

Project title	Strengthening Parliamentary Democracy in Moldova (PADEM)		
Form title	ToR: External Service Provider to Conduct an Ex-Ante Analysis on Sports Arbitration	Version	2.0

Terms of Reference: External Service Provider to Conduct an Ex-Ante Analysis on Sports Arbitration in the Republic of Moldova

Project	Strengthening Parliamentary Democracy in Moldova (PADEM)
Application Deadline	August 21 st , 2026
Start/end date	September 2026 - December 2026
Institutional Reference / Objective	Pursuant to the official request submitted by the Parliamentary Standing Committee on Culture, Education, Research, Youth, Sport and Mass Media, the Service Provider is hereby commissioned to conduct a comprehensive ex-ante analysis regarding the opportunity and feasibility of instituting a functional sports arbitration mechanism in the Republic of Moldova. The assignment shall encompass an in-depth mapping of sports dispute typologies and a legal assessment of the grounds for employment relationships in professional sports, with a view to providing an evidence-based foundation to inform potential legislative and institutional interventions.
Location and travel arrangements	The assignment will be implemented in a hybrid manner. The Service Provider may conduct the research and drafting components from their preferred location. Interviews, stakeholder consultations, and presentations will be held at the Parliament of the Republic of Moldova, at the premises of the relevant institutions (public authorities, sports federations, sports clubs) or online, as appropriate to the category of stakeholder consulted. The Service Provider is fully responsible for all logistical arrangements regarding their own activity.
Supervision	Overall approval of deliverables is with the PADEM Project Team Leader while the financial processing lies with the Project Supervisor. Technical Supervision will be provided by the PADEM Component 1 Leader regarding methodology and content.
Number and title of the activity according to the PADEM Document and YOP2	<u>Activity 1.2. Piloting new approaches with PSCs on pre-legislative scrutiny and legislative drafting.</u>

1. BACKGROUND INFORMATION

Pursuant to the official request submitted by the Parliamentary Standing Committee on Culture, Education, Research, Youth, Sport and Mass Media (Letter CEM-04 no. 118, dated 8 July 2026), the Committee formally requested PADEM's support to examine the opportunity and feasibility of establishing a functional sports arbitration mechanism in the Republic of Moldova. Conducting this ex-ante analysis falls within PADEM's scope, as the activity supports the Parliament in piloting new pre-legislative scrutiny techniques, including evidence

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gathering and stakeholder consultation to improve the quality of draft legislation before it is formally tabled, in line with Activity 1.2 of the operational work plan.

Pre-legislative scrutiny is a fundamental component of an effective and modern legislative process. By systematically evaluating the institutional, legal, and economic impacts before a regulatory framework is drafted, Parliament ensures that new laws are evidence-based, predictable, and practically enforceable. This proactive approach prevents normative contradictions and guarantees a higher quality of the legislative act through comprehensive stakeholder engagement and a thorough analysis of existing regulatory gaps.

In this context, the Parliamentary Standing Committee plays a vital role in the pre-legislative phase by ensuring future interventions are built on a thoroughly researched foundation. By initiating this ex-ante analysis, the Committee actively exercises its mandate to identify structural gaps in the current framework, analyze relevant international models, and assess viable institutional options before any formal drafting begins.

1.1. The Project Description

The Strengthening Parliamentary Democracy in Moldova (PADEM) project is a four-year strategic initiative (2025–2029) funded by the Swiss Agency for Development and Cooperation (SDC) and implemented by DAI Global Belgium. The overarching goal of the project is to ensure that Moldovan society is politically represented by a well-functioning Parliament that guarantees transparent, fair, evidence-based, and inclusive legislative processes.

1.2. Scope of the Assignment

PADEM seeks a specialized Service Provider (Individual Consultant or Company) to conduct a comprehensive ex-ante analysis regarding the opportunity of instituting a functional sports arbitration mechanism in the Republic of Moldova and the harmonization of the existing normative framework with the realities of practice. The final result of the analysis consists of options and evidence-based recommendations for decision-makers. Where the findings so warrant, these shall also include concrete legislative proposals, indicating the substance and direction of the required intervention (for example, the adoption of a *lex specialis* or targeted amendments to the existing framework) and the key aspects to be regulated. The drafting of articulated legislative texts (finished draft laws) does not, however, form part of the present assignment.

2. OBJECTIVES AND EXPECTED RESULTS

2.1 General Objective

The overarching objective is to provide a solid, evidence-based foundation for potential legislative and institutional interventions aimed at creating a functional, fair, and efficient system for solving sports disputes in Moldova, aligned with European and international standards.

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2.2. Expected Results

By the end of the assignment, the Service Provider will have successfully developed and delivered a high-quality ex-ante analysis report.

This intervention will result in:

- A clear evaluation of the existing normative framework, identifying gaps and contradictions in practical application.
- An in-depth mapping of sports dispute typologies and the legal grounds of employment relationships in professional sports.
- Evidence-based recommendations for decision-makers regarding the institutional options and necessary steps to institutionalize sports arbitration.

3. SCOPE OF THE WORK

General

The Service Provider is expected to design and conduct a rigorous ex-ante analysis evaluating the necessity, options, and impacts of regulating sports arbitration. The methodology must be consultative, involving document review, legal research, and consultations with key actors in the sports ecosystem. As a minimum, the methodology shall include structured consultations with the relevant public authorities, sports federations, sports clubs, athletes and coaches, as well as a validation session of the preliminary findings with the Committee. The consultation approach, including the categories of stakeholders consulted and the indicative number of interviews, shall be detailed and justified in the Inception Report.

Target Groups and Key Stakeholders

Key target groups:

- The Parliamentary Standing Committee on Culture, Education, Research, Youth, Sport and Mass Media;
- The Parliamentary Secretariat.

Key stakeholders:

- The Ministry of Education and Research, as the central authority responsible for the field of sport, and the Ministry of Justice, in view of the legal aspects of institutionalizing sports arbitration;
- The National Olympic and Sports Committee;
- Sports federations (such as the Moldovan Football Federation), sports clubs, athletes, and coaches, as well as other relevant actors of the sports ecosystem.

Specific Activities

To ensure a robust pre-legislative scrutiny process, the Service Provider is expected to complete the following activities:

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- [Evaluate the Normative Framework](#)

Analyze current legislation to understand the factors influencing the practical application of the existing provisions. A specific focus must be placed on examining the implementation context of Article 61 of Law no. 110/2025 on physical education and sports. The analysis will outline potential bottlenecks and areas where sports legislation may need better harmonization with general legal frameworks (e.g., the Labor Code) to facilitate the effective use of the prescribed arbitral mechanisms.

- [Analyze Sports Contracts and Disputes](#)

Map the typologies of existing sports disputes, including contractual, disciplinary, transfers, image rights etc. Investigate the legal grounds for concluding individual employment contracts under the Labor Code versus sports activity contracts or civil conventions. Evaluate the practical feasibility of applying arbitration clauses within these contracts and determine if specific legislative clarifications or interventions are required to support their validity.

- [Review International Models & Procedural Standards](#)

Analyze at least three relevant international models of sports arbitration, focusing on institutional architecture, competencies, rules of procedure, and funding mechanisms. Draw actionable lessons on how to establish clear procedural rules and quality standards for a functional national system. The models selected shall be justified in the Inception Report and agreed with the Committee, on the basis of explicit criteria concerning their relevance and transferability to the Moldovan legal and institutional context.

- [Evaluate Institutional Options & Impact](#)

Assess the available legislative pathways for establishing a sports arbitration system. Evaluate whether the optimal legal architecture requires drafting a *lex specialis*, amending the existing general framework, or if the core issue lies in the implementation of current legislation, necessitating intervention through enhanced parliamentary oversight.

- [Formulate Evidence-Based Recommendations](#)

Based on the ex-ante findings, provide the Parliamentary Standing Committee with a clear, actionable diagnostic. The recommendations may include, but are not limited to, one or a combination of the following: (i) initiating targeted legislative amendments (to the Labor Code, Sports Law, or Arbitration Law); (ii) confirming that the existing legal framework is sufficient, while recommending enhanced support for its implementation; and/or (iii) other forms of follow-up the Committee may wish to pursue, such as further studies, pilot mechanisms, or capacity-building measures. These findings will guide the Committee in prioritizing its parliamentary oversight functions (e.g., through public hearings or requesting reports from implementing authorities).

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4. DELIVERABLES AND REPORTING REQUIREMENTS

No.	Deliverable Name	Description & Content Requirements	Indicative Deadline
1	Inception Report and Methodology	A framework, to be approved by PADEM and endorsed by the Parliament before the analytical work begins, outlining the research methodology, data collection tools, the consultation and stakeholder plan, the criteria for selecting the international models to be examined, and the structural outline of the ex-ante analysis.	10 days after contract signing
2	Draft Ex-Ante Analysis Report	A comprehensive draft document covering all elements specified in the Scope of Work, including the assessment of employment contracts in sports and arbitral mechanisms.	Mid-assignment
3	Final Ex-Ante Analysis Report	A finalized, high-quality ex-ante analysis report incorporating all feedback from PADEM and parliamentary stakeholders. The report shall follow, as a minimum, the logical sequence of an ex-ante analysis and comprise: executive summary (2–4 pages), methodology, problem definition and context, analysis of the normative framework, comparative analysis of international models, objectives and options, analysis and comparison of options, conclusions, recommendations and annexes.	End of assignment
4	Public Presentation of the Ex-Ante Analysis Results	Preparation of presentation materials and delivery of a public presentation highlighting the key findings and legislative recommendations during a dedicated event or	Towards the end of the assignment

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		parliamentary committee hearing.	
5	Final Activity Report	A concise report (max. 3-5 pages) summarizing the research delivery process and consultations.	10 days after completion

Reporting Requirements and Language:

- All administrative and contractual deliverables (Inception Report, Final Activity Report) shall be written in English.
- The Ex-Ante Analysis Report and related specific outputs intended for parliamentary use shall be written in Romanian.

5. SUPERVISION

The Service Provider will work under the technical supervision of the PADEM Component 1 Leader (Legislative Process) regarding methodology and content, and the overall contractual authority of the Project Team Leader. All materials produced, including interview notes, databases and other materials resulting from the research process, remain the exclusive property of the PADEM Project and the Parliament. The Service Provider must strictly maintain political neutrality and confidentiality. All conclusions and recommendations shall be formulated independently, objectively and on the basis of evidence. The Service Provider shall declare any real, potential or apparent conflict of interest and shall observe the applicable personal data protection requirements in respect of the information collected during interviews and consultations.

6. DATES AND DURATION

The assignment is anticipated to commence in August 2026 and must be concluded by December 2026.

7. LOGISTICS

The assignment will be implemented in a hybrid manner. Research and drafting activities are home-based. Interviews, stakeholder consultations, and presentations will be held at the Parliament of the Republic of Moldova, at the premises of the relevant institutions (public authorities, sports federations, sports clubs) or online, as appropriate to the category of stakeholder consulted. The Service Provider is fully responsible for all logistical arrangements regarding their own activity.

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8. CANDIDATE SELECTION CRITERIA

The Service Provider (Individual or Company) must demonstrate the following:

- Solid experience in conducting ex-ante evaluations, public policy analysis, or complex legal research.
- The key expert must possess an advanced university degree in Law. Where the proposal is submitted by a team, additional members may hold an advanced degree in Public Administration or a related field.
- Demonstrated expertise in at least one of the following areas: sports law and/or sports arbitration; arbitration mechanisms and alternative dispute resolution; labour law and employment relations; or public policy/regulatory analysis. Demonstrated experience in sports law and/or sports arbitration, as well as in conducting comparative analyses and in applying relevant European and international standards, will be considered a strong advantage.
- Proven ability to draft clear, evidence-based recommendations for high-level legislative decision-makers.

9. SUBMISSION AND EVALUATION

9.1 Proposal Structure

To ensure a comprehensive assessment, the submission must include:

Technical Proposal:

- *Methodology and Approach:* A detailed narrative outlining the proposed research methods, data collection tools, and analytical frameworks, specifically tailored to the nuances of sports arbitration and the rigors of pre-legislative scrutiny.
- *Key Expert(s) Profile:* Updated CV(s) highlighting relevant academic backgrounds and specific assignments related to legal analysis, labor law, or sports regulations.
- *Track Record & Portfolio:* relevant examples or links to previously authored ex-ante analyses, policy briefs, or complex legal research reports.
- *Work Plan:* A structured timeline detailing key milestones, consultations, and deliverables.

Financial Proposal:

- A detailed budget breakdown, specifying the estimated number of working days and the daily fee rates for the expert(s).
- The fee must be an all-inclusive lump sum, covering all professional fees, logistical expenses, and administrative costs required to deliver the assignment.
- Prices must be indicated with 0% VAT, as the PADEM project is strictly VAT exempt.

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9.2 Evaluation and Selection Criteria

The evaluation of proposals will be conducted using a Quality and Cost-Based Selection (QCBS) method, weighted at 70% for the Technical Proposal and 30% for the Financial Proposal.

The Technical Evaluation (maximum 70 points) will rigorously assess the following dimensions:

- *Understanding of Context & Proposed Methodology (25 pts):* The accuracy of the problem analysis, reflecting a thorough command of the Moldovan normative framework as well as the specific challenges of sports arbitration; the rigour, robustness, and innovation of the proposed pre-legislative scrutiny methodology, together with its consultation plan; and the relevance of the comparative approach proposed.
- *Expertise and Professional Track Record (30 pts):* Proven experience in conducting complex legal research, ex-ante evaluations, or policy analysis reflected in the number and relevance of comparable assignments delivered, together with demonstrated experience in comparative analysis and in applying relevant European and international standards. Preference will be given to candidates with specialized knowledge of arbitration mechanisms, labor law, or professional labor relations; prior experience in sports law or sports governance will be considered an added advantage, though not a mandatory precondition.
- *Feasibility of the Work Plan and Timeline (10 pts):* Logical sequencing of activities, realistic time allocation for stakeholder consultations, and clear alignment with the assignment's final objectives.
- *Overall Quality and Clarity of the Proposal (5 pts):* Coherence, structure, and professional presentation of the submitted documents.