

Terms of reference



GENERAL INFORMATION

Title: Legal and Trade Economy Consultant for Environmental Fund Levy for Electronic Products

Project Name: Sustainable Development Financing (SDF) Project

Reports to: Head of Innovative Finance Lab, UNDP

Duty Station: Home-Based

Expected Places of Travel: N/A

Duration of Assignment: Forty (40) working days within 4 months (July – Oct 2021)

REQUIRED DOCUMENT FROM HIRING UNIT

<input checked="" type="checkbox"/>	TERMS OF REFERENCE
5	CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select: (1) Junior Consultant (2) Support Consultant (3) Support Specialist (4) Senior Specialist (5) Expert/ Advisor CATEGORY OF INTERNATIONAL CONSULTANT, please select: (6) Junior Specialist (7) Specialist (8) Senior Specialist
<input checked="" type="checkbox"/>	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

<input checked="" type="checkbox"/>	P11 or CV with three referees
<input checked="" type="checkbox"/>	Copy of education certificate
<input checked="" type="checkbox"/>	Completed financial proposal
<input checked="" type="checkbox"/>	Completed technical proposal

Need for presence of IC consultant in office:

☒partial as the international consultant is based overseas, the presence of the consultant will not be possible due to the COVID-19 situation. Thus, any consultation will be done through online

☐full time/office based (needs justification from the Requesting Unit)

Provision of Support Services:

Office space: ☐Yes ☒No

Equipment (laptop etc): ☐Yes ☒No

Secretarial Services ☐Yes ☒No

If yes has been checked, indicate here who will be responsible for providing the support services:

n/a

I. BACKGROUND

Electronic Waste (e-waste)

Electronic and electrical equipment that is no longer used will produce waste which is better known as e-waste or electronic and electrical waste. Most of the e-waste (82.6%) is likely not formally collected and not managed in an environmentally sound manner (Forti, et al., 2000). Indonesia ranks first in Southeast Asia with the amount of e-waste reaching 1.6 million tonnes, or the average Indonesian person disposes of e-waste around 6.1 kilograms per capita in 2019 (Forti, et al., 2020). Used electronic equipment that is reused, resold, upcycled, recycled, or disposed of is also considered e-waste. Most e-waste is categorized as Hazardous and Toxic Material (B3) waste because it contains components or parts made of hazardous substances (lead, mercury, cadmium and others). However, e-waste also contains various valuable materials such as precious metals and rare earth elements. Many efforts are made to recover these valuable materials. In Indonesia, the management of e-waste is still dominated by the informal sector. Efforts to recover valuable materials by the informal sector often do not pay attention to environmental management, resulting in uncontrolled pollution. This causes the presence of e-waste to have a negative impact on the environment, especially for human health, and it is necessary to handle this waste appropriately.

Extended Producer Responsibility (EPR) is a program that aims to make producers responsible for the environmental impact of their products throughout the product chain from the design phase to the post-consumer phase (OECD, 2006). Currently, EPR has been implemented in 400 systems worldwide including countries in Asia such as China, India, Japan, Korea, Philippines, Taiwan, and Thailand. In some countries, e-waste management uses the EPR strategy as a guideline for their policies to reduce problems associated with e-waste. In Japan, the transportation and recycling of e-waste is paid for by consumers. Meanwhile in Korea and Taiwan, recycling of e-waste is financed by manufacturers. In Switzerland, a joint organization that manages e-waste is formed by producers and importers of electronic goods whose processing is carried out by licensed recycling industries. The regulations of EPR in these countries are clearly stated and are enforced. In Indonesia, one of the legal bases that govern EPR is Government Regulation No. 27 of 2020.

One of the instruments that the Indonesian Government can undertake is through the use of levies and involving domestic electronic goods producers and foreign importers of electronic goods as a form of responsibility for their products. The results of this levy are expected to manage e-waste and the environment. In the implementation, it is hoped that the Environmental Fund Management Agency (BPD LH) can impose these levies in accordance with its mandate as the institution which maintains of environmental funds.

To implement these levies, BPLDH with support from UNDP through Sustainable Development Financing (SDF) Project will carry out a study regarding e-waste levies in the context of Extended Producer Responsibility (EPR) and will instruct a consultant to carry out this study. The consultant will be responsible to conduct assessment from economic, environment, and law aspects, including its impacts; analysis on the appropriate rate of environmental fund levy; and identifying stakeholder's role in managing levies. The consultant will work together and under the supervision from the Technical Advisor for Development Finance, UNDP and Technical Associate for Public Climate Finance, Sustainable Development Finance (SDF) Project, UNDP Indonesia, as well as BPD LH focal points for this study.

II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

The objective of the assignment is for the consultant to conduct in-depth studies and analysis from the economic, environmental, and legal perspective related to the imposition of waste of electronic and electrical equipment (WEEE/e-waste) levies in Indonesia, including the impact on electronic goods trade policies. The consultant expects to conduct studies and analysis on the potential e-waste implementation, its impact and flow, as well as appropriate value of electronic waste levies in Indonesia.

Scope of Works:

In consultation with the SDF Team and BPD LH, the Consultant is expected to:

1. Provide a study and analysis on the imposition of electronic waste levies in Indonesia from trade economy and legal perspective, with the following scopes:
 - Conduct a benchmarking analysis from other countries on the trade economy and legal aspect of the electronic waste levies and e-waste collection implementation.
 - Conduct an assessment on Indonesia's readiness (existing regulation and data, etc) for electronic waste collection from the perspective of legal status and trade economy.
 - Analyze the gap and potential of electronic waste levies implementation scenarios in Indonesia, including the benefit and cost from trade economy perspective, including but not limited to the impact on international (imports) and domestic electronic product prices, supply and demand.
2. Conduct an analysis of the appropriate e-waste levy rate and e-waste collection in Indonesia and provide appropriate recommendations of electronic waste levy's for further legal framework.
3. Together with consultant from economic and environmental aspect, the consultants are expected to provide an analysis of the stakeholder's roles (relevant ministries, BPD LH, and other parties), as well as identify the roles of the parties in levies implementation, including the levies management.

Expected Outputs and deliverables:

Deliverables/ Outputs	Number of Working Days	Due Date	Payment Schedule
Deliverable 1: Draft report on the detailed workplan for this assignment, propose methodology.	10 Wds	July 2021	20%
Deliverable 2: Draft report on study analysis of the imposition of e-waste levies in Indonesia from trade economy and legal perspective, which includes benchmarking, assessment on Indonesia's legal status and trade economy readiness for e-waste levies, the gap and potential of e-waste levies.	15 Wds	August 2021	30%
Deliverable 3: Draft report on an analysis of the appropriate e-waste levy rate and e-waste collection in Indonesia and provide recommendation of	10 Wds	Sept 2021	30%

electronic waste levy's legal framework for related ministries.			
Deliverable 4: Submission of analysis report on stakeholders' roles and identify the roles of the parties in levies implementation, including the levies management.	5 Wds	Oct 2021	20%

III. WORKING ARRANGEMENTS

Institutional Arrangement

- The consultant will have close supervision and coordination with the Innovative Financing Lab of UNDP through Sustainable Development Financing (SDF) Project, as well as BPD LH Team.
- The consultant's draft reports will be reviewed by UNDP and BPD LH.
- The consultant will report to the Head of Innovative Financing Lab of UNDP, and BPD LH.
- The payment will be made to the consultant at each payment schedule, upon technical clearance and approval of the satisfactory submission of results from Head of Innovative Financing Lab of UNDP and BPD LH. Estimated lead time for UNDP or Project Implementing Partners to review outputs, give comments, certify approval/acceptance of outputs is 2 weeks.

Duration of the Work

The consultant is expected to work 40 working days within 4 months. Final report expects full completion not later than October 2021.

Duty Station

The consultant is expected to work home-based.

Travel Plan

Unforeseen and will be provided by the Project/UNDP

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualifications:

- At least a master's degree or equivalent in the field of economics, statistics, legal, and/or other related fields.

Experience:

- At least 8 years of experience in the sector of legal trade, economics, trade policy, trade economics, and policy analysis.
- Experience on projects relate to the trade and economic policies in Indonesia and demonstrated through 2 prior projects as a team member or individuals.
- Substantive experience in country level work, in close collaboration with line ministries and national institutions, particularly the Ministry of Trade, Ministry of Industry, and Ministry of National Development Planning.

- Has experience in developing strategic reports or policy formulation/recommendation/policy brief on legal and trade economics, which will be used for electronic waste implementation in Indonesia.

Competencies and special skills requirement:

- Outstanding skill in translating technical data/information/analysis into clear and comprehensive policy recommendations that support government agencies.
- Good analytical and communication skills.
- Strong motivation and ability to work and deliver under short deadline.
- Knowledge of Indonesia's national environmental policies, particularly in managing waste sector.
- Excellent competencies and skill on analytical, researching, reporting, writing and editing manuscripts of UN and other international development partners is preferable.

V. EVALUATION METHOD AND CRITERIA

Individual consultant will be evaluated based on the following methodologies:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight; 70%

* Financial Criteria weight; 30%

Only candidates obtaining a minimum of 70 point would be considered for the Financial Evaluation

Criteria	Weight	Maximum Point
<u>Technical</u>		100
Criteria A: qualification requirements as per TOR:	(70%)	
1. At least a master's degree or equivalent in the field of economics, statistics, legal, and/or other related fields.	20	
2. At least 8 years of experience in the sector of legal trade, economics, trade policy, trade economics, and policy analysis.	15	
3. Experience on projects relate to the trade and economic policies in Indonesia and demonstrated through 2 prior projects as a team member or individuals.	15	
4. Substantive experience in country level work, in close collaboration with line ministries and national institutions, particularly the Ministry of Trade, Ministry of Industry, and and Ministry of National Development Planning.	10	

5. Has experience in developing strategic reports or policy formulation/recommendation/policy brief on economics trade economics, which will be used for electronic waste implementation in Indonesia.	10	
Criteria B: Quality of Proposal	(30%)	
1. Understanding the scope of work and objectives of the assignment	10	
2. Approach and methodology proposed - comprehensiveness & fitness against requirements	10	
3. Quality of proposed implementation plan, i.e. report outline, how the bidder will undertake each task, and time-schedules	10	