

A stylized map of Europe composed of a grid of grey dots. Several dots are highlighted in red, representing specific countries or regions. The map is centered behind the title and subtitle.

The Republic of Moldova in the Eastern Partnership

From »Poster Child« to »Problem Child«?

DAVID RINNERT
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- Under Prime Minister Vlad Filat's administration (2009–2012), the Republic of Moldova was portrayed as the success story of the Eastern Partnership (EaP). This interpretation came to an abrupt end in 2013 at the outbreak of Moldova's political crisis. The circumstances of Filat's resignation and the establishment of the new administration under Iurie Leancă have exposed the ineffectiveness of the country's national institutions and the corruption within its political system.
- Despite the events of early 2013, the status of the Republic of Moldova in the EaP has yielded positive results in many areas. Following the negotiations to establish association, deep and comprehensive free trade and visa liberalisation agreements, a number of reforms have been implemented in recent years. However, it is no longer likely that these agreements will be ratified at the EaP summit in Vilnius in November 2013.
- So far, the EU has focused too much on legislative reforms and not ascribed enough importance to structural challenges, such as those seen in the public administration. The EU's calls for reforms and financial assistance alone will not necessarily foster lasting democratisation. The EU should perform a re-evaluation of the situation in the Republic of Moldova and critically rethink its own approach in the country.
- In the medium term, however, the advancement of the Moldovan integration process depends first and foremost on the political events that will unfold within the country from now until the parliamentary elections in 2014. Local observers have doubts about whether the current administration under Leancă will be able to overcome the dispute among the parties, which is dominated by special interests, and the political corruption in the state.

1. The Governmental Crisis of 2013

In October 2012, EU Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle publicly declared that the Republic of Moldova had gone from being »an uncertain supporter of the Eastern Partnership [...] [to becoming] its most prominent partner member« (Füle 2012). In fact, as far as Brussels was concerned, the Republic of Moldova, with its 3.6 million inhabitants, had become the success story of the Eastern Partnership (EaP) from 2009 through 2012. From the EU's perspective, this success was based on three things: the willingness to implement reforms on behalf of the country's ruling pro-European coalition, the Alliance for European Integration (AEI); the successful election of a president in 2012; and, finally, the significant progress made in the negotiations for an Association Agreement (AA), which proceeded more smoothly and rapidly than in any other EaP country. As a result, expectations in both Chişinău and Brussels were high: 2013 would be the year of Moldova in the EU neighbourhood and its crowning moment the EaP Summit in Vilnius in November.

But nothing turned out as expected – at least not for many European observers. Between January and June 2013, the republic, which is bordered by Romania and Ukraine, had slipped into its deepest governmental and constitutional crisis in years and was in a political deadlock for almost six months. What were the causes of the at times chaotic events in the first half of 2013 and how did this change Moldova's standing in the EaP?

The crisis was set off by an illegal hunting trip taken by high-ranking judges and public officials at the end of 2012, during which an innocent bystander was shot and fatally wounded. Vlad Filat, prime minister at the time, blamed prosecutor general and participating hunter Valeriu Zubco for deliberately keeping the incident a secret. Zubco's subsequent forced resignation shook the foundations of the fragile power structure in the AEI coalition. In the power struggle that ensued, businessman and former First Deputy Speaker Vlad Plahotniuc (Democratic Party) and Prime Minister Filat (Liberal Democratic Party) butted heads. Accusing Plahotniuc of the sell-out of Moldovan poli-

tics and the increasing amount of corruption, Filat declared that his Liberal Democrats would leave the ruling coalition. Then, on 8 March 2013, the Communist Party (CP) initiated a vote of no confidence against Filat and his cabinet in parliament, which most observers saw as Plahotniuc's revenge (Socor 2013).

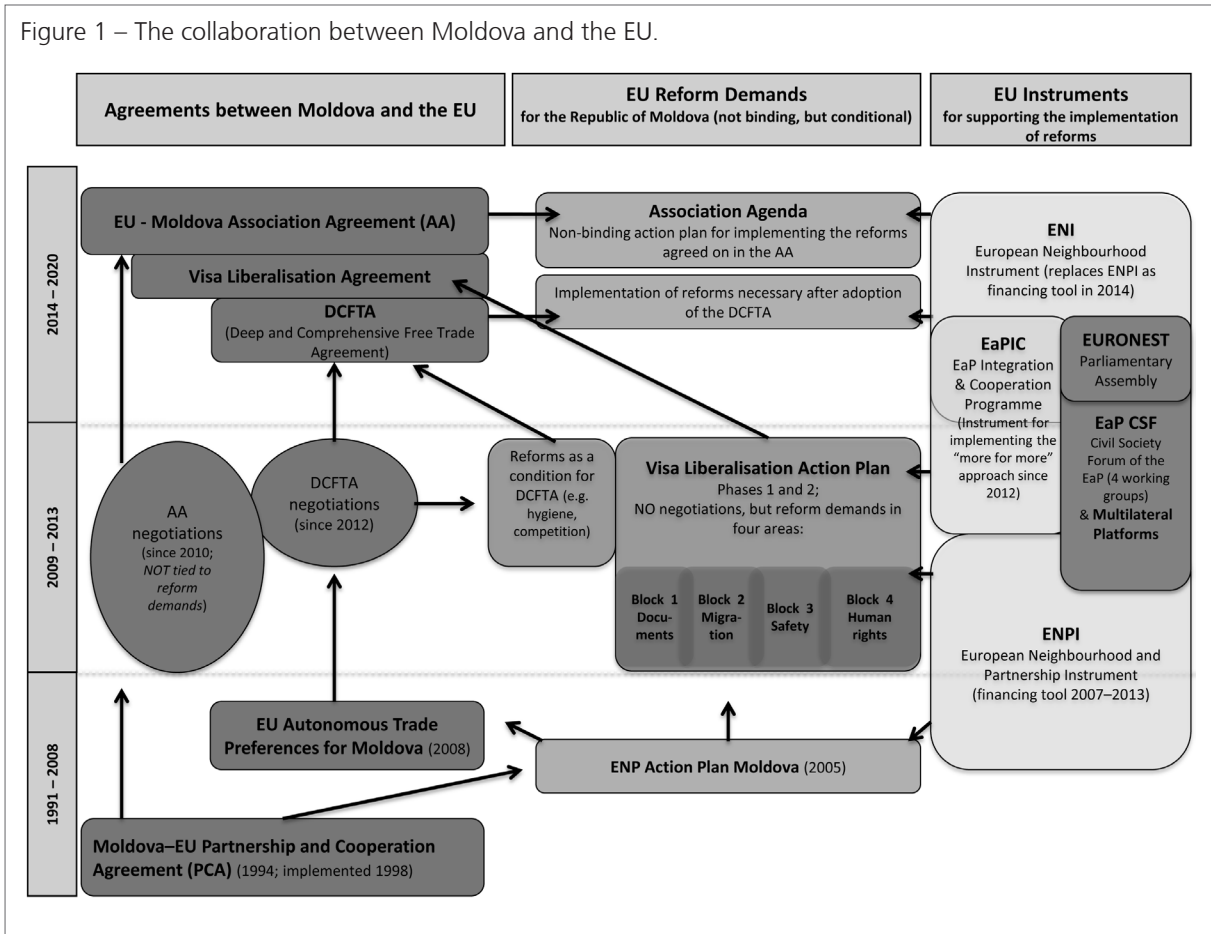
Additional chaotic events in the following months made clear that the national and political institutions of Moldova were dysfunctional. The reconstruction of an AEI coalition failed initially after a constitutional court ruling that barred Filat from being re-elected as prime minister. However, under pressure from the EU and the potential threat of early elections, during which they surely would have suffered a severe blow, the three parties of the former AEI were ultimately able to come to a new coalition agreement. On 31 May, Iurie Leancă was sworn into office as the new prime minister with his cabinet of the Coalition for Pro-European Government.

While Moldova managed to avoid re-elections, the crisis revealed that the reforms implemented over the last three years had not made any profound changes in the country's governmental institutions or political practices. In Brussels, behind closed doors, EU diplomats spoke of Moldova as a failed state. In Moldova, on the other hand, some accused the EU of deliberately turning a blind eye to the reality in Chişinău. Many local observers pointed to the incoherence of the success story engineered in Brussels, referring to the lasting corruption among the highest officials long before the crisis. In any case, it became quite clear that the elite's special interests were dominating the political system in spite of the pro-European government, while the country's economy was still in critical condition. The average monthly wages in Moldova amount to around Euro 230; the economy's dependence on remittances by emigrants is still high (around 25 per cent of the GDP), while the amount of Western aid in 2012 went up to more than 30 per cent of the Moldovan GDP (State Chancellery of Moldova 2012).

Bearing in mind the recent events and current situation outlined above, we must ask ourselves just how effective the EU policy in Moldova has actually been until now.



Figure 1 – The collaboration between Moldova and the EU.



Source: Own presentation

2. Moldova and the Eastern Partnership: The Background of the »Success Story«

The EaP originated as an eastern dimension of the European Neighbourhood Policy (ENP) in 2009 and comprises six post-Soviet states, including the Republic of Moldova. The EaP is designed to supplement the ENP and enable political and economic integration, albeit initially without any promise of enlargement. The EU's core offerings within the context of the EaP are Association Agreements (AA), Deep and Comprehensive Free Trade Agreements (DCFTA), and a visa liberalisation agreement. The EU has provided instruments for all three areas, ranging from financial aid to technical assistance and multilateral platforms. The guiding principles of the collaboration are joint ownership and conditionality, which means that both parties should be setting priorities together. At the same time, however, the scope of the assistance de-

pends on each partner country's performance regarding reforms.¹

The EU and the Republic of Moldova have been negotiating an AA since 2010 and a DCFTA since 2012. At the same time, a bilateral visa dialogue was initiated as part of the EaP (for a detailed overview on EU-Moldova relations, see also Fig. 1). In all areas, Moldova achieved considerable progress and was therefore often extolled as a success story of the EaP (cf. Moldova's performance in the EaP index: Solonenko et al. 2012). In the following we will take a more in-depth look at the three aforementioned core areas of the EaP in Moldova.

1. In the last few years a debate has arisen about the extent to which conditionality can be the guiding principle of a partnership initiative, which implies by definition that both parties have equal significance. For a more in-depth discussion of this, see e.g. Parkes/Viilup (2012)

2.1 Association Agreement Negotiations

The AA negotiations have been closed since spring 2013. They are not connected to the EU's reform demands since the agreement itself will lay the cornerstone for future reforms and continued harmonisation of Moldovan legislation with the EU Community *acquis (acquis communautaire)*. The 24 chapters of the AA specify the nature of the collaboration between Moldova and the EU as well as Chişinău's future reform priorities regarding the judicial system, freedom, security, people-to-people contacts, agriculture and the economy. An Association Agenda is planned to replace the current ENP Action Plan over the course of 2013 and will regulate the implementation of the AA. The European Neighbourhood Instrument (ENI) will provide financial support during the implementation of the agreement starting in 2014, although the exact budget for the Republic of Moldova still needs to be determined.

Since 2010, the European Commission had repeatedly called attention to how well the AA negotiations with Moldova were going, especially with respect to the pragmatic and proactive attitude of authorities in Moldova in comparison to other EaP states. However, even before the eruption of Moldova's governmental crisis in January 2013, the EU had announced that the AA could no longer be ratified in 2013 due to administrative delays. This caused great disappointment among senior government officials in Chişinău, where it had long been clear that success at the summit in Vilnius was imminent. In all likelihood, the AA will be initialled in Vilnius this year, then ratified in 2014. Still, it is not yet clear how the political crisis in the Republic of Moldova will affect the positions of the EU member states' on the AA ratification process. As has been seen in the case of Ukraine, the EU can delay this process for a long time if member states have reservations about the political situation in a partner country.

2.2 The Path towards a Deep and Comprehensive Free Trade Agreement between Moldova and the EU

The DCFTA is one of the core elements offered by the EU within the framework of the EaP. It is an integral

part of the AA and aims to propel trade liberalisation by eliminating tariffs and trade quotas. Although the EU-Moldova DCFTA would have a minimal impact on the EU due to the comparatively small size of Moldova's economy, the agreement would have a significant influence on Chişinău given that currently just under 51 per cent of Moldova's exports are sent to the EU while 55 per cent of all imports come from the EU (European Commission 2013a). Increased competition from the EU after the DCFTA takes effect will put a lot of pressure on Moldova's domestic industry in the short term, but several estimations indicate that Moldovan exports in the EU will go up by around 16 per cent in the medium term, thereby generating an additional GDP growth of more than 5 per cent (Radeke 2012:3).

Unlike the AA negotiations, the DCFTA negotiations between the Republic of Moldova and the EU were tied to a number of reform conditions. In 2010, the EU first specified a wide range of prerequisites for beginning the DCFTA negotiations, which encompassed demands for reform in 13 trade-related legislative areas, such as ownership rights and competition law. Once Moldova fulfilled these prerequisites, negotiations officially began in March 2012. As of June 2013, all technical questions have been answered, Moldova's agreed upon milestones achieved and the negotiations on all 14 chapters concluded. The EU's demands were far more comprehensive than in previous negotiations of comparable agreements, comprising not only reforms of ownership rights and competition law, but also of the existing SPS standards, the elimination of customs barriers, the improvement of trade statistics, etc. The EU came up with specific success indicators for each of the different areas. In the area of sanitary and phytosanitary standards (SPS), for example, it called for the enactment of a law to create a Moldovan food safety authority, the development of a multi-year food safety strategy and the effective implementation of this strategy.

Although the EU and Moldova had their share of small disagreements along the way, the negotiations proceeded in an overall satisfactory manner for both parties. Brussels was clearly impressed by Moldova's eagerness to pass reforms while, even after the political crisis hit in January 2013, the authorities in Chişinău

did everything in their power to push forward the implementation of the previously agreed on measures. These political events have hardly had a recognisable impact on the fairly technical reform and negotiation process surrounding the DCFTA.

The EU's positive assessment of the DCFTA may well reflect reality in various areas, but there are more difficulties on the whole than officially acknowledged. Despite the fact that a large number of laws have been passed in Moldova in record time within the framework of the negotiations, Chişinău's limited institutional capacities are a frequent source of problems when implementing the laws. Take, for example, the National Agency for Food Safety: although it began operating in January 2013, its laboratories still lack many necessary resources. The entire agency is fighting for its financial survival and, like other institutions in the country it is at times incapable of paying its employees for stretches of several months. Moldova also faces similar challenges in its reform of fiscal and competition policy. But, despite these difficulties and the political crisis itself, both parties still plan on initialling the DCFTA at the summit in Vilnius before the agreement is ratified along with the AA in 2014.

2.3 The Visa Dialogue between Moldova and the EU

One of the main incentives for Moldova's involvement in the EaP is visa liberalisation with the EU. Taking into account that up to 20 per cent of the Moldovan population live and work either legally or illegally in the EU (Mosneaga 2012), the simplification of visa requirements would be by far the most tangible achievement of the EaP for Moldovans. The ultimate goal of both parties is an agreement that would allow Moldovans to spend three months in the EU without having to apply for a visa. A mobility partnership and several visa facilitation agreements have already been signed in the process. The most recent amendments from 1 July 2013 make it easier for certain people, such as journalists and employees of non-governmental organisations, to apply for a visa.

Different from the AA and the DCFTA process, the path towards realising a visa-free regime between

Moldova and the EU does not entail negotiations. Instead, the two partners initiated a visa dialogue in 2010. Within that context, they signed an action plan in 2011 specifying the indicators for reforms to be carried out by Moldova in four areas: 1) document security, 2) irregular migration, 3) public safety and 4) foreign relations and fundamental rights. The action plan is split into two phases: the first phase focuses on legislation, the second on how effectively it is being implemented. The EU has been keeping regular tabs on the progress in all areas and, at the end of the second phase, will have the opportunity to make a recommendation to the European Council, which will make the final decision of whether to adopt the visa liberalisation agreement with Moldova or not.

Until now, Brussels had been giving Chişinău overwhelmingly positive scores on its reform efforts. From the EU's point of view, the passing of an anti-discrimination law marked one of the most important milestones of these efforts. The law providing, inter alia, sexual minorities with better protection from discrimination was passed despite having met with months of vehement opposition within parliament and from the Orthodox Church. Additional demands on behalf of the EU included intensified efforts to fight corruption and, to that effect, the Moldovan government adopted a comprehensive legislative package, an anti-corruption strategy and an action plan in the 2011/2012 term. During that time, the National Anti-Corruption Centre was also restructured, an action that certainly did not go unpraised in the EU's progress reports. However, during the implementation of the 2012 reforms and the political crisis of 2013, it became clear that the incomplete and ineffective implementation of laws, even in the aforementioned fields, is still one of the main problems of the state institutions of the Republic of Moldova. The disclosure of the secret decisions made about the allocation of public office posts showed that even parts of the elite themselves had hardly any interest in actually implementing the adopted strategies. Dirk Schübel, head of the EU Delegation to the Republic of Moldova through September 2013, has called this persistent corruption – also within the AEI – Moldova's biggest problem (Kommersant.md 2013a). Perpetual corruption is not only found among the political elite, but also on the administrative level in institutions such as the Moldovan

passport office (or *Registru*), which is why several EU member states are still critically opposed to a visa-free regime with Moldova.

Although EU expert missions assessed the implementation of the reforms in the four areas of the visa action plan positively in early 2013 (European Commission 2013b), the aforementioned set of problems still raises the question as to whether the EU member states will ultimately approve an agreement and how quickly they will do so. The European Council's decision on visa liberalisation with Moldova remains de facto a political one. In June 2013, Dirk Schübel stressed that, while a visa-free regime through the end of 2014 was possible, it would ultimately depend on the democratic development of Moldova (Komersant 2013a) – a statement often heard from Brussels in these or similar terms, leaving the EU ample room for manoeuvre.

2.4 Transnistria, Russia and the EU Integration of the Republic of Moldova

The still unresolved Transnistria conflict is another factor that shapes the complex relations between Brussels and Chişinău within the framework of the EaP in the three core areas listed above.² Although representatives of Transnistria were invited to the DCFTA negotiations as observers, the de-facto government from Tiraspol, Transnistria's capital, has still not shown any interest in implementing the reforms necessary for the DCFTA (Gotisan 2013). Currently, Transnistria's exports to the EU, which make up just under 40 per cent of Tiraspol's formally registered international trade, are profiting from the Autonomous Trade Preferences (ATP) between the Republic of Moldova and the EU. These will be, however, suspended after the ratification of the DCFTA. The EU has given Transnistria until 2015 to implement the reforms necessary for a DCFTA with Brussels. Should it choose not to, the DCFTA will only be implemented in the re-

gion controlled by the Republic of Moldova. According to an internal study by the EU Commission, that would reduce Transnistria's GDP by up to 5 per cent in the middle term.

Initially, there were also a number of unresolved issues related to the visa liberalisation process. For instance, it was unclear how Moldova would handle border control along its eastern boundary or deal with the residents of Transnistria who did not have travel documents. These issues have since been resolved to the extent that the Transnistria conflict is no longer an obstacle for the adoption of the various Moldova-EU agreements, at least from a technical standpoint. What remains open, however, is whether the aforementioned problems will lead to an aggravation of the political crisis between Chişinău and Tiraspol.

Furthermore, it is also important to understand Transnistria's role in the EU integration process of Moldova in view of Russia's influence in the country. With regard to the EaP summit in Vilnius this November, Russia has recently stepped up its attempts to counter the pro-European involvement in Chişinău by way of the Transnistria conflict. This has included intensified provocations in the conflict region since spring 2013 on the one hand and Tiraspol's formally adopted plans to integrate Transnistria into the Eurasian Customs Union on the other.³ Since Russia officially recognises Moldova's territorial integrity, it is also trying to rally support for the Customs Union from Chişinău's political elite. In June 2013, Russian representatives introduced their integration project for the first time also in the Moldovan capital. Aside from the Communist Party, no other political party in Moldova has shown any interest in the offer to join the Customs Union – not least because of the 2.7 times increase in EU import taxes it would entail (Central European Policy Institute 2013). Russia's core message remains, however, that a reintegration would only be possible if Moldova abandoned the EaP-related agreements and joined the Eurasian Customs Union.

2. The separatist region of Transnistria broke away from the Republic of Moldova in the early 1990s and declared its independence. While Transnistria is supported by the Russian Federation, it is not acknowledged on an international level. Under international law, it is still recognised as belonging to the Republic of Moldova. For detailed information on the Transnistria conflict, see, e.g. Troebst 2003. For an in-depth analysis of the current and potential role of the EU in Transnistria, see Rinnert/Parmentier 2013.

3. The Eurasian Customs Union is part of the Russian project of creating a Eurasian Union, offering its member states (which currently includes Russia, Belarus and Kazakhstan) duty-free transactions, intensified cooperation on trade issues and a framework to unify standards.

2.5 The Role of the EU in the Republic of Moldova

As part of the EaP agenda, the EU has actively supported Moldova in the aforementioned reform efforts. The European Neighbourhood and Partnership Instrument (ENPI) alone was responsible for distributing more than 270 million Euro in Chişinău between 2011 and 2013 (just under five per cent of Moldova's GDP in 2012). The country also received other EU grants, such as the 28 million Euro from the Eastern Partnership Integration and Cooperation programme (EaPIC) to implement the ENP's principle of conditionality more rigorously. All told, the total amount of financial support from the EU had increased fivefold since 2006.

Though this might sound positive at first, it turned out to be one of the biggest problems of Brussels' approach in Moldova. Due to the comparatively small size of Moldova's GDP, it has grown increasingly difficult for the country's state institutions to absorb the large, and ever-larger, amounts of EU funds. Simultaneously, there were incidents where, for example, parts of sector-specific budget support disappeared, which should not have been kept secret from the EU. In its efforts, the EU has focused (too much) on legislative reforms and, in doing so, has failed to concentrate on sustainable capacity development and, more importantly, fixing structural problems, e.g. in the public administration. In frame of the DCFTA negotiations between the EU and the EaP partner countries, the latter need to harmonise almost 95 per cent of the European *acquis* with their own legislation on economic and trade-related issues (Benč/Bilčík/Duleba 2012).

The considerable number of reforms did, indeed, bring about perceptible successes in Moldova, in no small part thanks to the EU and its funding. However, the hymns of praise from the EU and the amount of financial aid it had provided since 2010 did not match up with the actual conditions in Moldova. The EU's desire to produce at least one positive example of the EaP – in particular after the regime change in Ukraine and Georgia, the EaP's former »model countries« – was one reason for its insistence upon Moldova's success. This insistence also manifested itself during

the 2013 political crisis when the EU firmly urged the quarrelling parties in Moldova's parliament to form a new ruling coalition so as to avoid re-elections and a Communist Party takeover – knowing quite well that doing so would enable controversial politicians like Plahotniuc to stay in the centre of state power. At the same time, Filat's ruling coalition also understood how to exploit the success story narrative and put pressure on Brussels for their own benefit.

3. Public Opinion and Domestic Political Dispute

Over the course of the crisis, the EU lost support from the general public and various social stakeholders. This is principally because the Filat administration was closely connected to the European integration project and many people were disillusioned by the corruption within the AEI, the extent of which has since been revealed. The term »European integration« has lost its currency in the Republic of Moldova because, although it has been publicly debated for quite some time, most citizens have not seen any concrete results. The journalist Vladimir Soloviev points out that an increasing number of Moldovan citizens are asking »who these people are who can talk about the Moldovan success story if they have seen the reality in the country, if they have ridden down its derelict streets; if they have seen judges, lawyers and officials living in expensive villas« (Kommersant.md 2013a).

Surveys show that the population's trust in the government and the parliament has dropped to an all-time low. In April 2013, only 15 per cent of respondents said that they trusted the government »very much« or »somewhat«, while even fewer people – a mere 13 per cent of the population – said they trusted the justice and court system (Institute for Public Policy 2013). Hand in hand with the crisis, the support for EU integration has sunken in comparison to the previous years. In May 2013, 36 per cent of all Moldovans still believed that the pro-European path should still be a priority for their country, while another 36 per cent emphasised that they thought the country should take a pro-Russian path instead (IMAS 2013). In any case, both sides agree (77 per cent of the respondents, making it a record-high level) that

Moldova is generally moving in the wrong direction. In the current political constellation, the Communist Party is reaping the most benefits from the population's growing discontent. In recent surveys taken after the crisis, support for the CP rose by 10 per cent to 39 per cent, whereas the support for the three governing parties dropped to 12.6 per cent (Liberal Democrats), 8.6 per cent (Democrats) and 7.5 per cent (Liberals) (IMAS 2013). The crisis has also affected the CP's attitude towards European integration, despite the fact that the party of the former Prime Minister Vladimir Voronin had, in his day, set the course for Moldova's active participation in the EaP. For example, when EU Commissioner for Enlargement Štefan Füle's visited Chişinău in May 2013, Voronin refused to attend a meeting with him because Füle had spoken out in favour of the equal rights of sexual minorities at a rally. Voronin publicly stated that Moldova would not want to take part in an EU integration based on such values (Panorama.md 2013). Shortly thereafter, a motion made by the CP to abolish the newly passed anti-discrimination law failed in parliament. At the same time, Russia has been upping its support for Voronin and his party since early 2013. In an interview with a Russian news channel, the party's chairman stated that he saw the future of Moldova in the East and would work towards Moldova's accession to the Eurasian Customs Union – a statement that more than 50 per cent of the Moldovans backed in spring 2013 (BBC Russia 2013).

The Orthodox Church, currently trusted by more than 82 per cent of the population, also recently criticised the European integration process because of the demands to protect minorities. By means of such propaganda, this »unholy alliance« (the term used to describe the relationship between the CP and the Orthodox Church) has been gaining more and more popular support.

4. Outlook: Opportunities and Risks after Vilnius

What is the outlook for the Republic of Moldova in the EaP? First of all, the advancement of the republic's integration process strongly depends on the political developments that will take place in the country in

the next few months. At the moment it is hard to say whether the fragile new ruling coalition under Leancă will be maintained until the parliamentary elections in 2014. Even if it does hold, it is not unlikely that the Communist Party will ascend to power at the next election based on the current survey results. Brussels and the member states should take this scenario into consideration. It is still necessary to engage in a dialogue with the CP, especially if the EU wants to prevent Moldova from completely rejecting the path of EU integration in the case of a Communist government. This is also important in light of the increasing Russian involvement in Chişinău. In the run-up to the EaP summit, Russia is not only increasing its support of the CP and soliciting Moldova to join the Eurasian Customs Union, but also intensifying the targeted use of its soft power mechanisms. For example, as part of the »Victory Day« celebrations on 9 May 2013, the Russian embassy hosted huge crowds of people at an event of unprecedented dimensions in the centre of Chişinău (Kommersant.md 2013b).

From the EU's perspective, as described above, the Moldovan integration process must be re-evaluated regardless of the changes that take place in the government. Aside from adjusting its outlook on the political situation in Moldova, Brussels should, above all, be analysing how the instruments of the EaP could be used more effectively in the country and how to take into account the financial absorption limits of the Moldovan state institutions. The focus should be on targeted interventions of structural problems, e.g. in the public administration, and clear, tangible changes for the population.

Despite re-evaluating the situation, the EU cannot be left empty-handed at the summit in Vilnius. In addition to its praise of Chişinău's various reform efforts, the EU has called so much attention to the Moldovan success story that a summit without concrete results for Moldova would jeopardise the EaP's credibility in Chişinău and beyond. Considering the current situation, the best compromise would be an initialling of the DCFTA and the AA with the chance to ratify them in spring 2014. Simultaneously, Brussels should be developing a medium-term strategy for the time after this ratification. The passing of the AA, the DCFTA and the visa liberalisation agreement was often por-

trayed as a kind of resolution for the EaP partner countries, yet legal implementation of the agreements is only an intermediate step in the European integration process.

Independent of the policy in Brussels, the Republic of Moldova faces an uncertain future in the wake of

the 2013 government crisis. Although the EU can and should exercise its power via the EaP to ensure that the local state elite puts the public welfare before defending special interests, the most crucial steps in that direction must be taken by Chişinău itself.

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About the Author:

David Rinnert is a policy analyst and publishes articles on governance and development in the post-Soviet region. As part of his studies in Berlin, New York, Paris, London and Tbilisi, he worked as a Junior Professional in the GIZ office of the Republic of Moldova in 2012/13.

Imprint

Friedrich-Ebert-Stiftung | Department of Central and Eastern Europe
Hiroshimastr. 28 | 10785 Berlin | Germany

Responsible:
Dr. Reinhard Krumm, Head, Department of Central and Eastern Europe

Tel.: ++49-30-26935-7726 | Fax: ++49-30-26935-9250
<http://www.fes.de/international/moe>

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