measure the possible financial impact of the new law (cost and benefit) by using quantitative and qualitative analysis methods;
5. Several aspects of impact should be measured, e.g. in view of economic, social, environmental, labor market and other possible consequences;
6. Propose members (staff) of a working group, who will conduct the RIA; additional legal and/or environmental advice provided by an international expert will be an advantage for the applicant;
7. Be guided in the assessment by the indicators depicted in the following reports: Georgian national SDG Matrix (if available) otherwise the global indicators on biodiversity, National Biodiversity strategy and Action Plan (NBSAP), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Bern Convention of the Conservation of European Wildlife and Natural Habitats (Emerald Network);
8. In the process of developing the RIA, work closely with Ministry of Environment and Natural Resource Protection of Georgia, and where relevant with the Ministry of Health, Labour and Social Affairs of Georgia;
9. Conduct consultations among a broad group of stakeholders including business associations, civil society organizations and other interested stakeholders;
10. Conduct the data collection and evaluation;
11. Compare and recommend preferred options for legal solutions in accordance with the concept of environmental liabilities, seeking synergies of the draft law and liability regulations, which are being collaborated; their selection should be based on sound judgments of why the preferred option meets the objectives best and why other options are not preferred.

**Deliverables:**

The service provider shall submit following deliverables:

* Provision of assistance and back-stopping as well as conduction of no less than 4 on the job training sessions for MoENRP staff
* Interim RIA Report on Draft Law of Georgia on Biodiversity after a first round of stakeholder consultations;
* Final RIA Report on Draft Law of Georgia on Biodiversity;
* Presentation of findings at public conference.

Deliverables should be provided in both Georgian and English language.

**IV. Rules for payments**

The service provider will receive an advanced payment and payments upon submission of the following milestones:

* RIA detailed action plan with respective budget, timeline and milestones;
* RIA Interim Report;
* RIA Final Report and a public conference presenting findings of the RIA Final Report.

**V. Duration of the assignment and place for performance**

The RIA process shall be performed in Georgia within a period of approximately four months after signing a contract between the contractor and the service provider with the final RIA Report submitted by no later than 31st October 2017.

**VI. Eligibility and qualifications**

* Consulting firms;
* Research institutions;
* Non-governmental organizations.

The service provider shall have:

* Demonstrated experience in RIA implementation, environmental and social impact assessments, legal and policy analysis;
* Working group members (staff) shall have at least 6 years of working experience in respective key thematic fields, including environmental law, environmental science, economics, sociology and policy analysis.
* Strong statistical, data gathering and data evaluation competence and capacities;
* International expertise and back-stopping shall be integrated in the working group;
* The team members shall have strong conceptual and didactic skills as well as experience in the conduction of trainings on processual RIA steps and methodology (e.g. data collection and stakeholder consultation methods etc.).
* Demonstrated ability to produce high level written outputs in English and Georgian.

*Evaluation criterion are set in the attached Excel file.*

1. [Georgia First Voluntary National Review on Implementation of the Sustainable Development Goals](https://sustainabledevelopment.un.org/content/documents/10680SDG%20Voluntary%20National%20Review%20Georgia-.pdf) [↑](#footnote-ref-1)
2. European Commission Impact Assessment Guidelines - SEC(2009) 92 [↑](#footnote-ref-2)