

SCOPE OF WORK

developing a set of legislative amendments in support of digital economy and tech qualified workforce attraction in the Republic of Moldova

For:	National Association of ICT Companies (ATIC)
Funded By:	The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
Issued by:	National Association of ICT Companies (ATIC)
Type of Contract:	Service Contract
Estimated start date:	September, 2023
Assignment period:	October, 2023
Date of issue:	August 25, 2023
Offer deadline:	September 7 2023

Electronic Submission Only. The only acceptable submission method is electronical – via email: to: csirbu@ict.md – Cristina Sirbu, Procurement Specialist
cc: obarbaros@ict.md – Oxana Barbaros, Policy Manager

Attached documents:

SoW - developing a set of legislative amendments in support of digital economy and tech qualified workforce attraction in the Republic of Moldova

Contact person: csirbu@ict.md – Cristina Sirbu, Procurement Specialist & obarbaros@ict.md – Oxana Barbaros, Policy Manager

The National Association of ICT Companies (ATIC) is a business Organization uniting 94 entities and representing an Umbrella Organization that gathers over 9000 employees. Being established in 2006, ATIC is the action leading association and the voice of the Moldovan ICT industry that promotes the development of the ICT sector in the Republic of Moldova through viable partnerships between companies, similar organizations, government, state institutions and international organizations. The association was founded to represent the industry on different policy and legislative issues and to facilitate the exchange of best practices between members. ATIC mission is to protect and promote the Association members' interests as well as facilitate a more favourable ICT business climate.

ATIC seeks a consultant to support Support to the Ministry of Economic Development and Digitalization, through the iConsiliu WG of the Economic Council to the PM in accomplishing the following activities:

1. To perform the assessment of the existing legislation in support of digital economy and to identify constraints and new regulatory solutions to incentive digital transformation of companies.

2. To develop legislative amendments and to assist the MoEDD in the draft law promotion during the internal harmonization process with the relevant authorities/institutions and in the process of the public consultations. The draft law should cover, but not limit to following:

Stage 1. To provide the draft Law, informative note and impact assessment of the proposed measures, according to the current regulatory framework in the field of legislative creation (*in due time, but not later than October 31st, 2023*).

Stage 2. Support to the MoEDD in the draft law promotion process, during the RIA examination, internal harmonization process with the relevant authorities/institutions and in the public consultations process, promotion in the Government and Parliamentary committees by completing the objections and proposals chart.

1. BACKGROUND AND RATIONALE

EBRD's Investment Climate and Governance Initiative (ICGI) was launched in 2014 to enhance the Bank's support for improvements to the investment climate and governance in its countries of operation, including through the digitalisation of countries' economies and governance. In Moldova, this includes support to the Economic Council to the Prime minister Digitisation Roadmap; efforts to enhance transparency and efficiency in cross-border trade and enable e-Commerce opportunities for businesses; and helping establish a more sustainable and resilient economic future for Moldova following the significant socio-economic impacts of the Covid-19 pandemic and regional crisis during the war in Ukraine.

EBRD's Moldova country strategy (approved November 2017) highlighted that Moldova's progress has been held back by significant structural challenges and a fragile commitment to reform. These challenges have been exacerbated by the Covid-19 and regional crisis, in which the need and demand for digitised and more dynamic businesses and public services has increased dramatically. Digitalisation enables business environment, rise productivity, and exports, empowers citizens and businesses to have fast and safe remote access to vital public services; improves digital and financial inclusion; promotes a cashless economy; supports the development of e-Commerce, e-Payments, and electronic public services.

In this context, the Government of Moldova - with support from EBRD and local business community on the platform of iConsiliu – is implementing its Roadmap to boost digitalisation of Moldova's economy and develop e-Commerce. Within this action plan, enabling the environment for the digitalisation of economy and services, through adoption of the new technological solutions by companies is envisaged as one of the keys facilitating elements of e-Economy and e-Commerce infrastructure development. In this regard, activation of new and new qualified human resources via diverse instruments and programs is essential.

The Government of Moldova with support from the Economic Council to the Prime minister, on the platform of iConsiliu, delivered few impressive and comprehensive laws in support of digital economy and society as Digitalization Package 1.0 (Law 175/2021), eCommerce legislative package (Law 60/2023), Facilitating remote business in Moldova Legislative Package (Law 126/2023). All these are in line with the declared objectives of the Economic Council to facilitate the Contactless Business in Moldova initiative. But the activation of new and new levers is necessary in order to keep the race and to make Moldova competitive in modern digitising world, by attracting foreign expertise and by

motivating conversion of local professionals to engage in local companies and to contribute to the digitalization of businesses in various industries.

2. OBJECTIVES OF THE ASSIGNMENT

Support to the Ministry of Economic Development and Digitalization, through the iConsiliu WG of the Economic Council to the PM in accomplishing the following activities:

1. To perform the assessment of the existing legislation in support of digital economy and to identify constraints and new regulatory solutions to incentive digital transformation of companies.
2. To develop legislative amendments and to assist the MoEDD in the draft law promotion during the internal harmonization process with the relevant authorities/institutions and in the process of the public consultations. The draft law should cover, but not limit to following:
 - Competitive legal regime at regional level to facilitate the activity of digital nomads in Moldova (immigration procedures, tax regime and social/medical insurance);
 - Updating individual tax incentives for IT professionals that would stimulate their employment in the real sector of the economy and increase the productivity of local non-IT companies (L1164/1997, art.24, para.21);
 - Identifying and removing constraints for the proliferation of virtual cash machines;
 - Identification of eReceipt and eInvoice proliferation constraints and necessary measures;
 - Elimination of artificial barriers for opening bank accounts by companies with which a foreign company is associated;
 - Removing constraints for tax invoices in eCommerce;
 - Stimulating measures for proliferation of POS terminals outside Chisinau;
 - Clarifying the tax regime of monetization of mobile applications on international platforms, as well as of the gross and net income from these operations;
 - Adjustment of registration documents of Limited Liability Companies created without the physical presence of its founder foreign investor.

3. DELIVERABLES AND PROJECT IMPLEMENTATION ARRANGEMENTS

The Project is expected to start in September, 2023 and to be completed in 2 months. Offers should be submitted not later than September 7th. The estimated Level of Effort is 30 days. The Consultant(s) shall deliver the following services and deliverables in two stages:

Stage 1. To provide the draft Law, informative note and impact assessment of the proposed measures, according to the current regulatory framework in the field of legislative creation (*in due time, but not later than October 31st, 2023*).

Stage 2. Support to the MoEDD in the draft law promotion process, during the RIA examination, internal harmonization process with the relevant authorities/institutions and in the public consultations process, promotion in the Government and Parliamentary committees by completing the objections and proposals chart.

In order to facilitate the delivery of the Assignment, the Consultant(s) shall work closely with the MoEDD' Directorate for Digital Economy and Information Technology Industry Development, and representative of the EBRD-supported Economic Council to the Prime Minister of Moldova.

Project will be developed and promoted on iConsiliu platform, with large participation of the Economic Council to the PM members.

Requirements to the consultant

Expertise and Experience:

- The consultant should have a strong background and experience in legal and regulatory matters related to the digital economy, technology, and workforce development.
- Proven experience in drafting legislative amendments, policy development, and regulatory frameworks.
- Familiarity with the Moldovan legal system and prior experience working with legislative bodies or government agencies is a plus.
- Demonstrated knowledge of international best practices and trends in digital economy legislation and tech workforce development.

Technical Competence:

- Strong analytical and research skills to assess existing legislation and identify gaps and areas for improvement.
- Excellent legal drafting skills to create clear and comprehensive legislative amendments.
- Ability to conduct impact assessments and provide recommendations for proposed regulatory changes.
- Proficiency in understanding and addressing complex legal, economic, and technological issues.

List of documents for submitting the offer

CV, cover letter + offer, diploma/certificate demonstrating knowledge in the field, examples of previous similar works.

FINANCIAL OFFER

The candidate will present a financial offer of the total gross amount ("lump sum") type, with all expenses included (taxes, contributions). The bidder will indicate in the bid and the rate per

working day in MDL. In daily rate, the candidate will include all potential expenses (transport, use of own ICT means, communication, etc.).

CONTRACT

The signed contract will be of the type of contract for the provision of services. Contract currency: MDL.

PAYMENT FOR SERVICES

Payment for the services provided will be made according to the deliverables made, based on the reports submitted by the consultant and accepted by ATIC. Payment will be made in accordance with the legislation of the Republic of Moldova, in MDL, based on the signing of a Handover-Receipt Act for each deliverable.

PLACE OF SERVICE PROVISION

The place of service provision is the Republic of Moldova. The services can be provided remotely by consultant, from home. Both the meetings and the delivery of the deliverables will take place online / offline. The deliverables will be presented to ATIC in the format required by these terms.