



**Federal Government of Somalia**

**Ministry of Planning, Investment and Economic Development (MoPIED).**

**Terms of Reference (ToR): Individual Consultancy for the Investment Law 2025 Regulations.**

**1. Background Information**

The Ministry of Planning, Investment and Economic Development (MoPIED) is committed to establishing a modern, world-class investment environment in Somalia. Following the anticipated enactment of the **Somalia Investment Law 2025**, it is imperative to develop comprehensive subsidiary legislation (Regulations) to give full effect to the law.

While the Law provides the primary legal framework, the Regulations are necessary to provide the administrative procedures, specific criteria, and operational mechanics required for the **Investment Promotion Office (SOMINVEST)** and other relevant agencies to function effectively.

The government’s objective is to streamline the investment entry process, clarify fiscal and non-fiscal incentives, and ensure a predictable environment for both domestic and foreign investors.

**2. Objectives of the consultancy**

The primary objective is to develop a comprehensive set of Regulations for the Somalia Investment Law 2025 that are clear, enforceable, and aligned with international best practices. The consultant will:

- **Operationalize the Law:** Translate the broad provisions of the Investment Law 2025 into actionable regulatory procedures.
- **Streamline Processes:** Create clear guidelines for investment registration, licensing, and the granting of incentives.
- **Harmonize Standards:** Ensure the regulations are consistent with Somalia’s National Transformation Plan (NTP) and international investment treaties.
- **Institutional Clarity:** Define the specific roles and workflows of the Investment Promotion Department in relation to other government ministries and Federal Member States (FMS).

**3. Scope of work**

The consultant is expected to perform the following tasks:

**3.1 Legal and Regulatory Analysis**

- Conduct a deep-dive review of the **Somalia Investment Law 2025** to identify all sections requiring supplementary regulations.
- Benchmarking against regional (EAC, COMESA) and international investment regulatory frameworks.
- Review existing sectoral laws (e.g., Energy, Agriculture, Mining) to ensure the new regulations harmonize cross-sectoral investment requirements.

### 3.2 Stakeholder Engagement

- Facilitate technical working group sessions with MoPIED leadership and SOMINVEST staff.
- Consult with the Ministry of Finance regarding the administration of tax incentives and exemptions.
- Hold consultation workshops with the private sector (Somali Chamber of Commerce) and Federal Member State investment agencies to ensure nationwide applicability.

### 3.3 Regulatory Drafting

- Prepare the draft **Investment Regulations 2025**, covering:
  - **Investment Registration & Certification:** Procedures for applying for and issuing Investment Certificates.
  - **Incentives Management:** Detailed criteria and application processes for fiscal and non-fiscal incentives.
  - **Minimum Capital Requirements:** Specific thresholds for foreign and domestic investors across various sectors.
  - **The "Negative List":** Clear administrative procedures for managing restricted or prohibited investment areas.
  - **Investor Obligations:** Environmental, social, and reporting requirements for certified investors.
  - **Monitoring & Evaluation:** Framework for SOMINVEST to track investment implementation and compliance.

### 3.4 Impact Assessment and Implementation Plan

- Conduct a Regulatory Impact Assessment (RIA) to evaluate the administrative burden and economic benefits.
- Draft standardized forms and templates (Application forms, Certificate templates, Reporting formats) to be used as schedules to the regulations

## 4. Deliverables

The consultant will produce the following in both hard and soft copies:

| item no. | DELIVERABLES   | Estimate Workdays | Tentative timeframe |
|----------|--|-------------------|---------------------|
| 1        | <b>Inception Report:</b> Work plan, methodology, and legal mapping of the 2025 Law.  | 5                 | Mar 5               |
| 2        | <b>Initial Draft Regulations:</b> First draft for review by MoPIED legal experts.  | 20                | Mar 15              |
| 3        | <b>Final Regulation Package:</b> Finalized draft regulations, including all schedules and forms, ready for submission to the Council of Ministers. | 5                 | Mar 20              |

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## 5. Consultant qualifications

The consultant(s), whether an individual or a firm, should possess the following qualifications:

- **Experience:** Minimum of 10 years of experience in legislative drafting, specifically in investment, commercial, or economic law.
- **Expertise:** Mastery of investment entry regimes, incentive structures, and the "Single Window" investment model.
- **Education:** Master's degree in Law (LLM), Public Policy, or International Economic Law.
- **Context:** Proven experience drafting regulations in post-conflict or emerging markets; direct experience in Somalia or the Horn of Africa is a significant advantage.
- **Language:** Full professional proficiency in English and Somali.

## 6. Duration and timeframe

The assignment is expected to be completed within a maximum of 30 days, spanning approximately 20-30 days from the contract signing date. The consultant will propose a detailed timeline in the inception report.

## 7. Reporting and communication

The consultant will report directly to the Director of Investment Department and; to the Director General of MOPED All reports and deliverables must be submitted in English. Regular check-in meetings will be scheduled throughout the consultancy period.

## 8. Submission of proposals

Interested consultants should submit their technical and financial proposals, including:

- A detailed CV(s) outlining relevant experience and qualifications.
- A comprehensive technical proposal detailing the consultant's understanding of the ToR, proposed methodology, and work plan.
- A financial proposal detailing professional fees and other costs.

Interested and qualified individuals or firms should submit a technical and financial proposal to [invest.r@mop.gov.so](mailto:invest.r@mop.gov.so)

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