**TERMS OF REFERENCE**

**for**

**Legal Review for E-Wallet Implementation**

# Background Information

Digitalization is increasingly becoming the backbone of any and all functional restructuring in the public sector, an objective driver of change management and a precondition for transformative development. Going digital, being a horizontal measure, is also accelerating the attainment of Sustainable Development Goals (in further text: SDG). While it directly falls under SDG 16, e-Governance is contributing to building stronger institutions – effective, accountable and transparent – at all levels.

The Government of Serbia (GoS), elected in June 2017, has prioritized the digital transformation of the national economy and state administration. The Prime Minister's Keynote Address at the Parliament stressed digitalization and education as the most important catalysts of innovations, competitiveness and growth for Serbia in the coming years. It also stressed the need for a rapid digitalization of public administration and provision of integrated, secure and citizen-focused electronic services. This political support materialized in August 2017, when the new Government formed the Office for IT and e-Government (OITeG) and appointed the Prime Minister as head of the Council for Innovative Entrepreneurship and Information Technologies (IT Council).

In addition, the Government of Serbia has requested assistance from the World Bank in supporting the reform efforts, through a loan. To this effect, the World Bank has initiated the Enabling Digital Governance Project (EDGE). The Project, launched back in April 2019, and restructured in June 2024, aims at contributing to development of the digitalization in Serbia, through implementation of the following components:

*Component 1: Foundations for Digital Service Delivery*

The objective of this component is to establish the necessary cross-cutting foundations to support the use of ICTs in the provision of public services to citizens, and businesses, including inter alia, regulations, standards, and digital infrastructure.

*Component 2. Citizen-Centric Digital Services*

The objective of this component is to support the three dimensions of project objectives—access, quality, and efficiency of e-services: (a) integrate change management and citizen engagement activities into this digital transformation process; (b) strengthen the institutional capacity of the OITeG and other key stakeholders for leading and coordinating intergovernmental activities in an agile, user-centric way; and (c) streamline the implementation arrangements through a partnership between OITeG and Public Policy Secretariat (PPS) of the Prime Minister’s office.

*Component 3. Digital Skills Development and Project Management*

This component focuses on the integration of change management, communication, and citizen feedback into Component 2.

For the purposes of effectively managing and coordinating EDGE and future Projects with International Financial Institutions (IFI) financing, the Project Implementation Unit (PIU) has been founded at the OITeG.

The Government of Serbia is committed to accelerating its digital transformation to enhance public service delivery, administrative efficiency, and transparency. A central element of this transformation is the establishment of an electronic wallet (e-wallet) system intended to securely digitize and streamline access to and verification of essential personal documents and public services. This initiative aligns with global best practices and the European Union's Electronic Identification, Authentication, and Trust Services regulation (eIDAS2), responding to a growing demand for secure and user-friendly digital identification solutions.

Initially, the e-wallet will focus on integrating four priority use cases vital for everyday interactions between citizens, residents, and public administration: (i) Birth and marriage certificates, essential for legal identification and civil registration; (ii) Health insurance cards, facilitating efficient access to healthcare services; (iii) Driver’s licenses and vehicle registrations, ensuring secure verification during routine traffic interactions; (iv) Documentation for foreign nationals, simplifying residence and work permit processes and enhancing mobility and integration.

To facilitate these use cases effectively, a thorough legal review of Serbia's legislative and regulatory framework is essential. This review will identify gaps, barriers, and propose necessary legislative adjustments to enable the implementation and operation of the e-wallet, aligned with eIDAS2 requirements.

# Objectives

The primary objective of this assignment is to conduct an in-depth legal review of Serbian legislation relevant to the implementation and operation of an e-wallet system, specifically targeting the above-mentioned priority use cases. This involves assessing sector-specific legislation, bylaws, and government decisions to identify existing legal gaps, inconsistencies, or barriers to the digitization and integration of these services. Additionally, the legal review will ensure compliance and alignment with eIDAS2 standards, while facilitating the practical implementation of the four priority use cases.

# Scope and Phases

* The consulting firm is expected to conduct an in-depth legal analysis covering specific Serbian laws, regulations, bylaws, and relevant government decisions associated with the identified priority use cases. Initially, the firm will perform a detailed examination of legislation related to civil registration for birth and marriage certificates, healthcare regulations and insurance provisions, traffic and transportation legislation applicable to driver’s licenses and vehicle registrations, and immigration and residence policies affecting foreign nationals.
* Following the initial analysis, the firm will evaluate existing legal provisions within these sectors related to digital identity, electronic transactions, data protection, cybersecurity, and trust services. This assessment will identify specific legislative barriers or gaps that hinder the digitization and integration of these priority services into the e-wallet.
* Furthermore, the consulting firm will assess the alignment of Serbian legislation with eIDAS2, international standards, and best practices. Recommendations for detailed legislative amendments will be formulated, clearly specifying changes necessary to eliminate identified barriers, ensure interoperability, maintain high security standards, and facilitate effective and compliant implementation of the e-wallet system across the defined priority use cases.
* Preparation of amendments to regulations that need to be changed on a turnkey basis.
* Support the working group for the establishment of a Digital ID wallet in preparation of a regulatory framework for Digital ID wallet establishment.

# Timeframe and duration

The Consultant shall provide services under lump sum Contract paid upon acceptance of deliverables. The Consultant shall perform the Services over 5 (five) months, approximately.

# Deliverables

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| # | Description | Deadline |
| 1 | An inception report clearly detailing the proposed methodology, comprehensive work plan, timelines, and strategy for stakeholder engagement. | 2 (two) weeks after contract signing |
| 2 | A detailed legal review report identifying and articulating specific legislative barriers and gaps, accompanied by sector-specific, actionable recommendations aligned with eIDAS2 standards. | 6 (six) weeks after contract signing |
| 3 | A final consolidated legal review report incorporating stakeholder feedback and providing refined, detailed legislative recommendations specifically targeting the identified priority use cases. | 10 (ten) weeks after contract signing |
| 4 | A detailed comparative analysis of the European experiences of developed and emerging digital wallets, with an overview of the challenges faced by the project teams with a proposal of provisions that need to be changed in the regulations under the turnkey system. | 14 (fourteen) weeks after contract signing |
| 5. | Proposal for a legal framework with a normative solution for the establishment of a Digital ID wallet | 18 (eighteen) weeks after contract signing |

# Consultant Qualifications

* The consulting firm should possess demonstrated experience in legal analysis related to digital services, e-government initiatives, and digital identity frameworks.
* Experience in legal analysis related to digital services, e-government initiatives, and digital identity frameworks with alignment with EU standards such as eIDAS2 is preferable.
* The consulting firm should demonstrate experience with international best practices in digital identity, data protection, electronic transactions, and EU regulatory frameworks
* The consulting firm should demonstrate experience in working closely with government agencies and public sector stakeholders.
* Experience with projects funded by or implemented in partnership with international donors (i.e. the World Bank), will be highly advantageous.
* Experience with digital transformation projects in high-income countries is preferable.

# Team and Technical requirements

## Team Leader

* A qualified legal professional or a seasoned expert with extensive experience in managing legal reviews within complex digital transformation initiatives, possessing strong familiarity with Serbian legislation, eIDAS2 and EU regulatory frameworks.

## Legal Expert(s)

* At least two qualified lawyers specialized in digital law, electronic identification, data protection regulations (such as GDPR), cybersecurity, trust services, and international/EU regulatory environments.

## Digital Identity and E-Wallet Specialist(s)

* At least one (preferably two) professional(s) with practical experience in designing and implementing digital identity management systems, specifically e-wallet solutions, with a track record of successful implementations.

## Stakeholder Engagement Expert

* Experienced in designing and executing effective stakeholder consultations, engagement strategies, and communication plans within digital transformation and public sector contexts.

# Evaluation

The Consultant which obtains the highest score during evaluation of expressions of interest will be invited to submit technical and financial proposals.