



Terms of reference for engagement of Locally contracted expert on legal aspects of homologation of motor vehicles

1. Background

The Transport Community is an international organisation in the field of mobility and transport. It has 36 participants – the European Union Member States represented by the European Commission, the Southeast European Parties (the Republic of Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, the Republic of North Macedonia, and the Republic of Serbia - hereinafter referred to collectively as “regional partners”) and the three observing participants (Georgia, Republic of Moldova and Ukraine). Transport Community is working on integrating Western Balkans’ transport markets into the EU by assisting the regional partners in adopting and implementing the EU legislation in the transport field and supporting projects connecting the region and with the EU.

The organisation was founded by the Treaty¹ establishing the Transport Community signed on 9th of October 2017 by all partners (Council Decision (EU) 2019/392).

The aim of the Treaty therefore is the creation of a Transport Community in the field of road, rail, inland waterway, and maritime transport as well as the development of the transport network between the European Union and the Western Balkan Parties. The Transport Community shall be based on the progressive integration of transport markets of the South East European Parties into the European Union transport market on the basis of the relevant acquis, including in the areas of technical standards, interoperability, safety, security, traffic management, social policy, public procurement and environment, for all modes of transport excluding air transport. For this purpose, this Treaty sets out the rules applicable between the Contracting Parties under the conditions set out hereinafter. These rules include the provisions laid down by the acts specified in Annex I².

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

¹ <https://www.transport-community.org/wp-content/uploads/2022/10/treaty-en.pdf>

² <https://www.transport-community.org/wp-content/uploads/2024/07/annex-1.pdf>



2. Description of the assignment

Upon the establishment under the provisions of the Treaty, the Technical Committee on Road Safety drafted a short-term action plan, which was endorsed at the Ministerial Council of Transport Community in October 2019. Progress on the road safety measures adopted in the Road Safety Action Plan as well as the EU acquis³ under Annex I related to road transport are monitored and reported in yearly bases.

In addition, "Regulation (EU) 2016/1628 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2016 on requirements relating to the emission limits of gaseous and particulate pollutants and the type-approval of internal combustion engines for non-road mobile machinery, amendments to Regulation (EU) no. 182/2011. 1024/2012 and (EU) no. 167/2013 and amending and repealing Directive 97/68 / EC" it belongs to "CHAPTER 1 - FREE MOVEMENT OF GOODS".

The free movement of goods implies the removal of all technical barriers to trade between the member states of the European Union. In this sense, Montenegro, as a candidate country for full membership in the EU, must remove all obstacles that may impair its full integration into the single market. Aligning Montenegrin technical legislation with the requirements of the European Union and redefining the quality infrastructure in accordance with the best European practice requires a deep and radical reform of the entire legal framework that regulates market access and technical requirements for products in Montenegro, which is realized within the framework of "CHAPTER 1 - FREE MOVEMENT OF GOODS".

The aim of the assignment is to strengthen institutional, administrative and legislative frameworks and practices. This Terms of Reference (ToR) refers to the request submitted by the Ministry of Capital Investments of Montenegro to draft a new **Law on the Homologation of Motor Vehicles**, aligned with the EU acquis.

Hence, there is a need to adopt a new **Law on Homologation of Motor Vehicles**. The law needs to be aligned with the EU acquis, namely:

- a) **Regulation (EU) No 168/2013** of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles;

³ <https://www.transport-community.org/wp-content/uploads/2023/12/Action-Plans-and-EU-Acquis-Progress-Report-2023-WEB.pdf>



- b) *Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles;*
- c) *Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC, and*
- d) *Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC.*

The adoption of this Law is related to the **fulfilment of the transposition of Annex 1 of Transport Community Treaty.**

The expert that will be contracted for this assignment will cooperate closely with the Ministry of Transport and Maritime Affairs and provide the final draft as a deliverable of this assignment. The final draft shall be ready to be endorsed by the Government of Montenegro and later adopted by the Parliament.

3. Scope of work

1. Provide assistance to the Ministry of Transport and Maritime Affairs and the related Working Group to draft the Law on Homologation of Motor Vehicles, in order to support the alignment of Montenegro with the Union acquis. (10 days)
2. Analyse the corresponding acquis (in 5 days) of the EU in the field:
 - Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles;
 - Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles;
 - Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile



machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC

- Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC.
3. Review the draft Law on Homologation of Motor Vehicles prepared by previous Assistance of UNOPS under the project "Knowledge for Reform Action in the Western Balkans" and "Technical Assistance for Capacity Support to the Transport Sector and EU Acquis Alignment in Montenegro" and take into account the comments from experts of Transport and Maritime Affairs. Based on that, prepare the final draft elements for the Regulatory Impact Assessment for the draft the Law on Homologation of Motor Vehicles. (20 days)
 4. Organise meetings with the beneficiary on the proposed draft the Law on Homologation of Motor Vehicles. (max 5 days)

4. Deliverables

The following deliverables shall be submitted under this assignment:

1. A Workplan with details of the steps (activities and measures) that the expert will take for the successful finalisation of the assignment
2. Assistance to the Ministry of Transport and Maritime Affairs and the related Working Group to draft the Law on Homologation of Motor Vehicles, in order to support the alignment of the Law on Homologation of Motor Vehicles in Montenegro with the Union acquis provided.
3. Analysis of the corresponding acquis of the EU in the field done (not more than 5 pages).
4. Final Draft of the Law on Homologation of Motor Vehicles prepared.
5. A final mission report prepared and delivered to TCT Secretariat. The report should contain the information on the assignment and accomplishments that have been made under the work of the expert (not more than 10 pages). Minutes of the meetings with the beneficiary on the proposed draft the Law on Homologation of Motor Vehicles organised should be attached to the report.



5. Qualifications

- A university degree of minimum 4 years in law is required.

6. Work experience

- A minimum of seven (7) years of relevant experience with working in the area of transposing the legislation related to transport.
- Good knowledge of EU legislation, specifically the EU Directive/Regulation related to type approval, proven with at least two (2) reference activities conducted in the past 5 years.
- Preferably knowledge about the monitoring and evaluation of homologation of motor vehicles.
- Experience in working in the Western Balkan environment.
- Ability to build strong, trusted relationships and operate in an influential manner with government authorities, to assist in driving key initiatives is essential.
- Ability to consistently exercise discretion and confidentiality with sensitive information is essential.

7. Languages

- Proficiency in English and Montenegrin language is required.
- Final Mission Report shall be submitted to TCT Secretariat in English language.

8. Timing and Location

- The assignment foresees work from home/office in the Ministry of Capital Investments of Montenegro. The assignment is expected to start from 2 September 2024.
- For implementation of the tasks listed above, physical presence of the expert in the Ministry of Capital Investments of Montenegro might be required from time to time.

9. Remunerations

The assignment foresees up to maximum 320 working hours or 40 working days of engagement with a maximum value of EUR 10,000. The payment will be made in two instalments, the first one after completing tasks 1 to 3 and the second one after completing the assignment with delivering outputs under tasks 4 and 5 and submission of payment documents. The final outputs will be subject to TCT secretariat and Ministry of Capital Investments of Montenegro quality control and approval before payment is executed.

Note: No other costs will be covered besides the expert cost per day.



10. Financial Offer

Financial offer should be shown in a form showing the price per working day of 8 hours.

The offer with the lowest price will be scored with maximum 20 points.

11. Selection and Award criteria

Selection will be done based on work experience.

Work experience	Minimum score	Maximum score
A minimum of seven (7) years of relevant experience with working in the area of transposing the legislation related to transport	20, for 7 years of relevant experience. Every additional year will be scored with 2 points up to the maximum score.	30
Good knowledge of EU legislation, specifically the EU Directive/Regulation related to type approval, proven with at least two (2) reference activities conducted in the past 5 years	20 for good knowledge of EU legislation proven with at least two (2) reference activities conducted in the past 5 years. Every additional reference activity related to type approval will be scored with 2 points up to the maximum score.	30
Knowledge about the monitoring and evaluation of homologation of motor vehicles	0	12
Experience in working in the Western Balkan environment	8	8
Total	48	80

The scoring on the abovementioned work experience will be done based on the information provided in the CV.

Total maximum score for the selection criteria is 80. Total maximum score for the financial offer is 20.

Offer with the highest score combining work experience and offered price will be proposed for assignment.