

## **TERMS OF REFERENCE**

### **Senior Lawyer on Energy Markets Reform (Category 1)**

**ToR Date of Issuance: December 7<sup>th</sup>, 2023**

**Due Date for Applications: December 14<sup>th</sup>, 2023**

#### **1. Objective(s) and Linkages to Reforms**

The Recovery and Reform Support Team (RST) at the Ministry of Energy of Ukraine (the Ministry) is a group of Ukrainian professionals (non-civil servants) funded on a temporary basis through the Ukraine Recovery and Reform Architecture (URA)<sup>1</sup> programme that provides targeted technical support and assists the Ministry in the design and implementation of priority reforms. The RST at the Ministry was launched in 2021 to assist the Ministry with the implementation of priority reforms in the following areas: an integrated approach to the formulation of energy policy, ensuring efficient operation of energy markets, coal industry reform, improving energy efficiency, implementation of the National Emission Reduction Plan, public administration reform and capacity building.

Since February 2022, the RST has also assisted the Ministry in ensuring the stability of the energy system in the context of heavy damages inflicted on its critical infrastructure by the ongoing war in Ukraine. The team provides coordination, analytical and expert support to the Ministry in areas such as evaluation of damages, repair of critical infrastructure, formulation of energy sector-related recovery plans and cooperation with international partners.

#### **2. Position and Reporting Lines**

The Senior Lawyer on Energy Markets Reform will be a full-time consultant in the RST at the Ministry.

The Senior Lawyer will be responsible for:

- providing consulting services and preparation of drafts of legal acts and policy papers;
- proposals on regulatory changes and secondary legislation to implement the adopted acts and international commitments of Ukraine in relation to Energy Markets Reform;
- analysis of existing international and national acts related to Energy Markets Reform;
- providing support to capacity building in the Ministry.

The Senior Lawyer on Energy Markets Reform will be subordinated to and coordinated by the by Senior Project Manager on Energy Markets reform and RST Director.

The Senior Lawyer on Energy Markets Reform will work closely with the relevant departments of the Ministry.

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<sup>1</sup> Ukraine Recovery and Reform Architecture (URA) is a comprehensive technical assistance programme deployed by the European Bank for Reconstruction and Development (EBRD), in partnership with the European Union, to support critical reform processes in Ukraine. URA is financed from the Ukraine Stabilisation and Sustainable Growth Multi-Donor Account (MDA) managed by the EBRD.

### **3. Duration and Proposed Timeframe**

This consultancy assignment is expected to start in December, 2023 with an estimated overall duration of 7 months with possible extension until August, 2025. The duration of the assignment will depend on the availability of funding, the needs of the URA programme and the performance of the selected consultant.

### **4. Main Duties, Responsibilities**

- providing consulting services and preparation of drafts of legal acts and policy papers;
- conducting legal analysis and evaluation of existing international and national commitments of Ukraine in energy and climate sectors and further contributing to the development of relevant action plans;
- analyzing existing legislation and bottlenecks in Energy Markets Reform areas ;
- drafting new and amending existing legislation based on the reform`s agenda and priorities;
- monitoring and evaluating proposed changes to laws and secondary legislation;
- preparing analytical papers, reports, presentations and other materials upon the request of the Ministry in particular, on the natural gas market;
- providing legal support in implementing:
  - o EU Directive 2009/73/EC concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC;
  - o EU Commission Delegated Regulation 2017/1938 concerning measures to safeguard the security of gas supply and repealing EU Regulation 994/2010;
- providing support in developing:
  - o policy paper and recommendations of the European experience of support vulnerable customers in the gas market and gradual PSO phase-out;
  - o draft amendments on special duties for PSO on natural gas market and the natural gas balance for CMU Resolution 812 on the approval of the regulation on the imposition of special obligations on natural gas market participants to ensure public interests in the functioning of the natural gas market regarding the specifics of natural gas supply to heat producers and budgetary institutions;
  - o proposals for the EU Commission Regulation 2015/703 on establishing a network code on interoperability and data exchange rules;
  - o proposals for the Draft Law 6133 On Amendments to the Law of Ukraine On Oil and Gas" on the Definition of Critical Gas Storage and Critical Main Gas Transportation Pipelines;
- proposals to draft documents for the implementation of the Law 9024-d On minimum reserves of oil and oil products conducting analysis of the experience of joining system operators to platforms for the distribution of balancing energy and auxiliary services of the EU;
- providing support in the development of policy papers on overcoming the debt crisis in the gas market using market mechanisms without involving state budget funds;
- representing legal aspects of the RST proposals to the stakeholders ;|;
- other tasks and responsibilities as assigned by SPM on Energy Markets Reform and RST Director.

### **5. Qualifications, Skills and Experience**

#### **5.1 Qualifications and Skills:**

- Master`s degree in Law;

- degree in Management, Economics, Energy, Engineering, Finance, or Ecology will be an asset;
- proven knowledge and professional experience in the energy sector or public policy, supporting reforms aimed at European integration of Ukraine;
- strong analytical skills with the ability to interpret complex legal, commercial and financial information;
- strong teamwork and communication skills;
- fluency in Ukrainian and English;
- PC literacy.

#### **5.2 Professional Experience:**

- minimum 7 years of general professional experience;
- minimum 5 years of experience in the energy sector, public administration or consulting;
- minimum 3 years of experience in the field of law.

#### **5.3 Other Competencies:**

- vast experience in drafting legislation and regulatory documents;
- familiarity with the reform agenda in Ukraine, understanding of policy formulation process;
- experience in cooperation with the government is an asset;
- experience in international companies, organizations or institutions is an asset;
- impeccable ethical standards.

#### **6. Funding Source**

The funding source of this assignment is the EBRD Ukraine Stabilisation and Sustainable Growth Multi-Donor Account (MDA). Contributors to the MDA are Austria, Denmark, Finland, France, Germany, Italy, Japan, the Netherlands, Norway, Poland, Sweden, Switzerland, the United Kingdom, the United States and the European Union.

Please note, selection and contracting will be subject to the availability of funding.

#### **7. Submissions**

Submissions must be prepared in English only and delivered electronically by December 14th, 2023 to the following address: [rst.mev@gmail.com](mailto:rst.mev@gmail.com)

All submissions must include a completed Application Form, NDA Form, the candidate's Curriculum Vitae and Reference Letter (original in English, or Ukrainian with English translation) together with the contact details of two further referees who, if contacted, can attest to the professional background of the candidate.

Only applications which have been submitted using the correct template and are fully completed will be considered.

[Download Application Form](#)

[Download NDA Form](#)

**Important notice: only Ukrainian nationals are eligible to apply; civil servants are not eligible to apply unless 6 months have elapsed since they left such employment.**

#### **8. Selection Procedure**

Following the evaluation of all applications received, selected candidates may be invited to a written test. Only shortlisted candidates will be invited to the interview.