

TERMS OF REFERENCE

***for the selection of the Executive Director of the
EUROPEAN CONSUMER CENTRE MOLDOVA (ECCM)
under the auspices of the “Consolidating the Consumer Protection Framework in Moldova”
project***

1. Brief project description

The Independent Think-Tank Expert-Grup (EG), as lead partner, in consortium with the Institute for European Policies and Reforms (IPRE) and Soros Foundation Moldova (SFM), started in January 2024 the implementation of the EU Grant Contract “Consolidating the Consumer Protection Framework in Moldova” (project duration 30 months).

The general objective of the project: overall objective of the Action is that consumer rights are known and enforced in Moldova. It contributes to fulfilment of the global objective of this call for proposals to strengthen CSOs’ capacity in the process of implementation of the Association Agreement, including at local level, considering that consumer protection is a key component of the association agenda and European integration process. It will be addressed by the Action through two complementary specific objectives:

1. Government of Moldova has increased its capacities to enforce consumer protection legislation approximated with the EU acquis - will follow the top-down approach by targeting the policy makers. It will consist mainly of technical assistance that will allow the Government to speed up the harmonization process with EU acquis in the area of consumer protection.
2. Consumers in Moldova increased their knowledge and capacities to promote their rights – will follow the bottom-up approach, by empowering the mass-media and civil society to promote consumer protection and raise the level of information and awareness in the society around this issue.

2. European Consumer Centre in Moldova (ECCM)

ECCM was established on the 15th of April 2024 by the decision of 3 prominent CSOs from the Republic of Moldova: the Independent Think-Tank Expert-Grup (Expert-Grup), the Institute for European Policies (IPRE) and Reforms and the Legal Resources Centre from Moldova (CRJM). On the 21st of May 2024 the ECCM was officially registered as a civil society organization.

As per the EU best practices and the Centre’s Charter, the main ECCM objectives pertain to:

- informing the consumers on the European and domestic consumer rights legislation, as well as the actions consumers can undertake to enforce these rights in a cross-border and domestic transaction;
- assisting consumers in lodging a complaint to the responsible authority with a view to settling consumer protection related cross-border and domestic disputes;
- providing consultancy for consumers on their rights and alternatives for resolving cross-border and domestic disputes;
- assisting in out-of-court dispute resolution by developing and implementing an efficient dispute resolution process based on mediation and alternative dispute resolution mechanisms, including for resolving disputes arising from online and cross-border transactions (ADR/ODR);

- promoting consumer rights through communication campaigns, and through formulating proposals to adjust the legal framework to best practices in the field;
- facilitating communication between consumers, business and authorities;
- combating unfair competition and unfair commercial practices;
- collaborating with the business environment and associations representing them in order to strengthen the consumer protection framework and ensure fair competition.
- collaborating with central and local public authorities in order to strengthen the consumer protection framework and ensure a better implementation of the related legislation;
- collecting and analyzing information on consumer complaints about cross-border disputes and assistance to them, information on out-of-court dispute resolution etc;
- working with members of the European Consumer Centres' Network to increase cohesion and strengthen consumer confidence in the European Single Market;
- educating, customers and businesses alike, on the consumer rights and actions that can be taken when these rights are infringed.

3. Scope of the procurement and key activities to be conducted by the ECCM Executive Director

The scope of this procurement is to identify and contract the Executive Director of the ECCM that will:

- manage the association's daily activity;
- represent the Centre in relation to public authorities and third parties;
- execute the decisions of the Board of Directors (BoD) and those of the General Assembly of the Members of the association, as well as the recommendations of the auditing entity;
- efficiently and diligently manage the financial means of the Centre, conclude transactions, sign contracts, issue power of attorney, open bank accounts, sign other financial documents for carrying on with its duties in the interest of the Centre;
- sign the revisions to the Centre's charter, or the addendum regarding the amendment made in the constitutive act adopted by the General Assembly, if no other person is appointed by the General assembly;
- prepare the annual report on the ECCM's activity and present it to the BoD and the General Assembly for approval;
- ensure the transparency of the Centre and the publication of the Centre's annual report;
- collaborate with experts employed within the project, including for the development of the organizational structure of the Center, the Centre's activity plan and its financing strategy, procurement policy, HR policy etc;
- write project proposals and apply for their funding;
- identify and employ the staff of the association and the Centre's team;
- identify premises for the Centre's headquarters;
- facilitate and expedite the implementation of the "Consolidating the consumer protection framework in Moldova" project;
- fully abide by the Centre's Charter and the Moldovan legislation;
- advocate for the enforcement of the consumer protection rights in Moldova and contribute to the consolidation of the consumer protection framework in Moldova;
- perform other duties provided for by the Charter and by the legal framework.

4. Interaction with stakeholders

The Executive Director will be appointed by the board and will be under the Centre's BoDs direct supervision. The BoD will systematically review the Executive Director performance and will guide the director in adapting its actions and strategy to ensure the implementation of the ECCM's Charter and the consolidation of the consumer protection framework in Moldova. To foster the Centre's visibility, the entire project communication campaign will be implemented on behalf of the Centre's name; therefore, the Centre's activity and communication will be coordinated with the project implementing team.

The Centre will work closely with the State Inspectorate for the Supervision of Non-Food Products and Consumer Protection (SISNFPCP) and all other central public administration authorities ensuring the enforcement of the consumer protection rights, fostering consumer literacy and empowering consumers with necessary tools for the upholding their rights and ensuring the swift resolution of all consumer related disputes.

The Centre will also work closely with the Ministry of Economic Development and Digitalization for improving the consumer protection framework in Moldova and for obtaining the certification for alternative dispute resolution entity.

The ECCM Executive Director will also interact with the development partners to ensure the Centre's sustainability and the necessary support for improving the consumer protection framework in Moldova.

5. The Project's role in supporting the ECCM's activities and of its Executive Director

The "Consolidating the consumer protection framework in Moldova" project comes with a set of interventions that will support the Executive Director's activity to expedite the ECCM capacity building process. Among the support activities planned within the project are:

- assist in the establishment of the European Consumer Centre based on the EU acquis and relevant EU Directives' requirements;
- development of the Status of the European Consumer Centre, including its organigram, principles of activity, objectives, and funding;
- development of the Manual of financial and procurement procedures of the European Consumer Centre;
- development of the HR policy of the European Consumer Centre;
- expert input for the elaboration of the ECCM's organigram, principles of activity objectives and funding, and that of the manual of financial and procurement procedures, as well as that of the HR policy;
- elaboration of the <http://ECC.md> website;
- elaboration of the visual identity for the Centre;
- elaboration and funding of the Centre's communication strategy and campaign;
- mentorship provided by two leading experts in consumer protection and governance
- assistance provided for project proposals' writing and for attracting funding for the Centre.

To expedite the ECCM's activity, at the appointment of the Director, the Centre will benefit from a subgrant of EUR 60 000 as seed funding. This money will be used mainly for covering wage costs for the Director, accounting services, IT equipment and office rent etc. (approx. 12 months).

During this period, the main task of the Director will be to conduct fundraising campaigns to increase the staff, build its capacities and ensure the development of the organization.

6. Term of appointment

The Executive Director of the Centre will be appointed for a 4 years term, with the possibility of reappointment for an unlimited number of consecutive terms.

7. Remuneration of the Executive Director

The remuneration of the Director will be negotiated with the BoD.

8. Selection procedure

The selection of the Director of the Centre will be conducted based on the principles of transparency, competition and meritocracy. The selection process will take place in **two stages**.

- 1) The technical evaluation phase - applicants will submit their applications for the evaluation.
- 2) The short-listed candidates (candidates that accumulate a minimum of 70 points for the technical evaluation) will be invited for an interview.

9. Minimum requirements for the candidate's application.

- a) **Education:** As a minimum requirement, the candidate will have a bachelor degree in law, economics or engineering.
- b) **Professional experience:** at least 5 years of relevant professional experience.
- c) **Motivation letter** (max 2 pages): explaining i) the motives of applying for this position, ii) how the accumulated experience makes the candidate the best match for the job, iii) the candidate's vision on the Centre's organization, structure and activity.
- d) **References and/or contact details of the referring person.**

Applications that comply to the minimum requirements expressed under paragraph 9 letters a) -c), will be considered as compliant and will be admitted for the technical evaluation.

The received applications that do not meet the minimum requirements criteria will not be evaluated.

10. Evaluation criteria

The overall evaluation of 100 points will be cumulated from the technical evaluation/evaluation of the candidate's application (60 points), and the interview (40 points). The evaluation grid for the technical evaluation and for the interview will be comprised of a maximum of 100 points, that for the purpose of overall evaluation will be weighed with the respective importance attributed for the technical evaluation (0.6), and for the interview (0.4).

The technical evaluation of the candidates will be conducted using the evaluation grid refelected in the table below:

Evaluation grid stage 1 (evaluation of the technical offer/ of the dossier).

Evaluation criteria	Points allotted	Sub-criteria	Points allotted per sub-criteria
Education	30	Bachelor's degree	10
		Master's degree	20
		PhD	30
Professional Experience	30	5 years of relevant professional experience	10
		Every additional year of relevant experience	+1 point/year, up to 10 additional points
		Experience in project proposals' writing and working with donors.	10
Motivation letter	30	The motivation letter explains poorly: i) the motives of applying for this position, ii) how the accumulated experience makes the candidate the best match for the job, iii) the candidate's vision on the Centre's organization, structure and activity.	10
		The motivation letter explains fairly well: i) the motives of applying for this position, ii) how the accumulated experience makes the candidate the best match for the job iii) the candidate's vision on the Centre's organization, structure and activity.	20
		The motivation letter explains very well: i) the motives of applying for this position, ii) how the accumulated experience makes the candidate the best match for the job iii) the candidate's vision on the Centre's organization, structure and activity.	30
References	10		at the evaluating committee's discretion based on the provided reference.
Total	100		

The minimum qualification score for the technical offer is 70 points (out of 100 allotted for the technical offer), that will be weighed against the importance of the technical evaluation (0.6 form the total score).

Candidates that do not accumulate the minimum of 70 points for their technical evaluation will not be short-listed for the interview.

The evaluation grid for the interview is presented in the table below

Interview evaluation grid

Criteria	Maximum points allotted
Communication skills and advocacy	30
Passion for consolidating the consumer protection framework in Moldova	30
Managerial approach and conflict management	30
Ability to communicate in English	10
Total	100

The result of the interview will be weighed against the importance of the criteria (0.4)

The shortlisted candidates' final result will be calculated by adding the weighed scores for the technical evaluation, and for the interview. The list of the overall score of participating candidates will be presented to the BoD. The candidate with the highest cumulated score will be recommended to the BoD for the negotiation and signing of the contract. If the candidate refuses the BoD's offer, or negotiations do not lead to an agreement, the BoD can decide to attempt to negotiate with the following candidate from the list.

11. Evaluation committee and evaluation process

The evaluation committee will be created by the decision of the ECCM BoD, and it will include at least one member of the BoD, one member designated by the Independent Think-Tank Expert-Grup, and one member designated by the Soros Foundation Moldova.

The BoD can decide to include in the evaluation committee as many members or observers as it deems necessary.

In maximum 2 business days after the deadline for receiving the application the evaluation committee will open the received applications and will send those that satisfy the minimum qualification criteria for the technical evaluation. The evaluation committee will evaluate the applications and announce the results for the technical evaluation.

Subsequently, the candidates will be invited for an interview. After all candidates have had their interviews the evaluation committee will calculate the overall scores and send the results to the BoD that will negotiate and sign the contract with the winning candidate.

If negotiations fail or the winning candidate refuses to sign the management contract, the BoD can negotiate with the next candidate with the highest score from the list.