Ref. No. 596/1-05-2026

Terms of reference for engagement of

Locally Contracted Expert

Drafting the Rulebook
On port reception facilities and the delivery of waste from ships, transposing the Directive (EU) 2019/883 in Montenegro

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 the EU.

The organisation was founded by the Treaty[1] 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 based on 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 I[2].

2. Description of the assignment

The Transport Community Permanent Secretariat (TCPS) intends to engage a locally contracted expert to provide legal and technical assistance to the Ministry of Maritime Affairs in Montenegro in the preparation of a Rulebook on Port Reception Facilities and the Delivery of Waste from Ships.

* 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/2022/10/treaty-en.pdf

The assignment will support the full transposition and implementation of Directive (EU) 2019/883 on port reception facilities for the delivery of waste from ships, taking into account the relevant provisions of the Law on Ports (Official Gazette of Montenegro No. 2/2026), in particular Articles 76–80.

The Rulebook shall establish a comprehensive and harmonised regulatory framework governing the provision and use of adequate port reception facilities, the delivery and collection of ship-generated waste, the development and implementation of port waste reception and handling plans, the application of waste reception fees, and the handling of complaints submitted by port users.

The Expert will work in close cooperation with the representatives from the Ministry of Maritime Affairs, relevant maritime and port authorities, port operators and other competent stakeholders, under the coordination of the Ministry of Maritime Affairs.

The assignment shall result in a legally sound, technically comprehensive and practically applicable draft Rulebook, ensuring consistency with the national legislative framework and alignment with the requirements of the EU acquis.

3. Aim of this assignment

The overall aim of the assignment is to support Montenegro in strengthening its legislative and institutional framework for the environmentally sound management of waste generated by ships and cargo residues, through the preparation of an implementing Rulebook aligned with Directive (EU) 2019/883, consolidated version.

The Rulebook should contribute to preventing the discharge of ship-generated waste and cargo residues into the sea, improving the availability and adequacy of port reception facilities, encouraging the delivery of waste ashore, and ensuring effective and transparent waste management arrangements in Montenegrin ports.

It should also promote the consistent application of the polluter-pays principle, strengthen environmental protection in the maritime sector and facilitate the practical implementation of the relevant EU requirements by the competent authorities and port operators.

The adoption of this assignment is related to the **fulfilment of Article 13 of the Transport Community Treaty.**

4. Objectives of the assignment

The primary objectives of this consultancy are to:

1. **Draft a Rulebook to ensure full alignment with the EU acquis**: Review and transpose the provisions of Directive (EU) 2019/883, including Commission Implementing Regulations (EU) 2022/89, 2022/90, 2022/91 and 2022/92 into Montenegrin national legislation, ensuring consistency with the Law on Ports and other applicable legislation governing maritime transport, environmental protection and waste management.

2. **Establish clear regulatory requirements**: Develop detailed rules and procedures for the implementation of Articles 76–80 of the Law on Ports, defining the responsibilities and obligations of shipowners, ship operators, masters, port authorities, port operators, waste reception facility operators and other relevant stakeholders.
3. **Strengthen the provision of port reception facilities**: Establish requirements concerning the availability, adequacy, accessibility and operational capacity of port reception facilities, taking into account the types and quantities of waste generated by ships normally calling at Montenegrin ports.
4. **Regulate waste delivery and reception procedures**: Define the procedures for advance notification, delivery, reception, collection, segregation, temporary storage and subsequent treatment or disposal of ship-generated waste, including the applicable exemptions.
5. **Establish requirements for port waste reception and handling plans**: Define the minimum content, preparation, approval, implementation, consultation, monitoring and periodic review of waste reception and handling plans for ports.
6. **Ensure transparent and non-discriminatory waste reception fees**: Establish the principles and methodology for calculating and applying waste reception fees, in accordance with the polluter-pays principle and the cost-recovery requirements of the consolidated version of Directive (EU) 2019/883.
7. **Establish an effective complaints mechanism**: Define the composition, mandate, operational procedures and decision-making process of the Board for Complaints of Port Users, ensuring transparency, impartiality and timely resolution of complaints.
8. **Facilitate effective implementation and enforcement**: Define the responsibilities of competent authorities, monitoring and reporting arrangements, record-keeping requirements and appropriate mechanisms for ensuring compliance with the Rulebook.
9. **Support institutional capacity and practical implementation**: Provide the competent Montenegrin authorities with a clear and workable regulatory instrument that can be effectively implemented by maritime administrations, port authorities, port operators and other relevant stakeholders.

5. Scope of work

The Expert shall undertake the legal review, technical assessment and drafting activities necessary to prepare the Rulebook. The work shall cover, at a minimum, the following components:

5.1. Review of the existing legal and institutional framework

- Review the Law on Ports (Official Gazette of Montenegro No. 2/2026), particularly Articles 76–80, and identify the specific implementing provisions required.
- Review Directive (EU) 2019/883, including Commission Implementing Regulations (EU) 2022/89, 2022/90, 2022/91 and 2022/92, alongside Directive (EU) 2019/883, to ensure that all relevant implementing requirements are adequately assessed.
- Review other relevant EU legislation, international conventions and standards, particularly MARPOL 73/78 (Annexes I, II, IV, V and VI), and applicable national legislation on waste management and environmental protection.

- Identify existing regulatory gaps, overlaps and potential inconsistencies between the national legislative framework and the requirements of the EU acquis.
- A brief assessment of the allocation of responsibilities among the competent national authorities, particularly regarding the preparation and approval of port waste reception and handling plans, inspection and enforcement activities, and any potential overlaps or conflicts of interest.

5.2. Drafting provisions on information concerning ship-generated waste (Article 76)

The Expert shall develop provisions regulating the information and notification obligations concerning ship-generated waste, including:

- Requirements for advance notification of waste before arrival at a port.
- Applicable notification deadlines and procedures.
- The format, submission and transmission of waste notification information, including electronic reporting where applicable.
- Requirements for maintaining waste-related documentation and records on board ships.
- Responsibilities of the competent authorities and port operators for receiving, processing and making use of the submitted information.

5.3. Drafting provisions on delivery, reception, collection of waste and exemptions (Article 77)

The Expert shall establish detailed procedures and obligations concerning the delivery and reception of waste from ships, including:

- The obligation of ships to deliver ship-generated waste and cargo residues to adequate port reception facilities, in accordance with applicable requirements.
- The categories and types of waste covered by the Rulebook, in line with the relevant MARPOL Annexes.
- Procedures for the delivery, reception, segregation, collection, temporary storage and transfer of waste to authorised waste management operators.
- Requirements ensuring that port reception facilities are adequate to meet the operational needs of ships without causing undue delays.
- Procedures for issuing waste delivery receipts and maintaining relevant documentation.
- Conditions and procedures for granting exemptions to ships engaged in scheduled traffic with frequent and regular port calls, subject to the applicable requirements.
- Responsibilities of ship masters, shipping agents, port authorities, port operators and waste reception facility operators.
- Procedures for reporting alleged inadequacies of port reception facilities and addressing non-compliance.

5.4. Drafting provisions on port waste reception and handling plans (Article 78)

The Expert shall establish the requirements for the preparation, approval, implementation and monitoring of port waste reception and handling plans, including:

- The ports and port facilities are subject to the obligation to prepare and implement such plans.
- The competent authority responsible for reviewing and approving the plans.
- The minimum content and structure of the plans, taking into consideration the requirements of Annex I to Directive (EU) 2019/883.
- Assessment of the needs of ships normally calling at each port and the availability, type and capacity of existing port reception facilities.
- Procedures for the reception, collection, storage, treatment and disposal of different waste streams.
- Description of the applicable waste reception fee and cost-recovery system.
- Procedures for reporting and addressing inadequacies of port reception facilities.
- Consultation mechanisms involving port users, shipping companies, port operators, waste contractors and other relevant stakeholders.
- Requirements for periodic review, updating and monitoring of the implementation of the plans.
- Requirements for making relevant information on available facilities, services, contact points, delivery procedures and fees publicly accessible.

5.5. Drafting provisions on waste reception fees (Article 79)

The Expert shall develop a transparent and consistent framework for the calculation, application and collection of fees for the use of port reception facilities, taking into account the requirements of Article 8 and Annex IV of Directive (EU) 2019/883. The provisions should address:

- The principles governing the waste reception fee system, including the polluter-pays principle and cost recovery.
- The costs eligible for inclusion in the fee calculation, including the costs of operating and maintaining port reception facilities and the subsequent treatment and disposal of waste.
- The structure and methodology for calculating indirect and, where applicable, direct fees.
- The application of fees irrespective of the actual delivery of waste, in accordance with the requirements of the Directive.
- Specific arrangements for different categories of ships, including fishing vessels, recreational craft and ships operating in short-sea shipping or scheduled traffic.
- Conditions for applying additional charges where ships deliver exceptional quantities of waste, if permitted by the Directive.
- Transparency and publication of applicable fees, including the information to be made available to port users.
- Procedures for the collection, administration and monitoring of waste reception fees.

5.6. Drafting provisions on the Board for Complaints of Port Users (Article 80)

The Expert shall develop the regulatory framework governing the establishment and functioning of the Board for Complaints of Port Users, including:

- The composition, appointment and mandate of the Board.

- The eligibility criteria and responsibilities of its members.
- The types of complaints falling within the Board's competence.
- Procedures for submitting, registering and processing complaints.
- Deadlines for examining complaints and adopting decisions.
- The rights and obligations of complainants and other parties involved.
- Requirements concerning impartiality, transparency, confidentiality and the prevention of conflicts of interest.
- Procedures for communicating decisions and monitoring their implementation.
- Applicable administrative or judicial remedies, in accordance with national legislation.

5.7. Consultation, validation and finalisation of the Rulebook

The Expert shall:

- Consult the Ministry responsible for maritime transport and other relevant competent authorities throughout the drafting process.
- Organise or participate in technical consultations with port authorities, port operators, shipping companies, waste reception facility operators and other relevant stakeholders.
- Present the draft Rulebook and explain the proposed regulatory solutions, including any identified implementation challenges.
- Incorporate comments and recommendations received from the Ministry, the Transport Community Permanent Secretariat and relevant stakeholders.
- Ensure consistency, legal clarity and enforceability of the final draft.
- Prepare the final version of the Rulebook, including the necessary annexes, templates, forms and procedural documents required for its practical implementation together with the Table/s of Concordance.

5.8. Supporting documents and implementing templates

Where necessary, the Expert shall prepare supporting annexes and standardised templates to accompany the Rulebook, including:

- Standard form for advance notification of waste delivery.
- Standard waste delivery receipt.
- Template and minimum structure for port waste reception and handling plans.
- Guidelines for calculating and applying waste reception fees.
- Standard complaint submission form and procedural rules for the Board for Complaints of Port Users.
- Templates for reporting inadequacies of port reception facilities.
- Standard record-keeping and reporting formats for port authorities and facility operators.

The proposed annexes shall be designed to facilitate uniform implementation across Montenegrin ports and minimise administrative burdens on port users and competent authorities.

5.9. Additional technical considerations for the Expert

The Expert shall ensure that the draft Rulebook fully transposes the specific requirements of Directive (EU) 2019/883, particularly:

- The distinction between indirect and direct waste reception fees and the minimum cost-recovery requirements.
- The exemption regime for ships operating on scheduled routes with frequent and regular port calls.
- The requirements for adequate port reception facilities and environmentally sound waste management.
- The mandatory elements of the port waste reception and handling plan under Annex I.
- The reporting, monitoring and information-sharing obligations.

The drafting should also take into consideration the specific characteristics of Montenegro's maritime sector, including the different operational profiles of the ports of Bar, Kotor, Tivat, Budva, Herceg Novi and other relevant port facilities.

The Expert should pay particular attention to ensuring that the Rulebook does not merely reproduce the provisions of the EU Directive but translates them into clear, enforceable and operational national requirements.

The principal legal reference should be the official consolidated text of Directive (EU) 2019/883, including the applicable corrigendum, together with its annexes.

6. Qualifications

- A university degree of a minimum of 4 years in Law, Engineering, Maritime, Transport, Business Administration, Economics, or waterborne-related studies is required. Preferably with specialisation in maritime law, environmental law or EU law.
- Any expert submitting more than one application for the same assignment shall be automatically excluded from the tender procedure. In cases where multiple applications involving the same expert are identified, all applications concerned will be disqualified

7. Work experience

- A minimum of seven (7) years of relevant working experience in the area of waterborne transport and EU acquis transposition.
- Good knowledge of EU legislation, specifically the EU Directive/Regulation related to waterborne transport, proven with at least one (1) reference activity conducted in the past 5 years.
- 3 years of experience in port operations or ship-generated waste management would be considered an asset.
- Experience working in the Western Balkans and EU 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

8. Languages

- Proficiency in the Montenegrin and English languages.
- The draft Rulebook should be submitted in the Montenegrin and English languages.
- The Final Mission Report, including the draft Rulebook and Table(s) of Concordance, to be submitted to the TCT Secretariat shall be in English.

9. Deliverables and Indicative Timeline

The consultancy is expected to deliver the following:

Deliverable	Description	Indicative deadline
D1	Inception report, legal review and gap analysis	Week 2
D2	First draft of the Rulebook, including proposed annexes and the Table of Concordance (ToC)	Week 5
D3	Revised draft of the Rulebook and ToC following consultations with the Ministry and stakeholders	Week 7
D4	Final draft of the Rulebook, explanatory note, ToC and supporting templates	Week 8

10. Delivery of the report

After completing each of the deliverables, a report will be delivered to the beneficiary and to the Transport Community Treaty (TCT) Permanent Secretariat. The report should contain the following:

a. The draft documents mentioned in the table above.
b. A detailed description of the assignment and the scope of work undertaken by the expert after each deliverable.
c. A comprehensive summary of the accomplishments achieved during the course of the assignment.
d. Minutes of all meetings held with beneficiaries regarding the proposed tasks.

11. Timing and Location

- The consultancy is expected to be completed in a maximum of two months from the date of contract signing.
- The assignment foresees work from home, periodic meetings with the Ministry of Maritime Affairs, and site visits.
- For implementation of the tasks listed above, physical presence of the expert in the Ministry of Maritime Affairs might be required from time to time.

12. Remunerations

The assignment foresees up to a maximum of 320 working hours or 40 working days of engagement, with a maximum value of 10.000 EUR.

Payment will be processed upon submission and approval of all documents by the TCT Secretariat and the end-beneficiary as stipulated in the contract

The final outputs will be subject to TCT Permanent Secretariat and Ministry of Maritime Affairs quality control and approval before payment is executed.

No subcontracting is allowed for the assignment.

No other costs will be covered besides the expert cost per day as indicated in the offer.

13. Financial Offer

The 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 a maximum of 20 points.

14. Selection and Award Criteria

Selection will be based on work experience.

Work experience	Minimum score	Maximum score
A minimum of 7 (seven) years of relevant experience working in the area of waterborne transport.	20 points 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 Acquis related to waterborne transport, proven with at least one (1) reference activity conducted in the past 5 years.	20 points for good knowledge of EU legislation proven with at least one (1) reference activity conducted in the past 5 years. Every additional reference activity related to waterborne transport will be scored with 5 points up to the maximum score.	30
Experience of at least 3 years in port operations or ship-generated waste management	0	5
Experience working in the Western Balkans and EU environment	5 points for experience in the Western Balkans. Additional experience in the EU will be scored with an additional 5 points.	10
A short, detailed, concrete methodology/proposal on how the assignment will be delivered	0	5
Total	**45**	**80**

- The scoring of the above-mentioned work experience will be done based on the information provided in the CV and the supporting documents.
- The total maximum score for the selection criteria is 80.
- The total maximum score for the financial offer is 20.
- The offer with the highest score combining work experience and offered price will be proposed for assignment.

Score for tender X	=	$\frac{\text{cheapest price}}{\text{price of tender X}}$	*	100	*	20%	+	Total quality score (out of 100) for all award criteria of tender X	*	80%

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