



**Regional Activity Centre  
for Sustainable Consumption  
and Production**

**Regional Activity Center for  
Sustainable Consumption and Production (SCP/RAC)  
UNEP - Mediterranean Action Plan**

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## **Terms of Reference (ToR) for the selection of consultants to assess the policy framework of food and beverage waste packaging in Albania, Montenegro and Bosnia and Herzegovina**

**In the framework of the SCP/RAC activities to tackle Food and Beverage Plastic  
Packaging in the Western Balkans, supported through the European Bank for  
Construction and Development (EBRD)**

## Background

The Cooperation Agreement between UN Environment and IMELS (hereinafter referred to as the Cooperation Agreement) was signed in September 2016 providing for a framework of cooperation in support of the UN Environment/MAP mandate implementation, focusing on 4 main Components, one of which is the enhancement of marine litter management. In this respect, financial support has been provided by IMELS for the implementation of a number of activities included in the UN Environment/MAP Programme of Work (PoW) 2018-2019, adopted by the Contracting Parties to the Barcelona Convention in their COP 20 (Tirana, Albania, December 2017).

In this context, under the PoW Activity 2.1.1.2 “to promote the use of relevant instruments and incentives to reduce/forbid the single-use of plastics, reduce the use of plastic bottles etc.” SCP/RAC will undertake in the current biennium and with support from the Cooperation Agreement, a baseline study on the plastics packaging material flow in food and beverage industry and business focusing on the Adriatic area.

This activity is part of the overall portfolio of activities led by SCP/RAC with support from both IMELS and EBRD<sup>1</sup>, with the objective of *Improving the policy framework and engaging with the food & beverage industry in Albania, Bosnia and Herzegovina and Montenegro for tackling plastics packaging value chains in a circular economy*. This set of activities aims at contributing to the identification and prioritization of preventive measures that tackle plastic packaging in the food and beverage (F&B) industry<sup>2</sup>, by:

- Improving the relevant policy framework
- Strengthening the engagement of businesses and business support organizations (BSOs).

Plastics and plastic packaging are a valuable resource that brings numerous benefits to modern society and they have become an integral and important part of the global economy.

According to the Ellen McArthur Foundation, plastic production has exponentially increased, from 15 million tons in 1964 to 311 million tons in 2014, and it is expected to double over the next 20 years. Today, plastic packaging is the largest application of plastics - it represents 26% of the total volume of plastic used. Globally, 95% of plastic packaging material value, estimated at EUR 70-105 billion annually, is lost to the economy after a very short first use-cycle.

Each year, at least 8 million tons of plastics end up in the ocean. Marine litter is a growing problem that has attracted significant public attention over recent years. In the Mediterranean

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<sup>1</sup> European Bank for Reconstruction and Development

<sup>2</sup> For the purposes of this assignment, the definition of “F&B industry” shall include the chain from primary food/beverage processing, distribution, wholesale and retail.

sea, the concentration of marine litter is comparable to that found in the 5 gyres, and plastic comprise up to 95% of the waste accumulated on shorelines, the sea surface or the sea floor.

According to Eunomia, nearly 60% of the plastic waste generated in the EU in 2015 came from packaging, out of which a very high proportion is food and beverage packaging. The trend is towards a significant increase, for example, Smithers Pira estimates that Europe will consume more than 900 billion items of packaged food and drink annually by 2020. In particular, the retail sector is seeing strong packaging penetration rates, growing from 63.0% in 2010 to 66.0% in 2014, with key areas including fresh fruit and vegetables, fresh meat and fish, chilled foods and baked products.

It is therefore of utmost importance to include policy makers, industry and business community in a multi-stakeholder dialogue to identify challenges and specific actions on the issue of plastics ending up as marine litter. The F&B industry is a key stakeholder in providing innovative and transformational solutions to the problem of plastic waste, while also affecting the policy set-up within and around their operations. Moreover, it is an aggregator and multiplier for best practices, in view of its working with supply chain partners and industry associations to explore different packaging solutions that create a circular economy for plastic packaging.

That is why the F&B industry is a central stakeholder group for the purposes of this assignment.

## Objective

The objective of this consultancy, a first step within the overall SCP/RAC's assignment, is to identify the main policy gaps and bottlenecks to applying the principles of circularity to plastic packaging in the F&B industry, from the public and private sector perspectives. Firstly, it is needed to have a clear view of the existing policies and measures (including relevant regulations, sector strategies, economic instruments, voluntary initiatives, etc.) in Albania, Bosnia and Herzegovina and Montenegro with regards to plastic waste packaging and its origin, as well as the stakeholders involved. Secondly a benchmarking against the EU related *acquis*, the EU Plastics Strategy, and other regional and/or international conventions and/or action plans will clarify the situation in the countries and will inform the identification of priorities for action.

## Description of work

The consultant shall undertake the following work:

### **Activity 1. National policy framework assessments**

The Consultant shall propose a methodology to assess the national policy frameworks in view of its conduciveness to applying the principles of circularity to plastic packaging.

The following scope and content for this work may be considered:

1. Stakeholders involved in F&B industry and related packaging waste. This section may depict main stakeholders involved in the F&B packaging value chain, including a succinct description of their role.

- i. Public
- ii. Private
- iii. Public-private partnerships

The consultant should use this stakeholders' description to select key ones with whom an initial consultation<sup>3</sup> should be carried out. This exercise should aim at providing information for the subsequent sections of the consultancy.

2. Regulatory framework, for example:

- a. National targets and planning instruments (National plans, strategies, programs, actions, and roadmaps)
- b. Regulations regarding industrial and commercial packaging (content/ materials, uses, sanitary aspects, report to authorities, standards, certificates, labels, etc.). This section should include an assessment of key national regulations driving the reduction/ optimization of the use of plastic in packaging.
- c. Regulations regarding innovation, including: eco-innovation, secondary materials markets, research & development, other relevant support to businesses.
- d. Bans and phase-outs of products with negative externalities
- e. Regulations for waste management
  - i. Disposal and collection (differentiate between household/ commercial/ industrial)
  - ii. Final treatment: landfill, incineration, Recycling (regulation and description)
  - iii. Dumping/litter (sanctions, other responses)
- f. Other types of relevant regulations as identified by the Consultant

3. Stocktake and analysis of other existing policy instruments relevant for tackling plastics in the F&B sector The Consultant shall propose and follow a systematic categorization of the identified policy instruments, e.g. based on:

- type of instrument: regulatory, economic, informational, voluntary;
- target group: F&B producers (upstream in the value chain); retailers, end-consumers (downstream in the value chain);

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<sup>3</sup> It should be noted the overall assignment comprises a later stage where an in-depth stakeholders mapping and survey, which is not part of this consultancy. In order to avoid duplication and cross-messaged, the Consultant must communicate in advance to SCP/RAC on the intention to involve stakeholders in this work.

- degree of transformation toward circularity: material bans (no CE transformation) – eco-innovation (high potential for CE transformation);

- supply-side / demand-side instruments;

Research should include, but not be limited to, the instruments and concepts listed hereby.

They should be analyzed considering their relevance to the F&B sector:

- i. Economic (market-based) instruments, including disincentives (penalties, taxes and charges on products) and incentives (deposit-refund systems –DRS-, subsidies and fiscal incentives, direct payments/awards); -
- ii. Extended Producer Responsibility (EPR): A policy principle to promote total life cycle environmental improvements of product systems by extending the responsibilities of the manufacturer of the product to various parts of the entire life cycle of the product, and especially to the take-back, recycling and final disposal of the product.
- iii. Sustainable Procurement, including (a) Green Public Procurement (GPP) as an instrument used to include environmental criteria in public procurements; and (b) Green Supply Chain Management (GSCM) as a tool used by companies to account for responsible environmental and social performance in their supply chain management and operations practices.
- iv. Corporate self-regulation, voluntary agreements and initiatives to foster corporate accountability
- v. Eco-labels and certification schemes
- vi. Business model Innovation (BMI): A set of strategic decisions that defines how companies create, transfer, and capture value according to their internal activities and relationships with stakeholders, among which suppliers and customers.
- vi. Eco-innovation and eco-design applications that deliver products made with fewer resources and/or recycled and renewable resources, avoiding hazardous materials, and using components that are longer lasting and easier to maintain, repair, upgrade and recycle.
- viii. Awareness and communications campaigns, education of end-users.ix. Relevant recently completed and ongoing public and private initiatives and projects (e.g. UN, World Bank, EU funded, international cooperation (agencies) projects)

Consultant(s) may consider measures at different level of maturity: study, planned, pilot, established, and rejected).

The measures should be described against different criteria, including: level of effectiveness, cost-efficiency and socio-economic side-effects.

#### 4. Identification of policy gaps and enforcement shortfalls

This section may explore the implementation/enforcement of current regulations.

Considering the situation of the countries vis-à-vis the entry in the EU, the national situations may be compared with the EU *acquis*. Other references for the identification of policy gaps and recommendations may be the European Strategy for Plastics in a Circular Economy

(adopted on 16 January 2018), best case national policy frameworks and latest discussions from the European Circular Economy Stakeholder Platform and Our Oceans Conference<sup>4</sup>.

Thus, there could be 3 dimensions of gap analysis:

- a. Analysis of the implementation/enforcement of national regulatory frameworks
- b. Gap analysis towards EU acquis
  - i. Waste legislation
  - ii. Chemical legislation
  - iii. Product legislation
- c. Gap analysis towards EU plastics strategy actions at the national and industry levels
- d. Gap analysis towards the fulfillment of regional instruments including the Regional Plan on Marine Litter Management in the Mediterranean, the Regional Action Plan on Sustainable Consumption and Production in the Mediterranean, and others as appropriate, adopted by the Barcelona Convention
- e. Other types of relevant benchmarks as proposed by the Consultant

## 5. Conclusions

Based on the gaps analysis, the Consultant(s) will prepare a list of priority issues for consideration during the subsequent consultation phase with relevant stakeholders, which will inform the work plan proposal of SCP/RAC in the context of their overall assignment.

The consultant(s) should submit a draft version of the report - both as a document and as a powerpoint deck - which will be commented by the Contractor in 2 weeks time. Based on this the consultant(s) should produce a final report and powerpoint deck.

**Activity 2. Attendance to national workshop in 2019.** Within the overall assignment, national workshops will be organized and the consultant(s) should be available to provide a presentation on the work.

## Deliverables

- Deliverable 1. Draft report of the Policy framework assessment
- Deliverable 2. Final report of the Policy framework assessment, including the list of stakeholders identified throughout activity 1.
- Deliverable 3. Power point presentation (or similar format) to be delivered in the national workshop

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<sup>4</sup> Since 2014, the [Our Ocean conferences](#) have invited ocean leaders to commit to change. In the last edition (Malta, 2017), 433 tangible and measurable commitments, including the fight against marine litter, were made by governments, industry and NGOs.

## Means of work and eligible costs

This work should be conducted through literature review and consultation with stakeholders. Equipment, consumables, travel should be included in the financial offer as a lump sum, with the exception of the attendance to national workshops, which will be covered by the Contractor.

## Calendar

The consultant(s) will start the work after communication of the Contractor. The deliverables should be submitted in the following dates:

- Deliverable 1. 4 weeks after notification
- Deliverable 2. 10 weeks after notification
- Deliverable 3. 10 weeks after notification

## Eligibility

Applicants must fulfill the following requirements:

- Be an individual consultant, firm or association
- Partnership and subcontracting are allowed, provided that the legal applicant entity has a substantial role in implementing the assignment. The applicant will be the only legal entity with which the contract relation will be established.
- Academic background in industrial engineering, environmental science or similar
- Acquainted with statistics and data bases management
- Fluent communication in English (oral and written)
- Extensive experience in the country

## How to apply and selection process

Candidates may submit offers for conducting the policy framework assessments in one, two, or three countries.

Candidates should submit the following documents:

- 1) Technical proposal (maximum 5 pages): the consultant(s) should elaborate a specific methodology to conduct the work based on the content suggested in Activity 1, elaborating it further. An implementation calendar should be delivered, including planned consultation with key stakeholders.
- 2) Profile and project references (maximum 3 pages): the consultant(s) should submit a brief explanation of the candidate, including CVs as annex, and project reference on the topic.
- 3) Financial offer: the consultant(s) should state a lump sum to implement the work as well as the personnel dedication expressed in days (1 day = 8 working hours)

Offers must be sent to [pfernandez@scprac.org](mailto:pfernandez@scprac.org) with the subject "Policy gap analysis - Balkans" before **20th November, midnight (CET)**.

**Important :**

- The header of the **technical and financial offers** must clearly note the candidate data (Name, address, country, telephone, email and fiscal identity number or other official number) and those of the Contractor: « Regional Activity Center for Sustainable Consumption and Production / Agència de Residus de Catalunya / Carrer Dr. Roux nº 80 / 08017 Barcelona, Spain / NIF: **Q-5856373-E** ».
- Interested consultants and firms are invited to apply for different countries but individual offers per country are compulsory. **The maximum amount per offer (per country) is 5.000 euro (VAT excluded).**<sup>5</sup>

All candidates will be notified the reception of the offers.

Offers will be assessed according to the following criteria and scores:

Points	Criteria
Maximum 50 points	Quality of the technical offer to meet the work objectives
Maximum 25 points	Financial offer
Maximum 25 points	Profile and project qualifications

The Contractor may contact candidates to convene an interview to facilitate the evaluation

If you have questions concerning these ToR, please contact [pfernandez@scprac.org](mailto:pfernandez@scprac.org).

## Selection and payments

The winning candidate will be notified by email and post on the selection of the offer. From that moment on work can start according to the calendar.

Payments will be done as it follows:

- Communication of the selection: 20%
- Submission of deliverables 2 and 3: 80%

Payments will be done in a period of 60 days after reception and validation of the invoice. The Contractor is not responsible for banking costs that might be applied by the consultant(s) bank, neither for changes in currency exchange.

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<sup>5</sup> For applicants registered in Montenegro: Due to sur-charges in transfers to Montenegro, applicants are kindly requested to increase by 33% their financial offers to make sure full availability of budgeted funds. Please label this 33% as overheads in the financial offer.