Terms of Reference for Senior Non-Key Short-Term Expert: e-Commerce Regulatory Issues

1 CONTRACT OBJECTIVES & EXPECTED RESULTS

1.1 Background to the Project

Project Title: *e-Business Development*
Project No.:   EuropeAid/133836/C/SER/RS
Contract No.:   2014/337-303
Country: Republic of Serbia
Project Start Date: 23rd of May, 2014
Project Duration: 30 Months

Overall and Specific Objectives of the Contract:
- The **overall objective** of the project of which this contract is a part is to enhance the competitiveness of the Serbian economy through strengthening of the private sector and its performance.
- The project **specific objective** is to increase the productivity and competitiveness of Serbian SMEs, their internationalisation and capacity to innovate, by creating a more favourable environment, promotion of e-Business in order to strengthen their efficiency, quality and accessibility of products and services as well as cutting costs and administrative procedures.

Purpose:
- Strengthening the legal and institutional framework to alleviate remaining legal, regulatory and standardisation bottlenecks for a better e-Business environment in Serbia (in particular for e-Commerce and e-Invoicing and e-Ordering with / by the public sector)
- E-Commerce development in order to facilitate the e-Commerce uptake by SMEs and consumers and to facilitate the creation of jobs and to increase trade competition in Serbia
- G2B reinforcement in view of deploying future technologies to make government more flexible and be able to better serve businesses in Serbia and internationally

Main Project Beneficiaries:
- Ministry of Trade, Tourism and Telecommunications
- Ministry of Economy

Project Components:
- Component 1: Institutional Capacity Development
- Component 2: e-Commerce Development
- Component 3: G2B & e-Invoicing Support

Expected Results:
- Key government actors and industry representatives are actively participating in the improvement of the e-Business environment (in particular in selecting internationally recognised relevant and required standards, e.g. e-Invoicing)
- E-Business legal framework improved

- Regulatory framework and practices improved
- The MTTT e-Commerce unit is established, strengthened (trained and mentored) as well as several hundred civil servants made ready to support the e-Business environment
- SMEs are fully aware of e-Commerce benefits and practices
- E-Commerce support instruments drafted and ready to be implemented
- SMEs have access to e-Commerce practical guides (via a dedicated website) as well as an e-Trust Mark
- Selected high-potential SMEs with a concrete e-Commerce project have been advised
- Serbian e-Consumers are more informed on how to benefit from e-Commerce and how to use it safely
- Serbian citizens are informed of C2C and how to benefit from it
- A G2B Service Bus is designed
- System specifications for e-Invoicing and e-Ordering and technical documentation for implementation of this service via proposed G2B Service Bus are prepared
- The G2B Service Bus is technically fully specified and the associated financing prepared
- The migration of business identified e-service toward an advanced e-service using the G2B Service Bus is mapped (back and front office), in particular for e-Invoicing

1.2   Background to the Assignment

The work laid out in these Terms of Reference (ToR) is to be delivered in the scope of implementation of Component 1: Institutional Capacity Building.

Within this component, three main activities are foreseen:

- Activity 1.1: Legal Strengthening
- Activity 1.2: Regulatory Strengthening
- Activity 1.3: Administrative Capacity Building

These ToR refers to Activity 1.1: Regulatory Strengthening, which comprises the following tasks:
- Task 1.2.1: Mapping e-Commerce bottlenecks
- Task 1.2.2: e-Commerce bottlenecks: recommendations

The aim of the Activity and Tasks contained within these ToR is to conduct an in depth review of the Serbian regulatory frameworks on e-Business, e-Commerce and related regulatory and administrative practices and processes, in order to identify bottlenecks hampering uptake of e-Commerce and e-Business, especially by SMEs. Particular attention shall be given to identifying bottlenecks relevant to the practice of e-Commerce and G2B e-Invoicing / e-Ordering.

More specifically, the implementation of tasks outlined herein will:
- Conduct a mapping of bottlenecks entailed within Serbian regulatory frameworks and by-laws affecting e-Commerce, especially as encountered by SMEs engaging in G2B activities
- Identify a set of at least eight (8) regulatory bottlenecks related to e-Commerce (in particular relevant to G2B e-Invoicing / e-Ordering)
- Prepare and submit recommendations to remove bottlenecks related to e-Commerce, as well as provide follow-up services

1.3   Purpose

Task 1.2.1: Mapping e-Commerce bottlenecks
Purpose of this task:
The purpose of the task is to compile an overview and map bottlenecks entailed within regulatory frameworks and by-laws affecting e-Commerce, especially as encountered by SMEs engaging in G2B activities.

Task 1.2.2: e-Commerce bottlenecks
Purpose of this task:
The purpose of this task is to select relevant legal acts for amendment, and proceed with drafting of the relevant amendments.

1.4   Results to be achieved by the Consultant

In the scope of implementing the work outlined in these Terms of Reference, the following results will be achieved:

- Mapping of regulatory framework, by-laws and administrative / regulatory practices and processes relevant to e-Commerce conducted

- Inventory of at least eight (8) bottlenecks compiled, with a focus on bottlenecks relevant to e-Commerce activities (especially G2B e-Invoicing / e-Ordering)

- Recommendations and implementation guidelines for overcoming e-Commerce bottlenecks prepared

2   SCOPE OF THE WORK

2.1   General

Although much work has been, and continues to be, undertaken in respect to alignment of regulatory frameworks with the requirements of the Acquis, further efforts are required in view of Accession objectives.

In this respect, the project team will work closely with the Beneficiaries and key stakeholders in view of providing support for a comprehensive mapping of regulatory frameworks, by-laws and administrative practices impacting upon e-Commerce (with special attention paid to e-Commerce activities related to G2B e-Invoicing / e-Ordering. It is anticipated that the expert to be deployed will also work closely with team members involved in the Legal Gap Analysis to be conducted under the same Component.

Relevant regulatory bottlenecks will be identified, and the project team will work closely with the Beneficiaries in order to formulate recommendations on how to overcome these bottlenecks, ultimately improving the e-Commerce business environment for SMEs.

2.2   Specific Activities

The following are the specific activities:

Task 1.2.1: Mapping e-Commerce bottlenecks

- Organisation of discussion teams with the Beneficiaries and relevant stakeholders. Discussion teams will hold a series of roundtable workshops, in order to identify common e-Commerce bottlenecks often faced by SMEs. The discussion teams should include legislative experts from relevant Ministries, as well as SME representative organisations and delegates from business support organisations.
- Preparation of a mapping of identified e-Commerce bottlenecks, drawing on issues identified during roundtable workshops. The mapping will shed light on common regulatory issues faced by SMEs in relation to e-Commerce, as well as areas identified by the relevant Ministries, with the objective of compiling a comprehensive inventory of areas requiring intervention.

Task 1.2.2: e-Commerce bottlenecks: Recommendations

- Working with the Beneficiaries and relevant stakeholders, identification of at least eight (8) e-Commerce bottlenecks (in particular, relevant to G2B e-Invoicing / e-Ordering).
- Together with the Beneficiaries, formulation of recommendations for overcoming the identified e-Commerce bottlenecks.
- Provision of further support to relevant administrative bodies in implementing recommendations. The support needs of the relevant administrative bodies will be discussed, and the project's role clearly defined, in coordination with the Beneficiary. Indicatively, the project team anticipates that potential implementation support activities may entail:

o Presentation and familiarisation with relevant EU Best Practices from the regulatory sector

o Provision of guidance and on-the-job training during implementation of regulatory reform recommendations

2.3   List of Activities, Outputs and Planning of Working Days

	No.	Tasks	Working days	Outputs
	A 2.1	**Regulatory Strengthening**		
1	T.1.2.1	Mapping e-Commerce bottlenecks	**25**	• Mapping of regulatory and by-laws e-Commerce bottlenecks (D121)
2	T.1.2.2	e-Commerce bottlenecks: Recommendations	**25**	• Identification of a set of at least 8 bottlenecks related to e-Commerce and in particular G2B invoicing / e-Ordering • To prepare recommendations and clear implementation guidelines to overcome the bottlenecks (D122)
		Total working days	**50**	

2.4   Target groups

The main target groups are the main beneficiary the Ministry of Trade, Tourism and Telecommunications, the Ministry of Economy, the Ministry of Public Administration and Local Self-Government, The Ministry of Justice, the National Agency for regional development (NARD) and other stakeholders such as representatives from business support organisations, consumer organisations as well as regulatory bodies.

3   LOGISTICS AND TIMING

3.1   Location

The project office in Belgrade will be the operational base of this assignment. Certain activities may require missions to other locations in Serbia.

3.2   Commencement date & period of execution

The activities are planned to start in February 2015 and will finish in May 2015. The total number of working days foreseen is 50, to be performed at the project office in Belgrade.

4   REQUIREMENTS

4.1   Personnel

The assignment will be carried out by a Senior Non-Key Short-Term Expert in e-Commerce Regulatory Issues.

The expert will be expected to meet the following requirements:

Qualifications and skills
- A bachelor's degree (where a university degree has been awarded on completion of three years study in a university or equivalent institution) in economics, law, Information Technology, or other field relevant to the assignment;
- A Master/PhD (following the award of the degree) is an advantage;
- Fluency in English (written and spoken);
- Excellent communication, analytical, report writing, and communication skills;
- Excellent team working abilities;

General professional experience
- Minimum 8 years, preferably 10 years, of relevant post-graduate professional experience in issues related e-Commerce, e-Business and/or e-Government

Specific professional experience
- At least 5 years, preferably 10 years, of post-graduate experience in policy, regulatory and/or legislative oriented work, including hands-on experience with e-Commerce and/or e-Business regulatory and administrative practices
- Proven working knowledge of EU regulatory and legislative frameworks relevant to e-Commerce, and their implementation
- Experience supporting regulatory and/or legislative reform relevant to trade and / or e-Commerce and/or e-Business
- Experience with e-Commerce in SMEs will be an advantage

Further requirements:
- The selected expert is not a Civil Servant or other staff of the public administration of the beneficiary country;
- There is no conflict of interest, further to the Article 9 of the General Conditions, Service contract, with the selection of the expert.

5   R E P O R T S
5.1   R e p o r t i n g   r e q u i r e m e n t s

The expert will regularly report to the project Team Leader and the Consortium Project Manager in monthly (calendar month) and/or mission reports. Within 5 working days from the end of each month or mission, the expert will prepare and submit a monthly / mission report to the project Team Leader and Consortium Project Manager.

Within 10 days after the end of the last mission, the expert will prepare and submit a Final Report to the project Team Leader and Consortium Project Manager, covering all implemented missions and/or activities, as per these Terms of Reference.

The report templates to be followed by the Expert will be provided by the project office.