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TERMS OF REFERENCE

- A. Job title:** National Consultant on the tariffs and taxation of justice system related professions
- B. Duty station:** Chisinau, Republic of Moldova
- C. Project reference:** Support to Justice Sector Reform in Moldova
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** October 2014 – March 2015 (up to 40 working days)

F. Background:

The Justice Sector Reform Strategy for 2011 – 2015¹ had been approved in 2011. The Strategy and achieved progress in its implementation was one of the main conditions for the successful negotiation and signature in 2014 of the EU-Moldova Association Agreement. EU had provided the Sector Budget Support and four technical assistance projects to assist the Government of Moldova in the implementation of the Strategy. However, the tasks, as set forth in the Strategy, are very ambitious, and although other international partners (USA, CoE, Romania, Norway and others) also provide support, it is still not sufficient to achieve the planned progress. The Ministry of Justice had indicated a number of drawbacks in the implementation of the particular actions as per the Strategy's Action Plan, which impeded the progress.

One of these priority issues stated in the Ministry of Justice's request is linked to the current status of the services provided in the justice sector by various justice system related professions (defence lawyers, notaries, bailiffs, judicial experts, mediators, translators/interpreters etc.). The tariffs (pricing for the provided services) are established arbitrarily by the service providers, without having a methodology to make the calculations based on clear criteria and indicators. On the other hand, the taxation of the justice system related professions is based on different regulations, is complicated and difficult to monitor the implementation. The same situation exists in the area of the social security (pension fund, medical insurance, etc.) of the justice system related professions. All these lead to over-pricing of the services, hiding of income by representatives of justice system related professions to avoid paying taxes, and in general limit access to legal services and to justice for the population that cannot afford high costs. The absence of a clear, transparent and a uniform methodology makes justice system related professions prone to corrupted behaviours, lack of integrity and infringement of the Codes of Ethics, making this part of the justice system a weak link that negatively affects the system in general and people's trust in it.

The Ministry of Justice requested UNDP to provide the international expertise that would support the process of analysing of the situation in the pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension payments systems in relation to the justice system professions, of formulating the recommendations for the improvement and streamlining of the system based on options existing in other countries and in drafting the methodology for establishing the tariffs in a transparent and justifiable way

¹ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/SRSJen.pdf

and the methodology for the establishment of the uniform taxation and social security, medical insurance and pension payments systems for the justice system related professions.

The task is in line with the mandate and objectives of the UNDP, since its implementation would contribute to preventing corruption and corrupted behaviours in the Justice System, would make it more transparent, accountable and would ensure accessible legal services for people. The task will be implemented in a participatory way through a series of consultations with the representatives of the justice system related professions and their associations.

G. Objective:

The main objective is to support the Ministry of Justice in the implementation of the Justice Sector Reform Strategy and its Action Plan regarding the intervention area 3.2.3. "Development of integrated, clear and accurate pricing mechanisms for services rendered" and the intervention area 3.2.9. "Establish a single tax regime, social security and medical insurance for the representatives of the justice system related professions".²

H. Scope of work and expected outputs:

The **scope of work** of the National Consultant will be:

- To support International Consultant in the analysis the situation in and presentation of studies on the **a) pricing mechanisms (tariffs), b) tax regime, social security, medical insurance and pension payments systems (taxation), in relation to the justice system related professions** (notaries, defence lawyers, bailiffs, judicial experts, mediators, authorised administrators, authorised translators/interpreters);
- To provide inputs for the formulation of recommendations for the improvement and streamlining of the system based on options existing in other countries for the elaboration of the efficient, viable, clear, fair and predictable mechanism of tariff settings and taxation system;
- To organise and facilitate the discussions of the proposed options with the representatives of the justice system related professions and their associations;
- To provide inputs for the drafting of a methodology for establishing the tariffs in a transparent and justifiable way;
- To provide inputs for the drafting of a methodology for the establishment of the taxation for the justice system related professions.

In order to achieve the objective the National Consultant shall:

- Support the International Consultant in the elaboration of a methodology for the studies on the current pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension systems for the representatives of the justice system related professions (notaries, defence lawyers, bailiffs, judicial experts, mediators, authorised administrators, authorised translators/interpreters), including in terms of comparison with other countries' legislation and systems, in coordination with the MoJ;
- Provide the International Consultant with the analyses of the national legislation of the Republic of Moldova related to the assignment;
- Provide inputs to the study and to the development of recommendations on the current pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension systems with the reflection of the practice, policies, successes, deficiencies in these sphere in the Republic of Moldova compared to the most efficient systems in EU countries;

² http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/PA_SRSJ_adoptaten.pdf

- Collaborate with the staff of the MoJ responsible for the respective profession, with the representatives of the justice system related professions and their associations;
- Assist the International Consultant in the drafting agenda for his/her missions to the Republic of Moldova and organise all the necessary meetings and assist the International Consultant during the missions;
- Organise the presentation of the studies and the recommendations, and their public debating with the participation of the representatives of the justice system related professions and their associations;
- Contribute to the adjusting of the recommendations (including on the amendments of the normative framework) following the debates and facilitate their submission to the MoJ and UNDP, attaching the materials used for the elaboration of the study and schedule of meetings held;
- Contribute to the elaboration of the Methodological recommendations concerning the pricing mechanisms for the services provided by the representatives of each of the professions related to justice system;
- Contribute to the elaboration of the Methodological recommendations concerning the tax regime, social security, medical insurance and pension systems for the representatives of the justice system related professions and submit the methodologies to the MoJ and UNDP;
- Work closely with the International Consultant contracted, provide him/her with the necessary information, assistance and other support for the purposes of the assignment;
- Undertake other related tasks for the purposes of the assignment.

I. Deliverables:

Nr.	Activity	Date of delivery
1	Study on the current pricing mechanisms (tariffs) for the representatives of the justice system related professions (notary, defence lawyer, bailiffs, judicial experts, mediators, authorised administrators, authorised translators/interpreters), including in terms of comparison with other countries' legislation and systems	November 2014 (up to 10 days)
2	Study on the tax regime, social security, medical insurance and pension systems for the representatives of the justice system related professions (notary, defence lawyer, bailiffs, judicial experts, mediators, authorised administrators, authorised translators/interpreters), including in terms of comparison with other countries' legislation and systems	December 2014 (up to 10 days)
3	Round table discussions on the options and recommendations for the methodologies on establishing the costs, taxation regulations social security, medical insurance and pension systems	February 2015 (up to 10 days)
4	Elaboration of two Methodologies: (i) on establishing the costs of the services provided by the justice system related professions; and (ii) on establishing taxation regulations, social security, medical insurance and pension systems for the justice system related professions	March 2015 (up to 10 days)

The deliverables can be amended or specified for the purposes of the assignment.

Payment will be made in two instalments: one following the completion of the 1st and 2nd activities based on the studies and recommendations submitted to the UNDP Moldova Justice and Human Rights Programme Analyst, and the second following the completion of 3rd and 4th activities based on the methodologies and a final report submitted to the UNDP Moldova Justice and Human Rights Programme Analyst.

J. Organizational setting:

The National Consultant will support the International Consultant during his/her mission to Moldova for 15-20 days in October-November 2014 and will provide inputs to the drafting the studies following the mission in November-December 2014; will support the International Consultant during his/her mission to Moldova in February 2015 for up to 10 days for the purposes of discussions of the options and recommendations for the methodologies with the stakeholders and will provide inputs for the finalisation of methodologies in February-March 2015.

The National Consultant will work in close collaboration with the Ministry of Justice and under the direct supervision of the UNDP Moldova Justice and Human Rights Programme Analyst.

K. Inputs:

The Ministry of Justice of the Republic of Moldova and UNDP Moldova Justice and Human Rights Programme Analyst will provide the National Consultant with the necessary information and materials for the fulfilment of tasks.

The National Consultant can be located in the premises of the Ministry of Justice and will work closely with the Ministry's staff. The Ministry will provide the National Consultant working space, access to the Internet, printer and telephone line. Otherwise, the National Consultant may work from his/her own office.

L. Qualifications and skills required:

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in law, public administration, economy, finance or other relevant fields;

II. Years and sphere of experience:

- At least 3 years of proven professional experience in the area of justice system related professions, tariffs, taxation or other relevant fields;

III. Competencies:

- Demonstrated commitment to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Understanding of the issues of pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension systems, especially in relation to the justice system related professions;
- Experience in working on similar or justice system related professions assignments, including successful experience in working with UN agencies, is a strong asset;
- Experience in analysing, generalizing, and systematizing information, drafting studies;
- Excellent communication presentation skills, ability to facilitate discussions;
- Proven ability to work in a team;
- IT skills including word processing, presentation software and use of other relevant applications;
- Fluency in English, Romanian and Russian;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset;

IV. Personal qualities: responsibility, creativity, flexibility and punctuality.

The UNDP Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.