**ToR-** **Draft** **Law on Electronic Communications**

The Ministry of Economic Development invites national or international experts who fulfil the below listed criteria to apply for a short-term contract to carry out the Draft Law on Electronic Communications. The application/s should be submitted in Montenegrin language within the open Call for external expert. The title shall be marked *“ToR – Draft Law on Electronic Communications*.”

**BACKGROUND INFORMATION**

Bearing in mind the importance of Montenegro's EU accession process, the importance of transposing relevant EU directives in the field of electronic communications has been recognized and prioritized. This pointed to a need for developing regulatory and policy framework in the field of electronic communications.

In this context, the **Law on Electronic Communications** would focus on measures that aim to provide incentives for investment in high-speed broadband networks; bring a more consistent internal market approach to radio spectrum policy and management; deliver conditions for a true internal market by tackling regulatory fragmentation; ensure effective protection of consumers; a level playing field for all market players and consistent application of the rules; as well as provide a more effective regulatory institutional framework.

The proposed Law should cover the use of radio spectrum by all electronic communications networks, including the emerging self-use of radio spectrum by new types of networks consisting exclusively of autonomous systems of mobile radio equipment that is connected via wireless links without a central management or centralised network operator, and not necessarily within the exercise of any specific economic activity. In the developing 5G wireless communications environment, such networks are likely to develop in particular outside buildings and on the roads, for transport, energy, research and development, eHealth, public protection and disaster relief, the Internet of Things, machine-to-machine and connected cars.

**DESCRIPTION OF THE ASSIGNMENT**

The expert’s task is to analyse the mentioned directives and transpose them into Draft Law on Electronic Communications. In addition, the expert should harmonize the Draft Law with the current Law on Public Administration.

The main objectives of drafting of the Law on Electronic Communications should include:

1. Transposition of the Directive on Electronic Communication Code 2018/1972;

2. Transposition of the part of Directive 2014/61 / EU related to the definition and functioning of:

- physical infrastructure in the building,

- physical infrastructure in the building adapted to high - speed networks, and

- access point concept;

3. Harmonization of the Draft Law on Electronic Communications with the Law on State Administration ("Official Gazette of Montenegro", No. 78/18 and 70/21).

# Specific Tasks of the Expert

The main task of the Expert will be:

* to prepare and deliver the Draft Law on Electronic Communications consistent with all of the above;
* to prepare and deliver the Table of concordance;
* to make an explanation for the prepared Draft Law on Electronic Communications in the part that clearly explains which segments of the mentioned directives and laws have been transposed;
* to participate in the meetings at the request of the Working Group;
* to participate in the public debate;
* to participate in creating explanations for comments received after the public debate.

For the preparation of the mentioned document, it is necessary to know the Montenegrin legislative framework, harmonized with the professional terminology already used in the field of electronic communications in Montenegro.

The Project shall engage national or international expert or experts group whose main task will be to prepare and deliver final draft Law on electronic communications.

# Qualifications and expertise of the expert

The assignment shall be conducted by one evaluator who should satisfy the following criteria:

* University degree (Bachelor);
* Postgraduate education (MA/PhD) would be considered as an asset;
* Knowledge of the Montenegrin legislative framework;
* Experience in the work of at least one legislative regulation in the part of transposition of EU directives into Montenegrin legislation, as well as harmonization with other laws;
* A minimum of 2 years of working experience in designing, implementing or monitoring / evaluation of strategies / policies in in the field of electronic communications;
* Experience of at least 1 assignment in advising governments on policy development in the field of electronic communications, research, business sector development or similar;
* Proven ability to think strategically, express ideas clearly and concisely, work both independently and in a team, demonstrate respect for others;
* Excellent knowledge of Montenegrin and English language, both spoken and written;
* Excellent computer literacy;
* Excellent communication skills.

**Other competencies of the evaluator:**

* Demonstrates integrity by modelling high human values and ethical standards;
* Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
* Ability of critical and strategic thinking, knowledge of results-based management and reporting;
* Builds strong relationships with clients, focuses on impact and result for the client and responds positively to feedback;
* Consistently approaches work with energy and a positive, constructive attitude;
* Demonstrates good oral and written communication skills;
* Demonstrates ability to manage complexities and work under pressure, as well as conflict resolution skills.

# Reporting and deliverables:

The Expert shall submit the following deliverables in Montenegrin language:

* Draft Law on Electronic Communications;
* Table of Concordance;
* Report containing explanation on how the EU directives has been transposed; and
* Draft Report on public consultations.

The Expert shall submit the deliverables to the following contact person:

**Ivana Markovic**, MSc, Senior Advisor in the Department for Electronic communications, Postal services and Radio spectrum, Ministry of Economic Development, ivana.markovic@mek.gov.me.

# Timeframe and location

The services of the Expert will be provided between January and December 2022. The tentative start date will be **01 January 2022.**

The services under this contract shall be performed in Podgorica, Montenegro, although the expert will also have home-based days allocated for the execution of this contract. The target area to be covered by this project is the whole territory of Montenegro, and there may be a need for short term assignments outside of Podgorica.

# Contract Information

The nature of this contract is – fee-based contract. Agreed expert fee will be paid after the termination of the contract and approval of deliverables by the Ministry. The maximum contract value for this assignment is 20,000 € incl. VAT.

# Documents to be submitted to this call

* Application Cover letter with summary of CV in relation to the Call;
* Full CV of the applicant; and
* Financial offer indicating gross daily expert fee and additional costs (travel, accommodation).

# Evaluation of the applications

Submitted applications will be evaluated by a three-member commission appointed by the Ministry of Economic Development. The commission will determine a number of criteria for evaluating candidates, whereby the evaluation will be based on 70% on qualifications and expertise, and 30% on the financial offer. The Commission will make a proposal for the selection of the best candidate, on the basis of which the Ministry will make a decision on the selection of an expert for the Draft Law on Electronic Communications. The contract with the evaluator will be concluded by the Ministry.

# Mode and deadline for application submission

Completed and signed applications with supporting documents shall be submitted to the **Ministry of Economic Development** in one hard copy (original), at the following address: **Rimski trg 46, 81000** Podgorica with the following remark: **Application to the Call for expert for the Draft Law on Electronic Communications.** The applications also need to be submitted electronically to the following e-mail address: **ivana.markovic@mek.gov.me****.**

Deadline for application submission is **17 December 2021 at 14h.**

*Contact person in the Ministry of Economic Development*:

Ivana Markovic, MSc

Senior Advisor in the Department for Electronic communications, Postal services and Radio spectrum, Ministry of Economic Development

E-mail: ivana.markovic@mek.gov.me