

# **WESTERN BALKANS TRADE AND TRANSPORT FACILITATION PROJECT UNDER MULTIPHASE PROGRAMMATIC APPROACH (PHASE 2) IN MONTENEGRO**

## **Terms of Reference and Scope of Services**

### **MNE-WBTTFP-94710-IC-CS-25-2.3.8**

Individual Consultant

#### **- Technical expert for preparation of By-law on Technical rules (technical standards for ships flying Montenegro flag)**

## **1. BACKGROUND**

The Loan Agreement for the implementation of the Western Balkans Trade and Transport Facilitation Project (TTFP) under the Multiphase Programmatic Approach (PHASE 2) in Montenegro (Project) was signed on 13 February 2023 and its closing date is 30 April 2028. The Project's development objective is to reduce trade costs and increase transport efficiency in Montenegro. The key benefit will be more efficient processing of international trade and transport documentation for both traders and the administration. Such efficiencies will enhance the transparency of transactions and reduce duplications and overlaps. The envisaged significant cost savings are expected to result in lower transport costs, reductions in GHG emissions associated with the decrease in truck idling time, reduced administrative costs to trade, and finally in increased competitiveness on regional and global markets.

## **2. BENEFICIARIES**

The Ministry of Transport (MoT) serves as the lead implementing agency for the project, and is responsible for the formation of the PIU and the recruitment of its staff. The MoT and TTFP-PIU are supported by the Technical Services Unit (TSU) of the Ministry of Finance in Financial Management (FM) and procurement functions of the Project. In addition to MoT, there are several other beneficiaries of the Project, including:

- a. Ministry of Maritime Affairs (MoMA)
- b. the Customs Administration (CA);
- c. the border police under the Ministry of Interior;
- d. the National Railway Infrastructure Company;

The beneficiaries of the Project include but are not limited to producers, traders, exporters, importers, and transport service providers, as well as CA and other agencies regulating import and export procedures.

### **3. PROJECT COMPONENTS**

#### **Component 1: Facilitating movement of goods across the Western Balkans.**

The component will focus on (i) the design and implementation of a National Single Window (NSW) solution for trade and the associated reform and modernization of Customs and other border management agency requirements; and (ii) Preparation of the technical designs for the building and equipment for the new customs inspection facility at the Port of Bar. This component builds on regional commitments, including under the CEFTA AP5 and the Transport Community Treaty, as well as commitments by Montenegro which is a member of the World Trade Organization (WTO) Trade Facilitation Agreement (TFA).

#### **Component 2: Enhancing transport efficiency and predictability**

This component focuses on (i) development of a Port Community System (PCS), (ii) the improvement of Railway Level Crossings (RLC), (iii) development and update to various transport sector strategy documents, and (iv) Internship and Scholarship Program in technical areas. This component will leverage information technology to increase operational efficiency of the country's maritime supply chain and improve the efficiency, reliability and attractiveness of railways. This component will also include Internship Program for female students and graduates in technical areas such as engineering, IT, logistics, and transport on a competitive basis and Scholarship Program for train drivers.

#### **Component 3: This component will support the implementation of commitments to improve market access in services and foster regional investments.**

Technical assistance will be provided to government agencies to implement the commitments made under the CEFTA AP6 to liberalize trade in services. Trade in services is more than trade in goods—influenced by a wide range of domestic regulations (e.g. licensing requirements, competition framework, network services regulations, universal access provisions, etc.). The quality of regulations (and the corresponding enforcing agency/institutions) is therefore a key determinant of whether services trade (and investment) liberalization will translate into economic and social gains. A good understanding of the regulatory situation – at a horizontal as well as sector specific levels – and ensuring it is adequate will be critical as the WB6 engage in services sector liberalization. For the WB6 more advanced in their EU accession process, this component will also support specific measures and reforms undertaken by the WB6 to implement the Acquis and prepare their economy to enter the single market. This component is covered by grant resources from other development partners, which complements the support from the World Bank Group.

#### **Component 4: Support to project implementation units (PIU)**

This component will support the PIU and provide additional technical support, including policy coordination, operating costs, and monitoring and evaluation of the Project. It will also support several citizen engagement and gender related activities: (a) public consultations during the first phase of the Project; (b) annual multi-stakeholder dialogues; (c) service charters; (d) a grievance redress mechanism; (vi) three business inspection services and user satisfaction surveys, and (vii) women's employment in CA and other border agencies.

## **4. OBJECTIVE OF THE ASSIGNMENT**

The MoT (the Client) seeks the technical assistance of an individual expert who will be responsible to prepare the Technical rules (technical standards for ships flying Montenegro flag) aligned with relevant international conventions (e.g., SOLAS, MARPOL, STCW, Load Line, OPRC), Montenegrin legislation and EU legislation in the field of navigation safety within Chapter 14, ensuring clear technical requirements, inspection modalities, documentation, and enforcement procedures for vessels under the Montenegrin flag, for the MoMA who is the Beneficiary of the project. The Technical Rules shall take into account the relevant IMO (IMSAS) and EMSA findings and the recommendations that have been issued to Montenegro.

These technical rules form the backbone of Flag State control and ensure vessels flying the Montenegrin flag are safe, seaworthy, and compliant with international law.

These rules govern the inspection of vessels flying the Montenegrin flag, ensuring compliance with international conventions and national legislation. They cover structure, equipment, crew, and operations.

### **1. Legal Basis**

- International Conventions:
  - SOLAS (Safety of Life at Sea)
  - MARPOL (Marine Pollution)
  - STCW (Standards of Training, Certification, and Watchkeeping)
  - Load Line Convention
  - OPRC 90 (Oil Pollution Preparedness)
- National Legislation:
  - Law on Safety of Maritime Navigation
  - Flag State Regulations issued by the Maritime Safety Authority
- Technical Rules shall include clear references to the IMO (IMSAS) requirements and the EU acquis applied by EMSA during audits and inspections, ensuring full traceability to IMO and EMSA-monitored requirements

### **2. Structural and Equipment Inspections**

- Hull and structural integrity, including watertight integrity.
- Lifesaving appliances: lifeboats, life rafts, lifejackets, immersion suits.
- Firefighting equipment: extinguishers, fire hoses, detection systems.
- Navigation and communication equipment: radar, AIS, GPS, VHF, ECDIS.
- Machinery and propulsion systems: engines, steering gear, auxiliary systems.

### **3. Operational and Safety Procedures**

- Safe manning compliance according to vessel type and voyage.
- Emergency procedures: fire, abandon ship, oil spill, collision.
- Bridge resource management and watchkeeping practices.
- Cargo handling and stowage, including hazardous cargo.

#### **4. Documentation and Certification**

- Validity of statutory certificates (SOLAS, MARPOL, Load Line, ISM, ISPS).
- Crew certificates and endorsements according to STCW.
- Logbooks, voyage data, safety management documentation.

#### **5. Inspections by Flag State**

- Initial Inspection: before vessel entry into service.
- Periodical Inspection: annual or scheduled inspections.
- Additional/Extraordinary Inspection: following accident, deficiency reports, or complaints.
- Verification of Repairs/Modifications: ensure compliance with flag state and IMO regulations.

#### **6. Reporting and Follow-up**

- Inspection reports with identified deficiencies.
- Orders for corrective actions and deadlines.
- Detention of vessel if major deficiencies threaten safety or compliance.
- Record-keeping in national Flag State databases and reporting to IMO.

#### **7. Technical Guidance**

- Use of Flag State Technical Circulars and Guidance Notes.
- Reference to classification society rules (if applicable).
- Compliance with international safety and environmental standards.

These technical rules shall be prepared in accordance with the Legal and Technical Rules for Drafting Legislation in Montenegro.

### **5. SCOPE OF WORK**

Specific functions and responsibilities of the technical expert for preparation of by-law on Technical rules (technical standards for ships flying Montenegro flag) will be as follows:

#### **5.1 Inception phase and Legal research and analysis**

- Confirm objectives, stakeholders, workflow and deliverable plan and submit an Inception Report with a detailed work plan and drafting template set (structure, definitions, and tables of concordance)
- Legal gap analysis (international conventions; national Law on Safety of Maritime Navigation; current Flag State regulations) and prepare an initial alignment matrix where relevant.

#### **5.2 Drafting By-law on Technical rules (technical standards for ships flying Montenegro flag)**

- Draft the by-law on Technical rules (technical standards for ships flying Montenegro flag)
- Review and adjust the draft by-law in accordance with comments and suggestions provided by the Client, Beneficiary and relevant stakeholders
- Prepare the final version of the bylaw, in line with the Legal and Technical Rules for Drafting Legislation in Montenegro, ready for adoption.

- Ensure that the draft and final versions of the Technical Rules address relevant IMO (IMSAS) and EMSA recommendations and include an alignment table demonstrating how each recommendation has been incorporated.

### 5.3 Stakeholder Consultation and Revision

- Conduct targeted working sessions with MoMA/MoT/PIU and other stakeholders; collect and consolidate comments and incorporate into the draft by-law on Technical rules (technical standards for ships flying Montenegro flag)
- Support legislative processing steps with the Secretariat for Legislation as needed (formatting, compliance notes)

### 5.4 Capacity building

- Prepare concise guidance notes, manuals or standard operating procedures for Flag State inspectors and desk officers
- Deliver training materials and presentation and conduct one presentation of findings and focused training workshop for relevant stakeholders.

### 5.5 Finalization

- Prepare and submit the final By-law on Technical rules (technical standards for ships flying Montenegro flag) (clean and track-changes versions) with all comment incorporated and ready for adoption as per Legal and Technical Rules for Drafting Legislation in Montenegro;
- Prepare and submit the Final Report summarizing activities, addressing comments and recommendations

## 6. DELIVERABLES

The Consultant shall prepare and deliver the following in the corresponding stages of the assignment.

Deliverables	Description	Due dates
Deliverable 1: Inception Report with the Legal gap analysis	Inception Report should include objectives, stakeholders, detailed work plan, drafting templates, outline of consultation plan, as well as legal/technical review (laws, current bylaws/standards), EU alignment matrix (initial), problem statements and detailed annotated outlines for technical rules, identified gaps and challenges. Legal gap analysis should be submitted as annex to the Inception report.	Within one (1) week from the commencement date

Deliverable 2: Draft By-law on Technical rules (technical standards for ships flying Montenegro flag)	Draft by-law which should contain full draft text, with table of concordance and explanatory memorandum	Within four (4) weeks from the commencement date
Deliverable 3: Final Draft By-law on Technical rules (technical standards for ships flying Montenegro flag)	Finalized by-law and all other corresponding documents (table of concordance, explanatory notes), with all comments incorporated and in line with the Legal and Technical Rules for Drafting Legislation in Montenegro and ready for adoption	Within eight (8) weeks from the commencement date
Deliverable 4: Training materials	The Consultant shall prepare training program, distribute the reports early enough so the workshop participants can familiarize with them prior to the event.. The Consultant shall prepare training slides, quick guides/checklists, and deliver one training/workshop.	Within ten (10) weeks from the commencement date
Deliverable 5: Final Report	The Report should include as minimum, short description of achievements, deliverables provided, problems encountered, and recommendations for future actions, meetings held and other relevant information for execution of the tasks as per opinion of the Consultant. . Comments received at the training/workshop should be incorporated in the final report.	Within twelve (12) weeks from the commencement date

Deliverables should be submitted in four (4) hard and one electronic (USB flash drive) copies; in Montenegrin and English language.

The selected Consultant shall be paid the lump sum contract amount linked to the deliverables.

## 7. QUALIFICATIONS

The Consultant suitable for this position is expected to have the following expertise, experience, and other soft skills:

- University degree (minimum Master's degree) in the field of Maritime Shipbuilding, Maritime Safety/Maritime Transport studies, Maritime/Transport Law or other relevant field;
- Minimum 10 years of general professional experience in Maritime shipbuilding, maritime transport/maritime safety/maritime operations;
- Proven experience in at least two (2) comparable assignments in the past 10 years where the Consultant served as lead author or principal contributor in drafting of maritime sector bylaws/technical regulations or standards, preparing or co-authoring normative acts,

technical rulebooks or guidelines for maritime authorities, maritime transport strategies or studies;

- Strong research and analytical skills;
- Excellent written and spoken English and Montenegrin language;
- Computer literacy and ability to use Word, Excel, Power Point is required;
- Working experience with governmental and/or local self-governments and/or public bodies dealing with transport is desirable.

The TSU of the Ministry of Finance invites eligible individual consultants to indicate their interest in providing the above services. Interested consultants must provide Cover Letter and CV representing description of similar assignments, experience in similar conditions and availability of appropriate skills (scanned diplomas to be sent with CV).

The evaluation criteria will be the following:

- (i) General Qualifications, including education, trainings and qualifications (40 points).
- (ii) Specific experience relevant to the assignment (60 points).

## **8. TIMING AND DURATION**

The Consultant will commence tentatively his/her assignment in December 2025/January 2026 for the period of 3 months.

## **9. REPORTING OBLIGATIONS**

The Consultant will report to the PIU Project Manager and MoT.

All deliverables shall be submitted to and approved by the Project manager, designated person from MoMA and MoT Project coordinator. Final approval of these deliverables by MoT Project Coordinator will allow payment for each of the Deliverables.

All written submissions are to be made in English and Montenegrin language, typed and delivered in four (4) hard copies and one (1) electronic copy to the Project manager, MoT and MoMA.

The draft reports will be commented within one week of submittal, after which the Consultant will incorporate the comments into the subsequent edition of the report. Following the comments received, the Consultant will send a revised version, with the operated changes highlighted, via the same contact, before formally submitting the final version to the PIU, MoMA and MoT for approval.

All reports should have a title page, which should include: project name, project code or reference, report title, date issued, period covered and name and address of the consultant.

The reports should be well structured, contain an executive summary, a table of contents, a table for acronyms. The reports will summarize the main achievements and leave detailed and in-depth subject matter for Annexes. Recommendations will be clearly highlighted. Facts in text and data in tables should be consistent with each other, with cross-references of information/data sources if necessary. Precise sources of information must be critically assessed prior to being considered. A list of essential contact persons is to be included.

Further copies may be requested if necessary. The consultant shall provide the PIU, MoT and MoMA with electronic and hard copies of all the material prepared under this assignment. All reports will be checked prior to the approval and certification of payments (“certified correct” and “passed for payment”) to verify compliance with the terms and conditions of the contract – timeliness and quality of execution of services.

## **10. CONFIDENTIALITY**

The Consultant undertakes to maintain confidentiality on all information that is not in the public domain and shall not be involved in another assignment that represents a conflict of interest to the prevailing assignment.

## **11. SELECTION**

This Consultancy service will be selected under the provisions of the World Bank’s *Procurement Regulations for IPF Borrowers - Procurement in Investment Project Financing Goods, Non-Consulting and Consulting Services, February 2025 (Procurement Regulations)*, based on the method of Selection of Individual Consultants (IC) under the Lump Sum contract.