

**TERMS OF REFERENCE
FOR ADVISORY SERVICES
FOR LEGAL UPDATES FOR APPROXIMATIONS GEORGIAN LEGISLATION TO
THE DIRECTIVE (EU) 2018/1972 OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL OF 11 DECEMBER 2018 ESTABLISHING THE EUROPEAN ELECTRONIC
COMMUNICATIONS CODE**

1. Project name:
Log-In Georgia
2. Employer:
Open Net NNLE
3. Position title:
Firm for advisory services for investment attraction for international connectivity
4. Consultant will deliver outputs to:
Head of the Telecommunication, Information and Modern Technologies Department of the MoESD
5. Contract duration:
12 Months
6. Project Description:
<p>The Government of Georgia has signed a Loan Agreement for financing the implementation of Log-in Georgia Project (“Project”) with the World Bank (WB). The proposed Project development objective is to increase access to affordable broadband internet, and to promote its use by individuals and enterprises, in targeted rural settlements.</p> <p>The Project Consists of the following key components and subcomponents:</p> <ul style="list-style-type: none"> • <u>Component 1: Increasing access to broadband</u> – this Component will help expand access to broadband internet in rural settlements across Georgia and improve the enabling environment for digital development. <ul style="list-style-type: none"> ○ <u>Subcomponent 1.1: Supporting the Open Net Program</u> – the Open Net Program will develop a national infrastructure to offer open access, wholesale, broadband telecommunications services. ○ <u>Subcomponent 1.2: Improving the enabling environment for digital infrastructure</u> – this subcomponent will support activities to improve the enabling environment for digital infrastructure development in Georgia. This will support the development of legal, policy, and regulatory instruments, and design of investment attraction measures in accordance with the national broadband development strategy (adopted in 2020). • <u>Component 2: Promoting the use of broadband-enabled digital services</u> – this Component will support the development of Georgia’s digital economy through a strengthened enabling environment, promoting digital use-cases of broadband, and addressing barriers to the participation of individuals in the digital economy.

- **Subcomponent 2.1: Enabling environment for digital economy development** – this subcomponent will support activities to improve the enabling environment for digital economy development in Georgia.
- **Subcomponent 2.2: Promoting use-cases** – the subcomponent will promote specific use-cases of improved broadband connectivity in targeted rural settlements.
- **Subcomponent 2.3: Increasing digital inclusion** – this subcomponent will finance targeted interventions to boost the use of the internet and digital services by women, social minorities, and persons with disabilities in targeted settlements.
- **Component 3: Project implementation support** – this component will support the management and implementation of the Project and associated activities.

The Project will be implemented over a five-year period by the Open Net NNLE as the implementing entity, with the oversight of the Ministry of Economy & Sustainable Development (MOESD) of the Government of Georgia (GoG). Open Net NNLE will be the Project Implementing Entity (PIE) to support the implementation of the Project.

7. Background of the assignment:

Ministry of Economy and Sustainable Development of Georgia promotes the development of the digital economy and the digital development of the country, and implements AA/DCFTA obligations together with all stakeholders in the telecom and postal sectors. For further alignment with the EU regulations, project, should ensure the implementation of the EECC in the primary and secondary legislation of Georgia.

A. INTRODUCTION

B. FUNCTIONS

I. Objective and Purpose of the Assignment:

Elaborate policy and legislative updates to ensure implementation of European Electronic Communications Code (EECC) of 2018 to ensure that Georgia aligns with EU regulations and best practices.

II. Key duties of this position:

1. Review the existing electronic communications legislation;
2. Identification the gaps between the existing legislation (including, secondary legislation, relevant strategies, programs, drafts etc.) and Electronic Communications Code;
3. Elaboration of the technical and Economic analyses for fulfilling the identified gaps;
4. Identification the market readiness for implementation of EECC regulation (separately for all directions of the Code e.g Authorization; Framework, Access, Universal services)

5. Elaboration of the draft legislation changes for implementation of the Code (with accompanying explanatory notes and consultation papers necessary for consultation with stakeholders) ensuring that the new legal and regulatory framework will fully meet the requirements of EECC and taking account of best practice in the EU
6. Support the legislative amendment process including consultations, presentation and briefing to stakeholders (including Government, NRA, parliamentarians, private sector) and in dealing with any other relevant matters that arise whilst the revised legislation is being presented to parliament.

III. Expected Output/Deliverables and Reporting Format:	
Output/Deliverables	Timeline
Introductory meeting with MOESD to review and discuss action plan and timelines is provided	1 week after signature
Brief inception report on action plan and timeline prepared	3 weeks after signature
Legal gap analysis	2 months after signature
Technical and Economic analyses for fulfilling the identified gaps	3 months after signature
Market readiness report for implementation of EECC regulation	5 months after signature
Draft texts package (draft legislation, explanatory notes, consultation paper, etc.)	6 months after signature
Interim meetings and reviews, including with other Georgian Government and public agencies, electronic communications service providers, etc.	throughout the assignment
On side workshop for MOESD and relevant stakeholders to present draft legislation, findings and recommendations organized	7 months after signature
Support the legislative amendment process	7-10 months after signature
Monthly progress reports	Every month, and 10 months from signing the contract (Final report)
The firm shall submit the reports on monthly basis. Reports shall include the list of services carried out during the reporting period. The Consultant shall prepare a final report summarizing the work provided.	
All deliverables must be submitted in English and then translated into Georgian Language	

C. REQUIREMENTS

EXPERTS	QUALIFICATION AND EXPERIENCE REQUIREMENTS
Lead Expert	<p>Master’s degree at least one of the following fields:</p> <ul style="list-style-type: none"> ○ telecommunications engineering; ○ electrical and electronics engineering; ○ telecommunications economics; ○ economics; ○ finance; ○ legal, or related fields. <ul style="list-style-type: none"> ● International experience in similar tasks and management of projects; ● Knowledge and experience in telecommunications, engineering, or related fields; ● Strong legal/business/financial/economical knowledge and experience: Minimum 10 years of working experience in/with public or private sector, among them the EU MS Ministries or NRAs, in the field of electronic communications; ● Proven knowledge and understanding EU Telecom legislation (European Electronic Communications Code (EECC) and other telecom directives and EU regulations), internal legal acts on EECC of at least 2 EU MSs; ● Experience in introduction of the EECC would be considered an asset; ● Experience in or knowledge of commercial operations of ICT networks; ● Ability to work collaboratively in a team and deliver outputs on time; ● Strong analytical and research skills; ● Excellent knowledge of English language.
Legal Expert	<ul style="list-style-type: none"> ● Master’s Degree in law and qualifications to practice law; ● International experience in similar tasks; ● At least 10 years of relevant international experience in telecom sector; ● Proven knowledge and understanding EU Telecom legislation (European Electronic Communications Code (EECC) and other telecom EU regulations), internal legal acts on EECC of at least 2 EU MSs; ● Familiarity with Georgian Law and telecom framework would be considered as an asset; ● Strong analytical and research skills; ● Ability to work collaboratively in a team and deliver outputs on time; ● Excellent knowledge of English language.

Facilities and Services to be provided by the Client

The MoESD shall provide office area and facilities, office equipment and communication necessary to carry out the services. The Client shall also provide all necessary information and documents for that purposes. Facilitating meetings with all relevant stakeholders per Client guidance and Consultant requests.