



TERMS OF REFERENCE

Job title:	National Consultant to develop a Methodology for developing opinions on draft legislation
Duty station:	Chisinau, Moldova
Reference to the project:	"Improving the quality of Moldovan democracy through parliamentary and electoral support"
Contract type:	Individual Contract (IC)
Expected duration of the assignment:	30 days within a 3 months assignment
Starting date:	April, 2014

Job content

I. Background

Drafting of legislation represents a complex and responsible process, which involves several specific phases. These phases are determined by constitutional and legal rules, drafting techniques and procedures. The progress in the negotiations of the Association Agreement and DCFTA between the Republic of Moldova and EU has taken the Republic of Moldova to the stage of the implementation of these documents, which means that the Republic of Moldova is expected to transpose and to absorb the extensive EU legal standards (Acquis Communautaire) in relatively short timeframe. The role of the Parliament in this ambitious task is of a crucial importance.

The existing cycle of a draft legislative act is described in the Parliamentary Rules of procedure act No.797 from April 2, 1996, starting from the right of legislative initiative and up to the phase of promulgation of the legal act by the President of the Republic of Moldova. According to the Rules each bill is subject to a number of activities related to registration, approval, review, vote, editing and signing, etc.

Parliamentary committees, senior management in Parliament and Parliament of Moldova Secretariat subdivisions are the main actors in the legislative process in Parliament. By verifying the form and content of legislative initiatives the Parliament exercises its legislative function. Before a draft legislative act is included in the Parliament's agenda it's compliance with international and constitutional requirements, correlation with the legal system in Moldova and the principles and norms of legislative drafting techniques are checked.

At the moment, there are no uniform methodological rules on how the parliament is delivering legal opinions on bills. In many cases the opinions submitted by standing committees are very formal, the proposed amendments are not analysed in terms of legality and systematic connection with other legislative acts. Therefore, in order to improve the quality of legislation and ensure a better law enforcement, the Parliament intends to develop and apply uniform rules on the preparation and delivery of legal opinions on bills.

In this context, the UNDP Democracy Programme/Parliament component is seeking to hire a national consultant who will develop a Methodology for developing opinions on draft legislation. The methodology will serve as a toolkit for standing committees and legal department and will offer practical guidance for MPs and parliamentary staffers to make the scrutiny of bills more efficient.

II. Scope of work and expected outputs

The expected output for the national consultant' assignment is to develop a Methodology for developing opinions on draft legislation which would include a set of concise and practical instructions that describe the logical sequence of steps to be taken in the process of scrutiny of bills.

In order to achieve the stated objective, the Consultant will have the following responsibilities:

- Undertake a comprehensive desk review of the relevant legal framework, policies, regulations, administrative procedures and EU/international best practices governing and regulating the legislative process within the Parliament;
- Prepare a detailed work plan to be applied for the respective assignment;
- Undertake interviews with the key stakeholders: Members of Parliament and parliamentary staff who are involved in the process of drafting legislation and opinions on bills;
- Analyse the opinions and reports issued by parliamentary committees for different bills. Identify existing practices and gaps related to the process of scrutiny of legislative initiatives;
- Develop uniform methodological rules on how the parliament should deliver legal opinions on bills;
- Conduct a Roundtable discussion with Parliament of Moldova Secretariat staff and committee staff;
- Coordinate with the Legal Department during the process of drafting the methodological rules;
- Other relevant tasks, as agreed with the counterparts.

III. Deliverables and Timeframe

Nr.	Deliverables	Tentative timeframe/deadline
1.	A detailed Work Plan developed	By 25 April, 2014
2.	A Report on the process required for a bill to become a law developed	By 23 May, 2014
3.	A Methodology for developing opinions on draft legislation developed	By 17 June, 2014
4.	A round table discussion on the Methodology for developing opinions on draft legislation organized	By 24 June, 2014
5.	Analyse comments and suggestions regarding the Methodology for developing opinions on draft legislation. Complete and present the final version of the Methodology* .	By 27 June, 2014

* **The Methodology should include**, but is not limited to, the following:

- The compliance of the proposed legislative solutions with constitutional norms and principles;
- The compatibility with other national legislation, international treaties to which Moldova is a party or with EU law;

- The procedure for removal of any contradictions or inconsistencies in the bill;
- The nature and extent of parliamentary control over any secondary legislation provided for in the bill;
- The impact of the proposed bill over the current legislation and the type of solution in case of abolishment, amendment etc.;
- The way to avoid legislative overlap;
- The financial implications of proposed bills;
- Roles and responsibilities of different categories of staff;
- The form of legal opinions on bills.

All the deliverables have to be coordinated and agreed by Legal Department and provided in Romanian, hard and electronic copies.

The timeframe for the work of national consultants is tentatively planned through April – June 2014.

Management Arrangements: The national consultant will work under the guidance of UNDP's counterpart at the Parliament of Moldova and in close cooperation with the Chief Technical Advisor for substantive aspects of the assignment, and under the direct supervision of the Project Manager – for administrative aspects. The national consultant will report to the head of Legal Department and the Project Manager.

The consultant will work closely with the Legal Department, and, upon the need, will be located in the premises of the Parliament.

Financial arrangements: Payment will be disbursed in one instalment upon submission and approval of deliverables and certification by the Project Manager that the services have been satisfactorily performed.

IV. Qualifications and skills required:

Qualifications:

- University / Master degree in Law;
- At least 5 years of relevant professional experience in drafting and scrutiny of bills and in preparing opinions;

Experience:

- In-depth knowledge and understanding of the legislative process and techniques;
- Working experience with Parliament or Government sector;
- Experience in comparative analysis, research, assessment on the implementation of the international legislation and policies;
- Proven experience in working with the international organizations (successful experience in working with UN agencies is an asset);

Abilities:

- Strong analytical and drafting skills;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Availability to work with UNDP and Parliament during the indicated /approved period;
- Fluency in Romanian. Knowledge of English and/or Russian will be an asset.

Skills:

Computer literacy and ability to effectively use office technology equipment, IT tools.