

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-25-2.3.9

Individual Consultant

–Technical expert for preparation of bylaws in the field of railway transport –

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
- 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 Ministry of Transport (MoT) needs the technical assistance of an individual expert who will be responsible for update/drafting new specific bylaws in the field of railway transport, namely:

- (i) Rulebook on the Taking Over of Traction Vehicles by Railway Workers (*Pravilnik o posijedanju vučnih vozila željezničkim radnicima* („Službeni list CG“, br. 13/2013)),
- (ii) Rulebook for the Haulage of Trains on the Yugoslav Railways (*Pravilnik za vuču vozova na jugoslovenskim železnicama*, („Službeni glasnik Zajednice JŽ“, br. 16-3/11-91)),
- (iii) Rulebook on Uniform and Standardized Transport Accounting and Cashier Operations at Railway Stations (*Pravilnik o jedinstvenom i jednoobraznom vođenju transportnog računovodstva i blagajničkog poslovanja na željezničkim stanicama*) and
- (iv) Rulebook on the Organization of the Transport of Passengers and Shipments (*Pravilnik o organizaciji prevoza putnika i pošiljaka*).

Montenegro's rail sector today is governed by the Law on Railways (*Zakon o željeznici*) and the Law on the Safety, Organisation and Efficiency of Railway Transport (*Zakon o bezbjednosti, organizaciji i efikasnosti željezničkog prevoza*). These laws introduce market opening, separation of infrastructure management from operations, safety management systems, interoperability and adoption of EU rail standards.

The Rulebook on the Taking Over of Traction Vehicles by Railway Workers (*Pravilnik o posijedanju vučnih vozila željezničkim radnicima*) is based on the Law on Safety of Railway Transport from 2008, that has been changed in 2013. This rulebook needs to be updated in accordance with the latest Law on the Safety, Organisation and Efficiency of Railway Transport from 2013.

Rulebook for the Haulage of Trains on the Yugoslav Railways (*Pravilnik za vuču vozova na jugoslovenskim železnicama*, („Službeni glasnik Zajednice JŽ“, br. 16-3/11-91)), Rulebook on Uniform and Standardized Transport Accounting and Cashier Operations at Railway Stations (*Pravilnik o jedinstvenom i jednoobraznom vođenju transportnog računovodstva i blagajničkog poslovanja na željezničkim stanicama*) and Rulebook on the Organization of the Transport of Passengers and Shipments (*Pravilnik o organizaciji prevoza putnika i pošiljaka*) are from the time of Yugoslav Railways (JŽ). Updating/replacing the three JŽ rulebooks is therefore required to (i) operationalise the Montenegrin railway laws, (ii) remove conflicting legacy instructions, and (iii) ensure harmonisation with the Montenegro legislation in the field of railway.

A critical gap is the continued reliance on legacy Yugoslav railway rulebooks which pre-date EU railway legislation and Montenegro's modern legal framework. To operationalize national laws and advance EU alignment (Chapter 14 – Transport Policy), the Client will update four legacy rulebooks and prepare full adoption dossiers.

These acts contain operational, accounting, and service-organization rules from the JŽ era. They do not reflect: (i) safety management systems, (ii) interoperability and TSI-based operations, (iii) EU market access/capacity/charging rules, (iv) modern passenger rights and information standards, or (v) Montenegro's accounting and public finance requirements.

Modern by-laws are needed to implement the above national laws, remove conflicts and obsolete provisions, and embed TSI/CSM-based procedures.

EC progress reporting for Montenegro highlights the need to accelerate alignment with the rail acquis. The by-laws should be aligned with the relevant EU rail acquis, including interoperability

requirements (TSIs), common safety methods (CSMs), safety management system obligations, and EU rules on market access, capacity allocation, passenger rights, and service facility transparency. This assignment addresses concrete gaps in operations, service-facility transparency, passenger information/rights, and financial procedures at stations.

The outputs will strengthen the regulatory framework and institutional capacity, helping ensure timely harmonization and more efficient, coordinated transport operations in line with international best practice.

These rulebooks 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 bylaws in the field of railway transport will be as follows:

5.1 Inception phase and Legal research and analysis

- Confirm objectives, stakeholders, and workflow; submit a detailed Work Plan and template set (outline structures, compliance tables, consultation plan);
- Review the Law on Railways (Zakon o željeznici) and the Law on the Safety, Organisation and Efficiency of Railway Transport (Zakon o bezbjednosti, organizaciji i efikasnosti željezničkog prevoza), and other relevant laws and existing secondary legislation.
- Conduct a detailed acquis alignment analysis covering all relevant EU rail legislation

5.2 Drafting Rulebook on the Taking Over of Traction Vehicles by Railway Workers

- Draft provisions of Rulebook on the Taking Over of Traction Vehicles by Railway Workers;
- Ensure that the updated Rulebook incorporates all relevant EU rail acquis requirements applicable to the subject matter (as stated in the sub-sections), and prepare an table showing the alignment;
- Review and adjust the draft Rulebook in accordance with comments and suggestions provided by the Client and relevant stakeholders;
- Prepare the final version of the Rulebook, in line with the Legal and Technical Rules for Drafting Legislation in Montenegro, ready for adoption.

5.3 Drafting Rulebook for the Haulage of Trains

- Draft provisions of Rulebook for the Haulage of Trains;
- Ensure that the updated Rulebook incorporates all relevant EU rail acquis requirements applicable to the subject matter (as stated in the sub-sections), and prepare an table showing the alignment;
- Review and adjust the draft Rulebook in accordance with comments and suggestions provided by the Client;
- Prepare the final version of the Rulebook, in line with the Legal and Technical Rules for Drafting Legislation in Montenegro, ready for adoption.

5.4 Drafting Rulebook on Uniform and Standardized Transport Accounting and Cashier Operations at Railway Stations

- Draft the provisions of Rulebook on Uniform and Standardized Transport Accounting and Cashier Operations at Railway Stations;
- Ensure that the updated Rulebook incorporates all relevant EU rail acquis requirements applicable to the subject matter (as stated in the sub-sections), and prepare an table showing the alignment;
- Review and adjust the draft Rulebook in accordance with comments and suggestions provided by the Client;
- Prepare the final version of the Rulebook, in line with the Legal and Technical Rules for Drafting Legislation in Montenegro, ready for adoption.

5.5 Drafting Rulebook on the Organization of the Transport of Passengers and Shipments

- Draft the provisions of Rulebook on the Organization of the Transport of Passengers and Shipments;
- Ensure that the updated Rulebook incorporates all relevant EU rail acquis requirements applicable to the subject matter (as stated in the sub-sections), and prepare an table showing the alignment;
- Review and adjust the draft Rulebook in accordance with comments and suggestions provided by the Client;
- Prepare the final version of the Rulebook, in line with the Legal and Technical Rules for Drafting Legislation in Montenegro, ready for adoption.

5.6 Consultation and Finalization

- Conduct targeted working sessions and consultations with MoT/PIU and key stakeholders; record comments; incorporate comments in the final version of the rulebooks.
- Finalize bylaws (and annexes) ready for the Government adoption procedure (per national Rules of Procedure);
- Prepare final report that will summarize all activities, achievements, deliverables provided, problems encountered, and recommendations for future actions.

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 acquis alignment analysis	Inception Report should include objectives, stakeholders, detailed work plan, outline of consultation plan, as well as legal/technical review (laws, current bylaws and other secondary legislation), problem statements per bylaw and detailed annotated outlines for each rulebook, assessment of outdated provisions and proposals of structure and templates for each rulebook.	One (1) month from the commencement date
Deliverable 2: Rulebook on the Taking Over of Traction Vehicles by Railway Workers	Rulebook on the Taking Over of Traction Vehicles by Railway Workers which should contain full draft text, with all comments incorporated and in line with the relevant EU rail acquis requirements applicable to the subject matter and Legal and Technical Rules for Drafting Legislation in Montenegro and ready for adoption	Two (2) months from the commencement date
Deliverable 3: Rulebook for the Haulage of Trains	Rulebook for the Haulage of Trains which should contain full draft text, with all comments incorporated and in line with the relevant EU rail acquis requirements applicable to the subject matter and Legal and Technical Rules for Drafting Legislation in Montenegro and ready for adoption	Four (4) months from the commencement date
Deliverable 4: Rulebook on Uniform and Standardized Transport Accounting and Cashier Operations at Railway Stations	Rulebook on Rulebook on Uniform and Standardized Transport Accounting and Cashier Operations at Railway Stations which should contain full draft text, with all comments incorporated and in line with the relevant EU rail acquis requirements applicable to the subject matter and Legal and Technical Rules for Drafting Legislation in Montenegro and ready for adoption	Six (6) months from the commencement date
Deliverable 5: Rulebook on the Organization of the Transport of Passengers and Shipments	Rulebook on the Organization of the Transport of Passengers and Shipments which should contain full draft text, with all comments incorporated and in line with the relevant EU rail acquis requirements applicable to the subject matter and Legal and Technical Rules for Drafting Legislation in Montenegro and ready for adoption	Eight (8) months from the commencement date

Deliverable 6: 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	Nine (9) months after commencement date
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Rulebooks (texts and annexes) should be submitted in Montenegrin language. Inception Report and Final Report should be submitted 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 (Master's degree preferred) in the field of Transport/Traffic Engineering, Mechanical Engineering, Civil Engineering or other relevant field;
- At least 6 years of general professional experience in railway transport, traffic engineering, railway safety, railway operations or other relevant field;
- Proven experience in at least two (2) comparable assignments in the past 6 years where the Consultant served as author/contributor in drafting of railway sector laws/bylaws, transport strategies or studies;
- Strong research and analytical skills;
- Experience working on IFI funded projects will be an advantage;
- Excellent written and spoken English and Montenegrin language is mandatory;
- 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 highly 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/January 2025 for the period of 9 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 and MoT. 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/Montenegrin language, typed and delivered in two (2) hard copies and one (1) electronic copy to the Project manager and MoT.

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 and MoT 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.