

#MoldovaEUCandidateCheck

9 steps towards the opening of accession negotiations with the European Union

Shadow Report no.1

On the Action Plan for the implementation of the steps proposed by the European Commission in its Opinion on Moldova's EU membership application

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Disclaimer:

This publication is developed within the "Moldova-EU Candidate Check: 9 steps towards the opening of accession negotiations with the European Union" Project implemented by the Institute for European Policies and Reforms, Expert-Grup, and the Centre for Legal Resources of Moldova (CRJM), in cooperation with the Friedrich Ebert Foundation (FES). The publication represents an independent evaluation by the authors on the degree of implementation of the Action Plan for the implementation of the 9 key political and economic criteria identified by the European Commission in its June 2022 opinion, approved by the National Commission for European Integration (NCEI), which also includes representatives of IPRE and Expert-Grup, civil society organizations that are members of the National Platform of the Civil Society Forum of the Eastern Partnership. The opinions presented in the report belong solely to the authors and do not reflect the position of the National Platform of the Civil Society Forum of the Eastern Partnership, NCEI, or the Friedrich Ebert Foundation.



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Abbreviations

CPA	Central Public Authorities
PPA	Public Property Agency
LPA	Local Public Authorities
NIA	National Integrity Authority
IFATF	International Financial Action Task Force
GPI	General Police Inspectorate
NIJ	National Institute of Justice
CEC	Central Electoral Commission
NAC	National Anticorruption Centre
NCEI	The National Committee for European Integration
SCM	Superior Council of Magistracy
SCP	Superior Council of Prosecutors
UCSP	Unified Centres for Service Provision
NIS	EU Network and Information Security Directive 2016/1148
OECD	Organization for Economic Cooperation and Development
OSCE	Organization for Security and Cooperation in Europe
ODIHR	Office for Democratic Institutions and Human Rights
APO	Anticorruption Prosecutor's Office
PPP	Public-Private Partnership
SELEC	Southeast European Law Enforcement Centre
EU	European Union

Introduction

On 23 June 2022, the Republic of Moldova [obtained](#) the European Union (EU) candidate country status. The EU decision was based on the favourable opinion of the European Commission, after the evaluation of the completed [questionnaire](#), in the context of the accession application [submitted](#) by the Republic of Moldova in March 2022. The first report of the European Commission on the progress made by the Republic of Moldova in the [EU enlargement policy](#) will be published in autumn 2023.

The answers to the EU questionnaire were also supplemented with the input of Moldovan experts from the diaspora and civil society. IPRE, Expert-Group, and CRJM, in collaboration with the Soros Moldova Foundation, within the #ThinkTanks4EUMembership initiative, contributed to the preparation of the Republic of Moldova's answers to the EU Questionnaire.

In April 2022, the National Commission for European Integration (NCEI) [was established](#). Chaired by the President of the Republic of Moldova, the Commission is an inclusive platform that brings together members of the Government, parliamentarians, representatives of civil society and local authorities, which ensures the strategic coordination of the European integration process. On 4 August 2022, NCEI [approved](#) the Action Plan for the implementation of the measures proposed by the European Commission in its Opinion on the Republic of Moldova's EU membership application (hereinafter the Action Plan).

In this context, IPRE, Expert-Group and CRJM, as part of the #ThinkTanks4EUMembership initiative, in cooperation with the Friedrich Ebert Foundation have started a process of monitoring and evaluation of the implementation of the 9 recommendations of the European Commission.

The results of the monitoring exercise are reflected in the #MoldovaEUCandidateCheck **Monitoring Table** available online here: <https://euromonitor.md/en>.

The main findings regarding **the progress, constraints, and priorities** recommended for each of the 9 commitments undertaken by the Republic of Moldova are reflected in this Report, which presents the developments from 1 July 2022 to 31 March 2023.

In July 2023, the assessments reflected in Report #1 and the #MoldovaEUCandidateCheck Monitoring Table will be reviewed and updated to reflect the final evaluations, given that the deadline for fulfilling the 9 commitments is June 2023, when the European Commission will initiate the elaboration of the first report within the EU Enlargement Package, which will be published in the autumn of this year.

Methodology

The #MoldovaEUCandidateCheck Report is the result of an independent exercise aimed at monitoring and evaluating the implementation of the Action Plan for carrying out the 9 recommendations identified in the European Commission opinion from June 2022, carried out by the IPRE, Expert-Group, and CRJM experts, based on a methodology focused on a **quantitative and qualitative evaluation**.

A. Quantitative evaluation: This involved the evaluation of the developments in the implementation of the 60 actions from the Action Plan approved by the NCEI corresponding to the 9 key recommendations, and respectively the completion of the Monitoring Table with the main developments and the assessment of the degree of implementation as follows:

Assessment of the degree of implementation	Points	Significance
Implemented without shortcomings	5	The action was implemented in compliance with the indicators and in accordance with the legal provisions regarding the legislative procedure and transparency in the decision-making process. The content of the adopted normative act or the actions taken is consistent with the spirit or purpose of the action.
Implemented with certain shortcomings	4	The action was implemented with certain insignificant shortcomings related to deviations from compliance with the legal provisions regarding the legislative procedure and transparency in the decision-making process.
Initiated and in process of implementation	3	The action was initiated but not implemented towards the end of the evaluation exercise.
Implemented with substantial deficiencies	2	The action was implemented with significant deficiencies related to cases where the content of the act adopted or the actions taken are not in accordance with the spirit or purpose of the action or are contrary to the international commitments; they do not comply with the legal provisions regarding the legislative procedure and were not subject to transparency rules in the decision-making process.
Not implemented	1	The action was not implemented.
Uninitiated	0	No implementation measures have been initiated.

After completing the assessment of the degree of implementation of each of the 60 actions corresponding to the 9 commitments in the Monitoring Table, the #MoldovaEUCandidateCheck report will reflect the overall assessment for each evaluated commitment, which will represent the average assessment of the degree of implementation of the corresponding actions for each commitment.

B. Qualitative assessment. After completing the quantitative assessment based on the information reflected in the Monitoring Table, the #MoldovaEUCandidateCheck Report reflects the qualitative evaluation summarizing the main findings regarding (a) progress, (b) constraints, and (c) recommended priorities for the next period in order to implement the 9 commitments necessary for opening the accession negotiations with the EU.

The draft Monitoring Table and the Report were peer-reviewed by the team of authors, as well as externally reviewed in dedicated consultation meetings with relevant national authorities and civil society representatives for the assessment of the 9 commitments. The final version of the Report was finalized taking into account the conclusions of the consultation meetings.

Executive Summary

As a result of the evaluation, the overall average for the degree of implementation of the 9 commitments is **3.8 points out of a maximum of 5**. Out of the 60 actions corresponding to 9 measures provided by the authorities in the Action Plan: **14 actions (23,33%) have been implemented** without deficiencies, **21 actions (35%) have been implemented with certain shortcomings**, **23 actions (38.33%) are in the process of implementation**, and **2 actions (3,33%) have not been initiated yet**.

In the field of **justice reform (1st commitment)**, we note that most of the actions planned by the authorities have been implemented with certain shortcomings or are being currently carried out (4p). Thus, among the achievements are the adoption of Law no. 120/2021 for amending the Constitution and related legislation, with the aim of improving regulations regarding the judicial system. Other laws have been adopted that have consolidated the activity of the Judicial Inspection, amended legislation on the National Institute of Justice (INJ) and the prosecution, and introduced an extraordinary evaluation of candidates for the Superior Council of Magistracy (CSM) and the Superior Council of Prosecutors (CSP). The evaluation of judge and non-judge candidates for the CSM was completed, and the evaluation procedures for candidates for the CSP were initiated. On March 30, 2023, Parliament elected three non-judge members to the CSM, who were evaluated by the pre-vetting Commission. The main constraints relate to exceeding the deadline for evaluating candidates for the CSM and CSP, set for December 2022, and extended until June 2023. Although on March 17, 2023, the General Assembly of Judges was to elect the new judge members who had passed the extraordinary evaluation in the CSM, the judges interrupted the session and postponed the vote for April 28, 2023. Consequently, until March 31, 2023, no appointment of judges in the CSM and prosecutors in the CSP had taken place. The evaluation of candidates for the colleges of judges and prosecutors was not initiated. The legislation regarding the activity of the prosecution was not adjusted in accordance with the recommendations of the Venice Commission set out in point 41 of [Opinion no. 1086](#) of June 20, 2022. A clear mechanism for verifying the wealth and interest declarations submitted by candidates enrolled at the INJ and an internal mechanism for verifying the integrity of judges and prosecutors at all stages of their careers were not regulated.

Regarding the **implementation of the recommendations of the OSCE/ODIHR, as well as the Venice Commission (Commitment 2)**, the Action Plan included the reference to the adoption of the new Code, a measure that was implemented with certain shortcomings (4p). Thus, on December 8, 2022, the Parliament adopted the new Electoral Code of the Republic of Moldova, implementing the majority of OSCE/ODIHR recommendations, evaluation mission reports, and Constitutional Court addresses. Institutional changes focus on the composition and method of appointment of members of the Central Electoral Commission. The new Electoral Code allows for elections to be held in two days in certain electoral districts or polling stations for objective reasons, such as pandemics, exceptional situations, or high voter turnout. The list of subjects that can participate in elections has been expanded, including initiative groups and electoral blocs. The consultative process related to the adoption of the Electoral Code involved all interested parties, such as civil society, political parties, and the public administration. However, it should be noted that the decision of the authorities to include a single activity in the Action Plan seems to be a rather narrow interpretation. In the authors' opinion, Commitment 2 is expected to additionally reflect the evaluation of the implementation of the Venice Commission's recommendations with reference to Commitment 1, namely the completion of essential stages of comprehensive justice system reform in accordance with Venice Commission Opinion No. 1058, related to the draft law on the prosecution service and Venice Commission Opinion No. 102 on the judiciary system. Additionally, the authorities should objectively determine whether other recently announced draft laws fall under the category of "essential stages of comprehensive justice system reform," such as the reform of the Supreme Court of Justice and the evaluation of Supreme Court judges, the extraordinary evaluation of judges and prosecutors (full-vetting), the conventional draft law called the de-oligarchization package (which is reflected in Commitment 4), or the package of laws on the Intelligence and Security Service.¹

In the field of **combating corruption (commitment 3)**, most actions are implemented with certain shortcomings, or have been initiated and are in the process of implementation (3,66). The main progress was the adoption in July 2022 of legislative changes and the implementation of a new mechanism for criminal prosecution, trial, and conviction in absentia of individuals who evade participation in criminal proceedings. The Anti-Corruption Prosecutor's Office managed to investigate more corruption cases than in 2021 and has also increased the number of cases sent to court. The proportion of sentences and cases sent to court for corruption cases has increased slightly from 2021 to 2022. Moreover, the values of fines and special confiscations have increased significantly. One of the main constraints is the existence of deviations from the initial terms for carrying out the actions provided for in the Action Plan. The main priorities that the authorities need to focus on in the immediate future are the adoption in the final reading of the draft amendment to the Code of Criminal Procedure for delimiting the competencies between the National Anticorruption Centre (NAC) and the Anti-Corruption Prosecutor's Office (APo), the project of amendments to the Criminal Procedure Code and Law no. 59/2012 for improving and increasing the efficiency of special investigation measures, the project of amending the Law on whistle-blowers that is to transpose EU Directive 2019/1937, as well as the publication of a strategic analysis of the convictions adopted in 2022 in corruption cases, related acts, and corruptible deeds.

¹ In all these areas, the Republic of Moldova has recently requested and received a series of advisory opinions: CDL-AD(2023)005 regarding the extraordinary evaluation of judges and prosecutors, CDL-AD(2023)010 regarding de-oligarchization, and CDL-AD(2023)008 regarding the SIS law package, CDL-AD(2022)049 regarding the CSJ law project and the evaluation of CSJ judges.

Regarding the **"de-oligarchization" (commitment 4)**, most actions are in the process of implementation (3,3p). The Ministry of Justice has drafted a bill to eliminate excessive influence of private interests on economic, political, and public life. The bill has been consulted with the public, and the Venice Commission has issued a preliminary opinion that will be taken into consideration by the authorities in finalizing the draft law. The draft contains several problematic provisions, contrary to the international commitments of the Republic of Moldova in the field of human rights. The draft Action Plan on de-oligarchization measures has been developed and the consultation process for the draft plan has been initiated. The Central Electoral Commission has established the Supervision and Control Division for the Financing of Political Parties and Electoral Campaigns to monitor, analyse, verify, and control the financing of political parties and electoral campaigns. The Audio-visual Media Services Code has been amended to allow the regulation of activity reports of media providers by the Audio-visual Coordinating Council. The government has adopted the State Ownership Policy in the form of the Strategy for managing state property in enterprises and companies with state capital for the years 2022-2030, which requires immediate actions to implement good corporate governance practices. However, the Law on Public-Private Partnership is to be adjusted to the principles and objectives of the state property strategy and the OECD recommendations on public governance principles for PPP.

In the field of **combating organized crime (commitment 5)**, most actions have been implemented and some are in the process of implementation (3,88p). Thus, the Government has adopted and initiated the implementation of the Internal Affairs Development Strategy for the years 2022-2030. The Criminal Assets Recovery Program for the period 2023-2027 has been adopted. In addition, employees of the Ministry of Internal Affairs and the General Inspectorate of Police have participated in several experience-sharing activities with Interpol, Europol, Eurojust, etc. Although with deviations from the initial deadline set in the Action Plan, on March 30, 2023, Parliament adopted the Cybersecurity Law, which transposes EU Directive 2022/2555 (NIS 2). Priorities for 2023 include the entry into force of the Cybersecurity Law and the Law on the Prevention and Combating of Money Laundering and Terrorism Financing, and the adoption of the related regulatory framework and implementation of Moneyval recommendations.

In the field of **public administration reform (commitment 6)**, most actions have been fulfilled and an action related to the digitalization of public services is in the process of implementation (4P). Twelve electronic services have been launched in the field of cadastre and eleven others have been integrated with the MDelivery service. A support mechanism for the staff of public authorities to achieve priority tasks has been established, and decisions to increase the headcount limit of policy-making units within the Central Public Administration have been promoted. An ex-post evaluation report of the Public Administration Reform Strategy 2016-2020 has been developed and a new Public Administration Reform Strategy was adopted, which addresses the issue of public officials' salaries and professionalization, delimitation of roles within the public administration, and consolidation of fiscal autonomy of local public administration, has been approved. In the context of implementing the revised Roadmap on Local and Regional Democracy, progress has been made in consolidating the tax base of level I local public administration through changes to budget and fiscal policies for 2023, but progress in delimiting public property is modest. The main priority is to consolidate public administration authorities through salary reform and to avoid the practice of incentivizing public officials by including them in the boards of state-owned companies.

Regarding the **reform of public finance management (commitment 7)**, most of the actions have been implemented (4.66 points). A regulation on low-value public procurement has been developed and approved, a formal procedure for identifying eligible public investment projects to be included in the Medium-Term Budgetary Framework/State Budget Law project has been established, and the scope of the public investment management framework has been expanded. A public finance management development strategy for the period 2023-2030 has been developed, aimed at improving the quality of macroeconomic and fiscal forecasts, establishing an adequate accounting and reporting system in the budgetary sector, the continuous development of the public finance management information system, and ensuring the use of public funds in accordance with good governance principles.

In the field of **civil society cooperation (commitment 8)**, most of the actions are in the process of implementation (2.8 points). However, the Framework Regulation on non-repayable financing of non-commercial organizations' projects and on improving the process of developing public policy documents has been adopted. The Ministry of Justice has drafted a law on access to public interest information, but the current version of the draft, does not address the issues raised by journalists. On the other hand, transparency and predictability in the decision-making process are still affected in Parliament, where the transparency of projects under review has been affected on average by 69%. In addition, the permanent platforms for consultation with civil society at the level of Parliament and Government have not yet been launched. The State Chancellery needs to expedite the consultation and approval of the new Concept on the development of civil society, and authorities need to improve the ex-post evaluation mechanism of legislation to understand if the intended objectives have been achieved.

In the field of **protection of human rights (commitment 9)**, most of the actions have been implemented (4). Amendments have been adopted to the regulatory framework to ensure non-discrimination and equality, including the expansion of discrimination criteria and amendments to the Contravention Code. In addition, adjustments have been made to the Ombudsman Law, and criminal and procedural legislation has been aligned with the provisions of the Istanbul and Lanzarote Conventions. However, there have been delays in approving these laws due to objections from the President of the Republic and deviations from legislative technique. In addition, there have been challenges in implementing the Program to support the Roma population for the years 2022-2025. It is recommended to improve inter-institutional dialogue and cooperation between the Ministry of Education and Research and the Ethnic Relations Agency, implement the Program to support the Roma population, and revise legislation for clarification and separation of the responsibilities for detecting cases of incitement to discrimination.

Commitment 1: Justice Reform

Completing the essential steps of the recently launched comprehensive reform of the justice system across all institutions of the justice and prosecution chains to ensure their independence, integrity, efficiency, accountability, and transparency, including through effective use of asset verification and effective democratic supervision (1.1), in particular, filling of all remaining vacancies within the Superior Council of Magistracy and within its specialized bodies (1.2)

GENERAL ASSESSMENT: 4 P OUT OF 5

Commitment 1 is to be fulfilled through **6 planned actions**, of which by the end of March 2023: one action has been implemented without shortcomings, four actions have been implemented with certain shortcomings, and one action is in the process of implementation.

KEY DEVELOPMENTS

The [Law nr.120/2021](#) was adopted to amend the Constitution, in order to implement the recommendations of the Venice Commission set out in [Opinion no.1082 of 20 June 2022](#), as well as to adjust the adjacent legislation, in order to improve the regulations on the judicial system. The [Law no. 5/2023](#) was adopted, through which the activity of the Judicial Inspection was consolidated and the mechanism of disciplinary liability of judges was adjusted. The [concept](#) of merging the College for Selection and Career of Judges with the College for Evaluation of Judges' Performances was developed. The [Law no.228/2022](#) was adopted, which amended the Law on the National Institute of Justice (NIJ), introducing the obligation to submit the declaration of assets and personal interests by the NIJ candidates. The [Law no. 280/2022](#) on the amendment of the Law on the Prosecution was adopted with a view to implementing the recommendations of the Venice Commission in [the Opinion no.1058 of 13 December 2021](#). The [Law no. 26/2022](#) was adopted, with a view to the extraordinary evaluation of candidates for the SCM and SCP (pre-vetting). The evaluation of judge and non-judge candidates for the CSM has been completed, and the evaluation procedures for candidates for the CSP have been initiated. On March 30, 2023, Parliament elected three non-judge members to the CSM, who were evaluated by the pre-vetting Commission.

SHORTCOMINGS

The deadline for the evaluation of candidates for the SCM and SCP, set for December 2022, was exceeded and extended until June 2023. Although on March 17, 2023, the General Assembly of Judges was to elect the new judge members who had passed the extraordinary evaluation in the CSM, the judges interrupted the session and postponed the vote for April 28, 2023. Consequently, until March 31, 2023, no appointment of judges in the CSM and prosecutors in the CSP had taken place, and the evaluation of candidates for the colleges of judges and prosecutors was not initiated. The legislation regarding the activity of the prosecutor's offices was not adjusted in accordance with the recommendations of the Venice Commission set out in point 41 of the [Opinion no. 1086 of 20 June 2022](#). The mechanism for verifying the declarations of assets and interests submitted by the registered candidates for the NIJ was not clearly regulated and no internal mechanism for checking the integrity of judges and prosecutors at all stages of their careers was developed. The Judicial Inspection was not provided a genuine functional independence.

PRIORITIES

- Significant acceleration of the extraordinary evaluation procedures of non-judge candidates for the SCM and candidates for the SCP, in order to establish these self-administration bodies as quickly as possible. Starting the evaluation procedures of the colleges under the SCM and SCP.
- Improving the Law on Prosecution by implementing all the recommendations of the Venice Commission set out in the [Opinion no.1058 of 13 December 2021](#).
- Introduction of a verification mechanism by the National Integrity Authority (NIA) of the asset and interests' declarations submitted by the candidates for the NIJ and candidates with a chance of success for the position of judge and prosecutor. Adjusting the legislation in order to introduce an effective system of internal verification of the integrity of judges and prosecutors at all stages of their careers.
- Modifying the legal framework to provide greater autonomy to the Judicial Inspection, possibly by creating a single institution for judges and prosecutors, independent from the SCM and SCP.

Commitment 2: Implementation of the OSCE/ODIHR and Venice Commission recommendations

In all areas (n.r. under the commitment 1), remedying the deficiencies identified by the OSCE/ODIHR and the Council of Europe/Venice Commission

GENERAL ASSESSMENT: 4 P OUT OF 5

Commitment 2 was to be fulfilled by means of **one planned action** by the end of 2022. The action was implemented with certain shortcomings.

KEY DEVELOPMENTS

On 8 December 2022, the Parliament of the Republic of Moldova voted in the final reading the draft of the new Electoral Code of the Republic of Moldova, which provides for a series of amendments to the electoral legislation, aimed at solving the problems identified in the previous challenges to the Constitutional Court, but also the recommendations of the Venice Commission and OSCE/ODIHR, international and national organizations. At the institutional level, the main changes brought by the new Electoral Code refer to the composition and method of appointing the members of the Central Electoral Commission (CEC), ensuring the professionalization of this institution. Regarding the organization of electoral polls, the amendments to the electoral legislation included the possibility of organizing elections for two days in some constituencies or polling stations, based on objective reasons, such as pandemics, exceptional situations or the large number of voters who came to vote. The provisions on the conduct of electoral campaign indicate that the electoral agitation begins on the date of registration of the electoral competitor, but not earlier than 30 days before the election date. At the same time, the ballots have to be printed in Romanian, but also in another language, at the request of the representatives of the electoral district where this is requested. The list of subjects that can file appeals regarding the conduct of the elections was expanded, by including initiative groups and electoral blocs, electoral competitors, and participants in the referendum.

The process of consultation and approval of this draft law respected the principles of transparency and inclusiveness. By the decision of the CEC of 8 October 2021, a working group was established within the CEC, responsible for identifying the problems recorded in previous elections, developing proposals to amend the Electoral Code and coordinating the process of public consultations with representatives of civil society, political parties, the central and local public administration, and development partners. On February 9, the CEC presented for public consultation the draft decision "Regarding the submission of proposals to amend the Electoral Code and related legislation". During the consultation period, the CEC received more than 400 proposals for improving the draft decision, mainly from member organizations of the Coalition for Free and Fair Elections (CFFE). The proposals presented by the CEC were registered by the Parliament on July 13, being voted in the first reading on 28 July 2022 and submitted for approval to the Venice Commission and OSCE/ODIHR. On October 21, the OSCE/ODIHR experts adopted the joint opinion on the draft Law on the new electoral code of the Republic of Moldova. In the second half of 2022, a series of public consultations on the draft law of the new Electoral Code were organized by the Parliament with the participation of political parties, electoral authorities and civil society.

SHORTCOMINGS

In the context of implementing this commitment, government authorities have included only one action related to amending electoral legislation. However, the evaluation reports of the government and the European Commission will also take into account the remediation of issues highlighted by the Venice Commission, regarding the related actions of commitment 1, as well as other actions. Thus, to implement this commitment, authorities should have included an additional action designed to reflect the degree of implementation of the Venice Commission's recommendations. The opinion of the Venice Commission on the draft new Electoral Code highlighted several provisions that could affect the impartiality and smooth running of the electoral process. These relate to the procedure for appointing the CEC members, which gives the government the opportunity to appoint three out of seven members, with the risk of politicizing the institution's activity. Two other recommendations of the Venice Commission that were not reflected in the new electoral regulations are related to (1) revising the restrictive nature of the eligibility conditions for the position of president and mayor, based on criteria of education, language proficiency, and length of residence, but also (2) revising the turnout thresholds for presidential, parliamentary, and local elections based on which ballots can be declared valid. However, based on the experience of previous electoral polls, these aspects mentioned by international experts are not in a position to influence the legitimacy and fairness of the electoral process. Another constraint concerns the minimum representation threshold of 2% for the election of independent candidates to the position of deputy. This threshold is disproportionate to the current structure of the Parliament and disadvantages independent candidates in favour of political parties.

PRIORITIES

- Review and approval of normative acts by the CEC for the implementation of the new Electoral Code.
- Operationalization the institutional capacities of the CEC for the supervision and control of the financing of political parties.
- The widest possible public consultations and approval by the CEC of the implementing regulations under development.
- Organization of the public contest for the election of the presidents of the district electoral councils of the 2nd level and strengthening of the institutional capacities of the district electoral councils.
- Reducing of the thresholds to enter the Parliament for the electoral competitors, especially the independent candidates.
- Advancing the implementation process of alternative voting methods, while fully respecting the requirements of transparency, public consultation, and inclusion.

Commitment 3: Combatting corruption

Fulfilling the commitment to combat corruption at all levels by taking decisive action towards pro-active and effective investigations, as well as by obtaining a credible record of prosecutions and convictions (3.1.); substantial increase in the degree of use of the recommendations of the National Anticorruption Centre (3.2.)

GENERAL ASSESSMENT: 3,66 P OUT OF 5

Commitment 3 is to be fulfilled through **9 planned actions**, of which by the end of March 2023: one action has been implemented, four implemented with certain shortcomings, and another four are in the process of being implemented.

KEY DEVELOPMENTS

The most important progress is the [adoption](#) of legislative amendments (Law no. 189/2022) and the implementation of the new mechanism for criminal investigation, trial and sentencing in absentia of persons who evade participation in the criminal investigation, which entered into force on 26 July 2022. However, the action was completed before August 4, 2023, when the Action Plan of the National Integrity and Anticorruption Council was approved. The new mechanism provides all the guarantees of a fair trial and has already started to be applied by prosecutors. By the end of 2022, compared to 2021, there is a positive dynamic in the investigation of corruption cases. There is a proportion of 88% of criminal cases initiated proactively by the Anti-Corruption Prosecution Office (PA) (65 out of 74 were initiated proactively). The proportion of cases sent to trial has slightly increased from 38% (181/482) in 2021 to 54% (167/308) in 2022. According to the PA, in 2022 compared to 2021, there is an insignificant increase in the proportion (from 98% to 103%) of the number of judgments pronounced in corruption and related cases - 173 (178 in 2021) and the number of cases sent to trial - 167 (181 in 2021). At the same time, there is a significant increase (2.8 times) in the value of fines and special confiscations, from 8.24 million lei in 2021 to 23.44 million lei in 2022.

On March 22, 2023, the government approved the draft amendment of the Criminal Procedure Code for delimiting the competences between the National Anticorruption Center (NAC) and the PA. The legislative initiative was subject to public consultations and is accompanied by the anti-corruption expertise of the NAC. The Parliament has [adopted](#) in first reading the draft law amending the Code of Criminal Procedure and Law no. 59/2012, aimed at improving special investigation activities. The draft law was subject to [public consultations](#) and accompanied by the anti-corruption expertise of the National Anticorruption Center (NAC). A draft amendment to Law no. 122/2018 on whistle-blowers was also developed and subject to [public consultations](#). The draft law was approved by the Government on March 29, 2023, and sent to Parliament for examination and adoption. The new law aims to transpose EU Directive 2019/1937 on the protection of persons reporting breaches of Union law.

During 2022, NAC conducted 374 operational analyses, including 178 between July and December 2022. In January 2023, 21 analyses were performed. The NAC has started the procedure of carrying out the strategic analysis regarding the convictions adopted during the year 2022 in cases of corruption, related acts, and corruptible acts. Also, in 2022, NAC developed 821 [anti-corruption expertise](#) reports, including 327 draft laws, of which 200 were initiated by deputies. Additionally, according to NAC, of the 528 draft normative acts approved by the Government, approximately 6 percent were not subject to anti-corruption expertise, which indicates an improvement trend compared to 2021 (approximately 36 percent). This trend is particularly visible in the period of July-December 2022, when the State Chancellery of the Government reports a share of 99.6 percent (i.e. 274 out of 275) of normative acts that were accompanied by anti-corruption expertise.

SHORTCOMINGS

One of the constraints relates to some deviations from the initial terms for carrying out the actions provided for in the Action Plan, particularly the adoption in the final reading and entry into force of legislative amendments to delimit the competences between the NAC and APO, as well as those aimed at improving special investigative measures, or the publication of the Strategic Analysis on convictions in corruption cases. On the other hand, some delays in fulfilling the actions by the end of March 2023 are due to greater attention paid to ex-ante analyses carried out with the support of international experts, as well as extensive public consultations on the initiatives. Although there is a slight increase in efficiency in investigating and prosecuting cases of systemic and high-level corruption, the main challenge remains the outcome of the cases examined in court, largely due to postponements of hearings and intentional delays in judicial proceedings at the initiative of the defence, constraints in ensuring the presentation of evidence with witnesses, and the uneven application of the law by the courts.

PRIORITIES

- Adoption of amendments to the Criminal Procedure Code regarding the delimitation of powers between the NAC and the AP regarding the investigation of high-level corruption cases.
- Adoption of amendments to the Criminal Procedure Code and Law no. 59/2012 for improving and increasing the efficiency of the application of special investigative measures.
- Adoption of amendments to Law no. 122/2018 on whistle-blowers, transposing the [EU Directive 2019/1937](#) on the protection of persons who report violations of the Union law. Designation of the national authority responsible for the collection and analysis of whistleblowing and whistle-blower protection data.
- Development and publication of the Strategic Analysis regarding convictions adopted during 2022 in corruption cases, related acts, and corruptible acts.

Commitment 4: De-oligarchization

Implementation of the "de-oligarchization" commitment by eliminating the excessive influence of private interests on the economic, political, and public life

GENERAL ASSESSMENT: 3,3 P OUT OF 5

Commitment 2 is to be fulfilled through **10 planned actions**, of which by the end of March 2023: one has been implemented without shortcomings, one action was implemented with certain shortcomings, and eight actions are in the process of implementation.

KEY DEVELOPMENTS

The Ministry of Justice initiated the process of drafting and approving a law on the elimination of excessive influence of private interests on the economic, political, and public life. The [concept](#) and [the draft law](#) were presented for public consultations, after which they were submitted for consultations to the Venice Commission. The Commission issued a preliminary opinion that is to be taken into consideration by the authorities when finalizing the draft law. According to the opinion, in its current version, the project contains several problematic regulations, contrary to the international commitments of the Republic of Moldova in the field of human rights. The latter was supposed to issue an opinion during the meeting of 10-11 March 2023. Within the Central Electoral Commission (CEC) there has been established the subdivision Directorate of supervision and control over the financing of political parties and electoral campaigns. Its mission is to contribute to the fulfilment of the CEC's duties regarding the monitoring, analysis, verification, and control of the financing of political parties and electoral campaigns. The [Audio-visual Media Service Code](#) was amended to allow the Audio-visual Coordinating Council (ACC) to receive the annual activity reports of media service providers, verify them and decide on their approval or rejection. The ACC will be able to establish sanctions if the suppliers' reports are not published within the term established by the law. The capacities of the Competition Council (CC) and that of the ACC to monitor the legal regime and transparency of ownership, as well as financing in the audio-visual sector have been enhanced. The CC has also benefited from training in the field of [identifying violations of competition rules](#), the institution being in the process of initiating the development of the study on the analysis of relevant international practices, existing mechanisms and frameworks to reduce the negative impact of "persons with substantial influence" ("oligarchs") on the markets.

On December the 21st 2022, the Government [adopted](#) its state ownership policy: "Strategy on the state property management in the field of SOEs and joint-stock companies with full or majority state owned capital for the years 2022-2030". The strategy requires, among other things, immediate actions to implement good corporate governance practices of state-owned enterprises and to rationalize (reduce) the state's presence in the economy. Public consultations were conducted on (i) the draft [Regulation](#) on the selection and appointment of members of the SOEs board of directors and (ii) draft [Regulation](#) on the selection and appointment of members of the supervisory boards and audit committees for public interest entities with state capital.

SHORTCOMINGS

The Law on [public-private partnership](#) needs to be adjusted to the principles and objectives of the state ownership policy adopted recently and to the OECD recommendations on public governance principles for public-private partnerships (PPP). In the version proposed for consultations, the [Regulation](#) on the competitive selection of board members of state-owned enterprises (SoE) limits the competitive selection procedure to independent members only, which is contrary to the OECD principles on good governance. Complimentary, provisions related to the variable component of the remuneration do not allow for establishing clear criteria for a performance based remuneration of SoE's board members. The [draft law](#) on the elimination of the excessive influence of private interests on the economic, political and public life, in its current version, contains several problematic regulations, contrary to the international commitments of the Republic of Moldova in the field of human rights. Additionally, according to the project, it would apply exclusively to citizens of the Republic of Moldova, a factor that could limit the application of the law's provisions to foreign nationals or stateless persons.

PRIORITIES

- Organizing additional public debates after issuing of the Venice Commission Opinion on the Law on de-oligarchization and adjusting the draft according to the recommendations of the Venice Commission. Adoption and coordination of an action plan regarding the de-oligarchization measures.
- Adjustment and approval of regulations for the nomination and remuneration of the board members of state-owned enterprises, audit committees, and censor committees of SoEs, which shall apply uniformly to both independent and public institution's members, in accordance with the OECD principles of good governance.
- Clarification of the remuneration conditions for members of the SoE boards, supervisory commissions, and audit committees, specifically, finalizing the method of calculating the variable component of the salary for SoE board members, correlating it with their performance.
- Approval of the regulation for the evaluation of SoE board members.
- Finalization of the operationalization of all audit committees and supervisory commissions within all active SOEs.
- Prioritizing the implementation of a *Government Resource Planning (GRP)* information system within the Public Property Agency (PPA) to increase the level of transparency and efficiency of public property management.
- Development of the screening mechanism (triage) for the SoEs according to the principles stated in the state ownership strategy.
- Mapping state companies through the lens of ownership rationales as per the state ownership strategy.
- Drafting and implementation of mandates for state-owned companies.
- Improving the legal framework in the area of administration and denationalization of public property.
- Amendment of the Law on public-private partnership In line with the principles and objectives established in the state ownership strategy and the OECD principles on public governance of public-private partnerships.

Commitment 5: Fighting organized crime

Strengthening the fight against organized crime, based on detailed threat assessments, increased cooperation with the EU regional and international partners, and improved coordination of law enforcement authorities (5.1.); in particular, establishing a legislative package on asset recovery and a comprehensive framework for combating financial crime and money laundering, ensuring compliance of anti-money laundering legislation with the standards of the Financial Action Task Force (FATF) (5.2.)

GENERAL ASSESSMENT: 3,85 P OUT OF 5

Commitment 5 is to be fulfilled through **14 planned actions**, of which by the end of March 2023: five actions have been implemented without shortcomings, five actions have been implemented with certain insignificant shortcomings, three others have been in the process of implementation, and one action is still uninitiated.

KEY DEVELOPMENTS

Among the most important progress there should be noted the [approval](#) of the Development Strategy in the field of internal affairs for the years 2022-2030, as well as six Sectoral Programs for the implementation of the Strategy for the years 2022-2025, on integrated border management; management of migration flows, asylum and integration of foreigners; prevention and management of emergency and exceptional situation; prevention and combating of crime; public order and security; improving trust and safety for citizens, integrity and digitalization of the internal affairs system. The new Strategy follows the best practices in the field of strategic planning, which covers in a comprehensive way all sub-fields in the area of internal affairs. The General Police Inspectorate (GPI) approved the Concept on the sexual abuse reporting mechanism. As for the EU regional platform for internal affairs, this was established and several meetings were held within it. Additionally, within the GPI, there has been established the [National Contact Point for Arms and Ammunition](#).

Regarding the participation in events and exchange of experience, the employees of the Ministry of Internal Affairs and the General Police Inspectorate participated in several activities of exchange of experience, but also capacity building with Interpol, Europol, Eurojust, etc. Also, a series of joint investigations were carried out under the auspices of Interpol, SELEC.

Regarding the establishment of a legal package on asset recovery and a comprehensive framework for combating financial crime and money laundering, in order to ensure compliance with the standards of the International Financial Action Task Force (FATF), it should be noted the adoption and entry into force of the amendments to the [Criminal Procedure Code, the Criminal Code, and the Execution Code](#) with a view to implementing an extensive confiscation system. According to these legislative changes, it will be possible to confiscate assets transferred by the convicted person to third parties in order to avoid confiscation, as well as the confiscation of assets in the absence of the accused.

Additionally, at the end of 2022, the Criminal Assets Recovery Programme for 2023-2027 and the Implementation Action Plan were [adopted](#). According to the information provided by the General Prosecutor's Office, between August and December 2022, 9 information-criminal analyses were carried out, 7 of which were carried out in the last quarter of 2022. At the same time, for 34 criminal cases it was offered informational support by presenting 55 reports that include different information from both closed and open information systems, 29 of which were produced in the last quarter of 2022.

SHORTCOMINGS

Among the most important constraints there should be mentioned the deviation from the deadline established in the Action Plan regarding the adoption of the Law on Cybersecurity, which has to transpose the EU Directive 2022/2555 on Network and Information Security (NIS 2) and establish an effective cyber security framework. The draft law was developed and presented for public consultations in December 2022. On 7 March 2023, the Government [approved](#) the draft normative, and on March 16, 2023, it was adopted in both readings in Parliament. It should be noted however that at the time of adoption, several opinions were missing, in particular the opinion of the Legal Affairs, Appointments, and Immunities Committee and the Legal Department. At the same time, it should be noted the adoption on March 30th, 2023 in the final reading of the Law on the prevention and combating of money laundering and the financing of terrorism, and the related normative framework in order to transpose into the national legislation the provisions of the fifth EU Directive on combating money laundering and implementation of the Moneyval recommendations, as well as the failure to approve the secondary legislation for its implementation.

PRIORITIES

- Entering into force of the Law on cyber security that transposes in the national legal framework the EU legislation on the network and information security (NIS 2);
- Amending legislation to implement the civil confiscation mechanism;
- Publication of the Concept regarding the sexual abuse reporting mechanism;
- Entering into force of the Law on prevention and combating of money laundering and the financing of terrorism, and related legislation in order to transpose the provisions of the fifth EU Directive on combating money laundering and the implementation of the Moneyval recommendations into national legislation;
- Drafting and approval of secondary legislation in order to implement the provisions of the amended Law on prevention and combating of money laundering and the financing of terrorism and related legislation;
- Intensification of cooperation actions and operational activities with EUROPOL, INTERPOL, SELEC, etc.

Commitment 6: Public Administration Reform

Increasing the capacity to carry out reforms and provide quality public services, including by accelerating the implementation of the public administration reform (6.1); evaluating and updating the public administration reform strategy (6.2).

GENERAL ASSESSMENT: 4 P OUT OF 5.

Commitment 6 is to be fulfilled through **4 planned actions**, of which, by the end of **March 2023**: one action has implemented without shortcomings, two were implemented with certain shortcomings and one action is in the process of implementation.

KEY DEVELOPMENTS

Despite the moratorium on hiring, to strengthen the policy-making units within the central public administration authorities (CPAA), decisions to increase the limit of the personnel were promoted, for all ministries (except for the Ministry of Health, the Ministry of Agriculture, and the newly created Ministry of Energy). The decision to restructure the State Chancellery was approved. In addition, by approving the Government Decision no. 5/2023, a support mechanism [was established](#) for the personnel of public authorities to carry out priority tasks in the context of the implementation of the requirements for accession to the European Union.

To foster the digitization of the delivery of public services, 12 electronic services in the field of cadastre were launched, and another 11 public services were integrated with the MDelivery service. The new deadline for the operationalization of the 63 public Unified Centres for Service Provision (UCSP) is June 2023.

A major achievement is also the [adoption](#), on March 15, 2023, of the Public Administration Reform Strategy. The document addresses the issue of salary and professionalization of public servants, the delimitation of roles between central and local public administration, the consolidation of fiscal autonomy of local public administration, the streamlining of bureaucracy and the development of e-services, etc. The strategy also integrates the recommendations of the Roadmap CG/MON(2021)18-04 on Local and Regional Democracy in the Republic of Moldova, signed by the Government of the Republic of Moldova with the Congress of Local and Regional Authorities of the Council of Europe on April 15, 2021. The ex-post evaluation report of the 2016-2020 Public Administration Reform Strategy was developed, as well as the Report on the Implementation of the Decentralization Strategy.

In the context of the implementation of the revised Roadmap CG/MON(2021)18-04 on the local and regional democracy in the Republic of Moldova, developments can be observed in terms of strengthening the fiscal base of LPA I, through the changes made to the budgetary-fiscal policy for 2023. Specifically, it is about the transfer of 100 percent of the road tax of general destination to LPAs, the removal of ceilings on the establishment of taxes on real estate and land, and the transfer of 50 percent of the accumulations of taxes on natural resources. An important achievement, consistent with the provisions of the roadmap regarding local democracy, is the establishment of the local and regional development fund. On the other hand, the transfer of ownership of hospitals from LPAs to the CPA is regarded as a measure that goes against the roadmap and decentralization efforts.

SHORTCOMINGS

One of the concerns is related to the fact that the increase in staff for ministries and the reorganization of the State Chancellery is promoted while the functional analyses according to the SIGMA model have not yet been finalized. It should also be mentioned here that a genuine public sector salary reform has been delayed. The inclusion of public officials in the boards of SoEs should not be used as a financial incentive for civil servants. Additionally, the operationalization of the 63 Single Service Centers (CUPS) and the integration of the remaining 22 from the total of 34 of public services with the MDelivery service have been postponed. The modest progress in implementing the State Program for the demarcation of real estate properties is another commitment that is lagging behind.

PRIORITIES

- Consolidation of the central public administration authorities, responsible for developing policies, through a comprehensive wage reform in the public sector and avoiding the practice of improper financial incentives for civil servants through measures similar to those of including them in the composition of the boards of directors of SoEs.
- The digitization of public services must take into account the importance of public service for citizens. Thus, priority in the digitization process should be given to the most demanded public services.
- Acceleration the operationalization of the 63 Unified Centres for public Service Provision.
- Development and approval of implementation programs for the Public Administration Reform Strategy.
- Revision of article 187 (3) of the Electoral Code regarding the local referendum for the revocation of the mayor, in accordance with the recommendations of the Venice Commission.
- Clear delineation of the roles of public authorities at all levels, with a clear distinction of competencies between central public authorities (CPA) and local public authorities (LPA).
- Completion and publication of the functional analysis results of the public administration conducted in accordance with the OECD/SIGMA methodology.
- Acceleration of the implementation of the State Program for the demarcation of public real estate properties.

Commitment 7: Public finance management

Completing the reform of public finance management, including improving public procurement at all levels of government

GENERAL ASSESSMENT: 4,66 P OUT OF 5

Commitment 7 is to be fulfilled through **3 planned actions**, of which, by the end of **March 2023**, two have been implemented without shortcomings and one is in the process of implementation.

KEY DEVELOPMENTS

The commitment to complete the public finance management reform has been almost fulfilled, except for the entry into force of one of the normative acts developed. In order to ensure the transparency of the process of initiating, carrying out, and awarding low-value public procurement contracts (below the thresholds set by the Law on public procurement and the Law on procurement in the energy, water, transport, and postal services sectors), the Regulation on low-value public procurement was developed and approved by the [Government Decision No. 870 of 14.12.2022](#). The Regulation stipulates the obligation of the contracting authorities (LPAs) to carry out all stages of public procurement of low value through the automated information system "State Registry of Public Procurement". At the request of representatives of local public authorities who did not support the immediate entry into force of the regulation, a 6-month adaptation period was provided, therefore the decision will come into force on 01.07.2023.

A formal procedure for identifying eligible public investment projects to be included in the draft Medium-Term Budgetary Framework/ State Budget Law was established, and the scope of existing public investment management framework was expanded to include all public capital investment projects, regardless of the source of financing and project cost. The *Regulation on public capital investment projects* was developed and approved by the [Government Decision No. 684 of 29.09.2022](#) and entered into force on 21.10.2022. According to the regulation, the Ministry of Finance is responsible for determining the eligibility of new public capital investment projects, submitted by budgetary authorities, based on a set of pre-established requirements and according to a scoring method (which will be described by an order of the minister). The provisions of the regulation also apply to projects financed from external sources and development funds.

The conditionality regarding the approval of a new public finance management development strategy based on evidence and principles of good governance has also been met: [The 2023-2030 Public Finance Management Development Strategy](#) was developed and approved by the [Government Decision No. 71 of 22.02.2023](#) and entered into force on the date of publication in the Official Gazette of the Republic of Moldova (03.07.2023). Among the objectives of the strategy are the improvement of the quality of macroeconomic and fiscal forecasts to ensure the development of the budget based on a realistic macro-budgetary framework, the establishment of an appropriate accounting and reporting system in the budget sector, the continuous development of the information system for the public finance management, as well as ensuring the use of public funds according to good governance principles. Also, the "Medium-term Public Debt Management Program for 2023-2025" was also [approved](#) by Government Decision No. 10 of January 11, 2023.

SHORTCOMINGS

Apart from certain insignificant delays against the deadline, also due among other reasons to the recent reshuffles in the Government, the progress in fulfilling the commitment 7 can be appreciated as positive. The three actions were practically implemented according to the monitoring indicators; the content of the adopted normative acts is consistent with the purpose of the actions; the legislative procedures and the provisions of the Law on transparency in the decision-making process were respected.

PRIORITIES

- The *Regulation on low-value public procurement* is to be applied by the authorities starting from 01.07.2023.
- Approval of the [National Program for the Development of the Public Procurement System 2023-2026](#) and the [Program for the Development of Internal Public Financial Control 2023-2026](#), for the operationalization of the Public Finance Management Development Strategy 2023-2030. Subsequent monitoring must take into account the progress of the approval of these instruments, even if the indicator of basic monitoring – the entry into force of the strategy – is fulfilled.

Commitment 8: Cooperation with civil society

Increasing the involvement of civil society in the decision-making processes at all levels

GENERAL ASSESSMENT: 2,8 P OUT OF 5

Commitment 8 is to be fulfilled through **5 planned actions**, of which by the end of **March 2023**, one action has been implemented without shortcomings, three are in the process of implementation and one action has not yet been initiated.

KEY DEVELOPMENTS

During the reference period, a series of actions aimed at boosting cooperation between the authorities and civil society was undertaken. The Framework Regulation on the non-reimbursable financing mechanism for the projects of non-commercial organizations was approved by the [Government Decision 656/2022](#). The approval of the document was preceded by a broad public consultation process and creates a favourable environment for direct funding of non-commercial organizations.

After the [adoption](#) of the Regulation of the planning, development, approval, implementation, monitoring, and evaluation of public policy documents, an improvement has been observed both in the process of drafting policy documents and in the quality of the documents developed by the ministries. In addition to the publication on the [particip.gov.md](#) portal, the authorities have started to organize more events with physical participation of stakeholders to obtain more qualitative feedback. At the same time, before the actual development of the policy documents, the authorities consult the concept of these documents, allowing the stakeholders to intervene at much earlier stages, increasing the chances of accepting conceptual changes to the objectives and directions of their intervention.

The Ministry of Justice developed and initiated public consultations regarding the draft law [on the access to information of public interest](#). The new concept regarding the civil society development vision has not yet been approved, but the ex-post evaluation report of the Civil Society Development Strategy for the period 2018-2020 has been consulted and puts forward a series of recommendations for the development of a new policy document. The due date is May 2023.

SHORTCOMINGS

The Parliament has to ensure compliance with all the requirements for the decision-making transparency in the process of promoting and adopting normative acts. According to the Promo-Lex Association [report](#), the decision-making transparency of the draft laws examined by the Parliament in the autumn session of 2022 was affected by an average of 69 percent. At the same time, out of 193 draft laws on the agenda initially included, changes were made in proportion to 53 percent. The systematic inclusion and exclusion of draft laws from the agenda affects the transparency and predictability of the decision-making process.

The permanent platform for cooperation with civil society at Parliament level and the permanent platforms at Government level for consulting civil society have not yet been launched. The due date in both cases is June 2023.

The draft law on access to information of public interest - although it appears to be in the interest of facilitating a genuine access to information, especially for the mass media - in its current version, does not solve the problems reported by journalists trying to obtain information from the authorities.

PRIORITIES

- The State Chancellery should urgently consult and approve the new Concept on the development of civil society. It is essential that this concept take into account all the recommendations of the ex-post analysis.
- Compliance with the principles of transparency and good governance in the decision-making process, both in the process of drafting and approving Government Decisions, and in the process of drafting and approving draft laws by Parliament.
- Improving the ex-post evaluation mechanism of legislation. Conducting regularly these evaluations will allow the authorities to understand whether the legislation has achieved its intended objectives and whether there have been unintended consequences or negative effects on various stakeholders. At the same time, this exercise can provide valuable information and lessons learned for improving future legislation and policymaking.
- The participation of citizens and other stakeholders should not be ensured only at the stage of drafting public policy documents. Thus, the authorities should make an additional effort to identify innovative possibilities for the full involvement of citizens, civil society, and other stakeholders in the process of implementing the document.
- When finalizing the draft law on access to information of public interest, it is recommended that the Ministry of Justice revise certain provisions as a result of the opinions expressed by civil society organizations during their public consultations, namely regarding the shortening of the deadline for presenting information of public interest, especially to journalists; the regulation, according to the provisions of the Constitution, of the term "information of public interest" and the ex-officio publication on the web pages of state companies of information of public interest, etc.

Commitment 9: Protection of human rights

Strengthen the protection of human rights, especially for vulnerable groups, and solidify commitments to strengthen gender equality and combat violence against women.

GENERAL ASSESSMENT: 4 P OUT OF 5

Commitment 9 is to be fulfilled through 8 planned actions, of which, by the end of March 2023, three have been implemented without shortcomings, three actions have been implemented with certain shortcomings, and another two are in the process of being implemented.

KEY DEVELOPMENTS

After several delays, the authorities approved the amendments to the regulatory framework in the field of non-discrimination and ensuring equality. Thus, the discrimination criteria were expanded, and the Contravention Code was modified to ensure alignment between offenses and the new discrimination criteria. At the same time, the new framework supports the increase and consolidation of the human resources of the Council for Equality. This is a positive development, given the anticipated increase in workload and the complexity of the discrimination cases reported by citizens. According to data provided by the Council for Equality, the most frequent acts of discrimination relate to the following criteria: sex/maternity; language, disability, and ethnic origin (these representing 55% of the discrimination findings issued by the Council for Equality). The Government [approved](#) the National Programme on Employment for the years 2022-2026 as well as the Action Plan for its implementation on 16 November 2022.

The Law on the Ombudsman has been amended, implementing the recommendations of the Venice Commission. Greater guarantees have been included for the institution's independence, limiting the possibility of interference in the way and degree of involvement of the Ombudsman in resolving cases under examination and clarifying the duties and autonomous status of the Ombudsman for children's rights, including in relation to the Ombudsman with general competencies.

At the same time, criminal and procedural legislation has been aligned with the provisions of the Istanbul Convention and the Lanzarote Convention. Thus, additional guarantees have been provided for victims of offenses concerning freedom and sexual inviolability, including victims of domestic violence; the possibility of hearing the victim in special conditions regardless of their age has been established, and the imposition of emergency trials for misdemeanour cases related to domestic violence and non-execution of emergency restraining orders has been included. Adjustments to the regulatory framework met the minimum consultation requirements set by the Law on Transparency in Decision-Making, ensuring the timely publication of all projects and annexes on the [particip.gov.md](#) portal.

SHORTCOMINGS

Delays have been recorded in the approval of laws in the field of non-discrimination and ensuring equality, as well as strengthening the institutional and functional capacities of the Ombudsman institution. The delays were caused by the President of the Republic rejecting the promotion of the approved laws. In both situations, the legislator admitted deviations from legislative technique or from the provisions of the regulatory framework already in force. As a result, both draft laws had to be adopted in the third reading to resolve the objections from the Presidency.

According to the latest amendments to the regulatory framework in the field of non-discrimination, both the Council for Equality and the police have responsibilities in identifying cases of incitement to discrimination. The Council can examine cases in an administrative procedure, while the police can do so in a misdemeanour procedure. The dual competence for examining cases of incitement to discrimination could generate some confusion.

Challenges have been identified in the implementation process of the Program for supporting the Roma population for the years 2022-2025. Although the Interethnic Relations Agency is the administrative authority mandated to implement the state policy in the field of interethnic relations, the institution only monitors and evaluates a single indicator (out of the 5 that were established). In this context, it is important to note the flawed dialogue and collaboration between the Ministry of Education and Research, which develops policies in this field, and the Interethnic Relations Agency, which implements these policies. At the same time, currently, no public official is working in the interethnic relations policy service within the Ministry of Education and Research.

PRIORITIES

- Improving inter-institutional dialogue and cooperation between the Ministry of Education and Research and the Agency for Inter-Ethnic Relations.
- Implementation of the Programme to support the Roma population approved in August 2022.
- Revision of the legislation to clarify and separate the responsibilities for identifying cases of incitement to discrimination, including the unification of the definitions used in Law 121/2012 and Contravention Code no. 218/2008.
- Developing a new framework policy document in the field of human rights.



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