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# Shadow Report no. 1

Evaluation of the progress of the Republic of Moldova regarding the implementation of the recommendations of the European Commission in the context of the accession process to the European Union

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## Table of Content

Abbreviations	3
Methodology	4
Executive summary	5
Democracy	13
Public Administration Reform	32
Justice reform	38
Fighting against corruption	46
Fundamental rights	51
Freedom of expression	65
Security	70
The existence of a functioning market economy	74
Public procurement	89
Statistics	94
Financial control	100
Social and employment policies	105



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## Abbreviations

AIS RSAP	Automated information system “Public Procurement State Registrar”
CARM	Court of Accounts of the Republic of Moldova
CPA	Central Public Authorities
CSA	Cyber Security Agency
EU	European Union
FDI	Foreign Direct Investments
GD	Government Decision
ICSP	Interministerial Committee for Strategic Planning
ICT	Information and Communication Technology
INTOSAI	International Organization of Supreme Audit Institutions
LPA	Local Public Authorities
MEDD	Ministry of Economic Development and Digitization
Mol	Ministry of Interior
MLSP	Ministry of Labour and Social Protection
MRC	Moldovan Railway Company
MTBF	Medium Term Budgetary Framework
NBS	National Bureau of Statistics
NCCCB	National Commission for Consultations and Collective Bargaining
NEAM	National Employment Agency
NECM	National Employers Confederation of Moldova
NIEL	National Institute for Education and Leadership
NTUCM	National Trade Union Confederation of Moldova
OLAF	European Anti-Fraud Office
OPL	Overhead power line
OSH	Occupational Safety and Health
PACC	National Programme for Promoting Entrepreneurship and Enhancing Competitiveness
PPP	Public Private Partnership
RCIP IS	“Register of Capital Investment Projects” Information System
SIGMA	Support for Improvement in Governance and Management
SMEs	Small and medium enterprises
SRA	State Road Administration
UN	United Nations
VAT	Value Added Tax



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## Methodology

In the context of the Republic of Moldova obtaining the EU candidate country status for accession to the European Union, the European Commission published, in November 2023, the detailed Report on Moldova regarding the progress, challenges and recommendations for the accession process<sup>1</sup>. The report covered all the chapters of the EU Acquis to be negotiated between Chisinau and Brussels in the framework of the accession negotiations, including specific recommendations for each chapter deriving from the main challenges identified by the Commission.

This report evaluates how the Commission's recommendations from the chapters of the “Fundamentals” cluster of the accession process were taken into consideration by the authorities of the Republic of Moldova. The purpose of the report is to evaluate the dynamics of the reforms implemented by the Moldovan government in the implementation of the fundamental chapters of the accession process and, at the same time, to inform the drafting process of the European Commission's first enlargement report for the Republic of Moldova, which is to be published in the autumn this year. The monitoring period is 1 July 2023 – 30 June 2024. The topics and chapters monitored in this report are (according to the European Commission Report of November 2023) as following:

- Democracy
- Public administration reform
- Justice System Reform
- Fight against corruption
- Fundamental rights
- Freedom of expression
- Security
- The existence of a functioning market economy
- Public procurement
- Statistics
- Financial control
- Social and employment policies

Progress on the implementation of each recommendation made by the Commission in the November 2023 Report will be assessed according to the following scale:

Evaluation of the degree of achievement	Score	Meaning
Implemented flawlessly	5	The recommendation was implemented in accordance with the legal provisions on legislative procedure and transparency in the decision-making process. The content of the adopted normative act or the actions taken are consistent with the spirit or purpose of the action.
Implemented with some reservations	4	The recommendation was implemented with some insignificant reservations 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	Implementation of the recommendation has been initiated and some noticeable progress has been achieved.
Initiated but no noticeable progress	2	The implementation of the recommendation has been initiated, but no noticeable progress has been observed.
Uninitiated, although some commitments have been made	1	The implementation of the recommendation has not been initiated, but some public discussions have taken place, some public commitments have been made, or the implementation of the recommendation has been planned for the NEAMr future.
Total lack of measures	0	No measures have been initiated to implement the recommendation.

<sup>1</sup> Republic of Moldova 2023 Report, Commission Staff Working Document, [https://neighbourhood-enlargement.ec.europa.eu/document/download/d8ef3ca9-2191-46e7-b9b8-946363f6db91\\_en?filename=SWD\\_2023\\_698%20Moldova%20report.pdf&prefLang=ro](https://neighbourhood-enlargement.ec.europa.eu/document/download/d8ef3ca9-2191-46e7-b9b8-946363f6db91_en?filename=SWD_2023_698%20Moldova%20report.pdf&prefLang=ro)

## Executive summary

The average score for the implementation of the European Commission's recommendations related to the “The Fundamentals of the accession process” cluster is estimated at 3.2 points out of maximum 5 points. According to the methodology, the score corresponds to the qualification “Implementation has been initiated and some noticeable progress has been achieved”. Thus, on the one hand, we appreciate the fact that the implementation of the recommendations is underway, albeit at variable speeds, and on the other hand, we pay attention to the need to boost the implementation of the recommendations and ensure the continuity of the key reforms that are part of the “Fundamentals” cluster.

The most important progress was recorded on the “Security” dimension, while the slowest progress – on the “Freedom of Expression” dimension. This situation reflected the recent state of affairs domestically, with the authorities prioritizing the need to strengthen the internal resilience in the context of external threats associated with Russia's military aggression in Ukraine, but also Russia's hybrid aggression in the Republic of Moldova. At the same time, several problems in the field of media have been perpetuated: low level of protection of journalistic activity in the face of attacks, low level of transparency of ownership and effective beneficiaries in the field of media and ensuring journalistic fairness, and the multitude of gross deviations from the provisions of the journalists' Code of Ethics in the Republic of Moldova.

**The main conclusions related to the monitored chapters are the following:**

### Democracy

- On October 4, 2023, the Parliament of the Republic of Moldova adopted, in two readings, draft law no. 280/2023 for the amendment of the Electoral Code of the Republic of Moldova. Among the main provisions of the draft law was the prohibition of the right to be elected for individuals who, “at the date of the Constitutional Court's decision declaring the unconstitutionality of a political party. On March 26, 2024, the Court adopted a Decision declaring the Law no. 280 of October 4, 2023 unconstitutional. Among the reasons invoked by the Court, was the fact that “a measure disproportionate to the legitimate aim pursued as established”, without providing “sufficient guarantees able to ensure a fight against arbitrariness”. In the following period, the authorities need to ensure the amendment by the Parliament of art. 16, para. (2) lit. f), by fully transposing the recommendations of the Venice Commission/ODIHR.
- In the period 2023 - 2024, the structure of the CEC Apparatus was consolidated by increasing the number of personnel units from 53 to 63 employees. At the same time, the process of selection by competition and appointment of the presidents with permanent status of the second-level constituency electoral councils was started. In the second half of 2023, the hiring procedure for 34 candidates, who passed the competition for the position of president of those councils, was completed. One of the main constraints is the frequent change in the composition of the lower electoral bodies. In the context of the elections in the coming years, it is a priority to strengthen the human, technical and financial resources of the CEC on the IT dimension, but also to supplement efforts to ensure cyber security and supervise the financing of political parties and electoral campaigns.
- At the beginning of 2023, in the context of the entry into force of the provisions of the new Electoral Code, a series of changes were made related to the financing of political parties in the Republic of Moldova. At the same time, the institutional capacities of the CEC were strengthened by creating, within the institution, the Supervision and Control Directorate regarding the financing of political parties and the electoral campaign, but also by increasing the number of electoral officials responsible for monitoring and evaluating the financing of political parties, especially at the local level. Checking and sanctioning illegal practices of collecting financial donations from fictitious donors remains one of the current challenges for the electoral authorities. Under this aspect, it is necessary to strengthen the capacities and fully engage electoral officials

at the local level in the process of data collection, monitoring, verification and evaluation of the financing of political parties and electoral campaigns.

### **Public administration reform**

- Regarding the Public Administration Reform Strategy, the main achievement consists in the adoption of the legal framework for the voluntary amalgamation of administrative-territorial units and in starting the preliminary stages of this process. The biggest challenge remains the lack of substantial incentives to increase motivation for voluntary amalgamation. The main priority is, therefore, the creation of additional and sustainable incentives for local public authorities, in order to accelerate this process.
- With regard to the completion of the salary reform plans, the main achievement was the increase of the reference values for calculating the salaries of employees in the budget sector. However, the measures adopted were fragmented and operated in the context of reform measures and various policy priorities. In this context, it is necessary to financially ensure the salary policy measures and a uniform approach for all civil servants.
- The action plan for 2023-2025 regarding the implementation of the Public Finance Management Development Strategy was approved in December 2023. In terms of strengthening inter-institutional coordination and improving the quality of dialogue with stakeholders, the Ministry of Finance regularly organizes meetings with representatives of business, trade unions, local and central public authorities, etc. Although public participation during budget preparation is satisfactory, there are not enough possibilities for the public to monitor the execution of the budget, the dialogue of the Ministry of Finance with vulnerable and underrepresented communities is not active enough, while the public is not sufficiently involved in the parliamentary hearings on the draft budget. The Ministry of Finance must pilot mechanisms to monitor budget execution and engage more actively with vulnerable and underrepresented communities, while the Parliament should allow any member of the public to have their say in hearings on the draft budget before it is approved.

### **Justice Reform**

- A major achievement was the formation of the new composition of the Superior Council of Magistracy (SCM) and the Superior Council of Prosecutors (SCP), from among the candidates who passed the extraordinary evaluation procedure, as well as the start of the extraordinary evaluation process of judges and candidates for the position of judge at the Supreme Court of Justice and Courts of Appeal. Among the main constraints are the long processes of evaluating the candidates for the position of member of specialized Colleges of the SCM and SCP, as well as the evaluation of candidates for the vacant positions in the CSM. The main priority is to speed up the procedures for the extraordinary evaluation of candidates for the position of member of SCM and to fill the remaining vacancies in the Council, as well as to speed up the procedures for the extraordinary evaluation of candidates for the position of member of specialized Colleges of the SCM and SCP and their operationalization.
- Another important achievement was the adjustment of the legal framework related to the activity of the National Institute of Justice (NIJ), in particular by introducing a mechanism for verifying the integrity of candidates for the NIJ. In addition, it should be mentioned the adoption of the law on the new judicial map. However, it remains a challenge to implement the mechanism for verifying the integrity of candidates for the NIJ regarding its application in relation to candidates for the position of judge/prosecutor based on seniority. Another challenge relates to the need to coordinate the judicial map with the location map of the prosecutor's offices. Among the main priorities are the clear regulation of the aspects related to the verification of integrity of the candidates for the position of judge/prosecutor based on seniority at the stage of the graduation exam, as well as the aspects related to challenging the decisions of the Admission/Graduation Commission based on non-compliance with the integrity criteria.



- An important achievement is the adoption of the legal framework related to the process of selection and performance evaluation of judges, as well as the operation of legislative changes in order to make the process of selection, evaluation, and disciplinary responsibility of prosecutors more efficient. The biggest challenge lies in the long process of extraordinary evaluation of candidates for membership in the SCM and SCP Specialized Colleges, which already lasts for more than 2 years. The most important priority is the operationization of the specialized Colleges under the SCM and SCP.

### **Fight against corruption**

- The National Integrity and Anti-Corruption Programme for 2024-2028 was adopted, as well as the Action Plan for its implementation. The major challenges include failure to correctly identify the problem and indicators for all objectives, as well as incomplete cost estimation. The priority is to correctly identify the origin of problems and causes in the process of carrying out the activities, in order to ensure appropriate intervention measures, as well as the appropriate financing of the actions.
- An important achievement is the separation of the Anticorruption Prosecutor's Office from the National Anticorruption Centre, and the start of the process of its institutional consolidation. However, the biggest constraint remains the lack of sufficient institutional capacities for the effective prosecution by the Anticorruption Prosecutor's Office, as well as the lack of an adequate headquarters with optimal working conditions. The main priority is to strengthen the institutional prosecution capacities of the Anticorruption Prosecutor's Office and relocate it to an appropriate office.
- It should be mentioned the full or satisfactory implementation of 6 recommendations and the partial implementation of 10 recommendations out of the 18 recommendations formulated during the 4<sup>th</sup> round of the GRECO evaluation. The most important constraint noted by GRECO is the need to verify the integrity of persons with top management positions (PTEF) during the recruitment stage. The main priority remains the implementation of the recommendations of the GRECO Fifth Evaluation Round Report, as well as the elimination of the backlog of the GRECO Fourth Evaluation Round Report.

### **Fundamental rights**

- In 2023, the Government approved the National Programme on preventing and combating violence against women and domestic violence for 2023-2027, allocating a budget of MDL 19.8 mln for the implementation of 90 specific actions aimed at reducing the prevalence of violence. However, a major constraint is the persistence of gender biases and stereotypes among authorities and society, which limit the accountability of perpetrators and the effective implementation of protection measures. We recommend the implementation and monitoring of the new national programme on preventing and combating domestic violence and violence against women for the period 2023-2027, ensuring adequate resources and the active involvement of all stakeholders.
- The Government has started the implementation of the Government Decision no. 576 of August 3, 2022, which provides for a support programme for the Roma population in the period 2022-2025, with measures for social inclusion and combating discrimination. The main constraint in this regard is the persistence of discriminatory attitudes towards the Roma, including on the part of civil servants, which continue to lead to social exclusion, particularly affecting Roma women and children. In this regard, we recommend the full implementation and rigorous monitoring of the support programme for the Roma population 2022-2025, ensuring equal access to housing, education, health and social services, and actively combating discrimination and segregation.
- The Government of the Republic of Moldova has started the implementation of the amendments to the Criminal Code and the Contravention Code, and established special commissions for the implementation of the Amnesty Law, aiming of reducing prison overcrowding. The main constraint in this respect concerns the chronic understaffing of the prison system, which contributes to the maintenance of the informal hierarchy

of prisoners and the inability to provide a safe environment for incarcerated persons. It is necessary to combat the phenomenon of informal hierarchy and prevent violence and intimidation between prisoners, through determined and systematic measures, including the recruitment and training of prison staff, the removal of informal leaders and ensuring a fair distribution of prisoners in cells.

### **Freedom of expression**

- The problems in mass media have been perpetuated: low level of protection of journalistic activity in the face of attacks, low level of transparency of ownership and final beneficiaries in the field mass media and ensuring journalistic fairness and the multitude of gross deviations from the provisions of the journalist's code of ethics in the Republic Moldova. In these respects, the report comes up with a series of recommendations, namely: for politicians and representatives of central and local authorities to refrain from practices of intimidation of journalists and to ensure disciplinary action for officials who admit abuses in relation to journalists; for the authorities to advance the discussions initiated in 2024 on the topic of improving the regulatory framework of the legal regime of ownership of written and online media institutions in order to ensure ownership transparency and promote media pluralism. The Press Council, registered as a separate legal entity in November 2023, needs to be institutionally strengthened in order to be fully involved in the process of improving the self-regulatory mechanisms of media institutions, especially online ones, which admit gross deviations from the provisions of the journalist's Code of Ethics in the Republic of Moldova.

### **Security**

- In March 2024, the Security Partnership between the Republic of Moldova and the EU was signed, a political agreement that provides for the advancement of existing format of consultations in the field of security and defence to address specific security and defence issues, but also to explore new possibilities of cooperation and exchange of information between security agencies in Chisinau and European capitals. One of the main constraints relates to the operationalization of the legislative and institutional framework regarding crisis management, emergency situations and countering hybrid threats. Although there is currently a working group aimed at preparing a concept and a consolidated legislative framework in this regard, coordination between different institutions in analysing, identifying and managing crisis situations and hybrid threats remains necessary.
- As a priority, the authorities must intensify the exchange of information between the security and intelligence agencies of the Republic of Moldova and the EU member countries. At the same time, it is necessary to expand the financial and technical assistance of the EU for the institutions in the Republic of Moldova responsible for crisis management, combating hybrid threats and strategic communication.
- On March 16, 2023, the Parliament of the Republic of Moldova voted in its final reading the draft law on cyber security no. 48/2023, the provisions of which will enter into force on January 1, 2025. The law, developed with the support of external partners, regulates the institutional framework in the field of cyber security, delimiting the competences of relevant institutions and establishing a series of mechanisms for managing cyber security crises. Although the Republic of Moldova has made important progress in terms of the development of the legislative framework and policies in the field of cyber security, the main challenge at present consists in the operationalization of all processes and work mechanisms, in order to ensure an effective coordination of the responsibilities of each institution in this field. In this sense, it is necessary to strengthen the technical capabilities and human resources within the National Agency for Cyber Security, but also to ensure effective institutional cooperation between the National Agency for Cyber Security, the Intelligence and Security Service and other government institutions, to ensure the identification and assessment of potential risks to the cyber security of the Republic of Moldova.



## **The existence of a functioning market economy**

- Within the Ministry of Finance, the Working Group for public capital investments, which examines and confirms the eligibility of new investment projects, was established; the portfolio of capital investment projects for 2021-2026 was developed and updated; the development of the new “Capital Investment Project Registry” Information System was completed; the training of the CPA representatives on the functionality of the system was carried out. The national mechanism for evaluation, selection and monitoring of public capital investment projects is yet to be fully implemented. In this sense, a major priority is to increase the transparency of the results of the evaluation of investment projects by publishing the feasibility studies of public investment projects on the official pages of the CPA and establishing a post-implementation project reporting system.
- The Programme on State Public Property Management for 2024-2027 implementing the State Property Strategy was published for public consultation and the National Economic Development Strategy 2030 was approved. However, the State Property Strategy continues to remain a document only formally approved. Consolidation of the state's presence in the economy also continues through the inclusion in the list of assets that are not subject to privatization of the road maintenance enterprises and the merger of the ten “Roads” JSC” with the State Road Administration State Enterprise for the creation of a giant road maintenance enterprise: “National Road Administration” JSC. In this sense, it is necessary to continue the denationalization process and complete the transition to the market economy, including by improving the governance of state companies and strengthening the institutional capacities of the authorities responsible for the administration and denationalization of public property.
- The development of reform visions with concrete actions for both NEAM and SLI, which are being implemented, represents the main achievement in mitigating the labour market weaknesses. High rates of inactivity and informality are the main challenges, and maintaining continuity in reforming key institutions and strengthening the role and impact of active employment measures are required as a matter of priority.
- Dual education becomes possible also within the 1st cycle of university education, while persons who are not graduates of higher pedagogical studies also have access to teaching positions, provided they complete the psycho-pedagogical module within no more than 2 years after taking up the teaching position. This is complemented by the Education Code Reform and the establishment of the National Institute of Excellence and Leadership in Education (NIEL), which are important measures to increase the quality of the domestic education system. However, the salary of teachers, especially university teachers, remains insufficient to attract and maintain professionals, while the low level of education of the workforce, coupled with the gap between the demand for skills on the labour market and the supply of the workforce, seriously affects the competitiveness and attractiveness of the national economy. In this sense, it is necessary to increase the performance of the local education system by: i) attracting and maintaining qualified personnel; ii) perpetuation of good practices and operationalization of the support network for teachers through NIEL; iii) reforming the school curriculum and textbooks; iv) reducing the gap between the demand for skills on the labour market and the labour supply by correlating the financing of technical vocational education institutions with the employment rate of graduates of those institutions.
- Significant progress has been made in facilitating interconnection with the EU electricity and natural gas market. Although investments in infrastructure construction and rehabilitation are increasing, the absorption capacity of these investments is still very low, and the railway infrastructure rehabilitation and road infrastructure maintenance are underfunded. Therefore, it is necessary to accelerate the pace of capitalization of the funds granted from external loans for infrastructure and to prioritize the planning and adequate financing of maintenance works to extend the life cycle of existing infrastructure and increase the efficiency of the public money use.
- The government recently approved the National Economic Development Strategy 2030 and the National Programme for Investment Attraction and Export Promotion (NPIAEP) for 2024-2028. The security risks in

the context of the Russian aggression remain the main challenge in order to attract FDI, and the operationalization of the NPIAEP provisions must be the main priority.

### **Public procurement**

- With regard to the adoption of the new public procurement programme, the recommendation was fulfilled by approving the National Programme for the Development of the Public Procurement System for 2023-2026 (August 2023). Regarding the implementation of the program, the main progress includes the development of draft normative acts to harmonize the national legislation with the EU legislation, capacity development of the personnel responsible for public procurement and the development of the of AIS RSAP "MTender" functionalities. For the full implementation of the programme, a series of measures need to be carried out, including: further harmonization of legislation, re-engineering of the electronic procurement system, quality assurance of the award documentation, redesign of the way of monitoring the execution of contracts.
- Through the Regulation on low-value public procurement (in force from July 2023), the contracting authorities/entities were obliged to carry out the procedure for awarding the low-value contract through the "State Register of Public Procurement" AIS. In cases where direct procurement is allowed, the contracting authorities/entities were required to submit quarterly, to the AIS RSAP (MTender), information on such procurements. In this sense, the new functional of AIS RSAP (MTender) was developed, which allows the reporting of small value purchases made outside the electronic system. Thus, the legal and technological framework has been established, monitoring and analysis of low-value purchases carried out through AIS RSAP, and direct purchases reported through the system follows.
- Despite the numerous vulnerabilities of the draft law to amend the Law on public-private partnership and the Law on the concession of works and services, which rather worsens than improves the existing framework, on 14.07.2023, the Parliament of the Republic Moldova approved the Law no. 193, which amended the Law no. 179/2008 on the PPP and the Law 121/2008 on concessions, and only a few months after the approval of these amendments, the branch ministry announces a new intention to amend the recently amended laws. At the same time, such frequent modification of the legal framework denotes an insufficient quality of the acts promoted and may affect the confidence of potential private investors in the public-private partnership as an investment vehicle. Therefore, we recommend the full transposition into the national legislation of the Directives 2014/23/EU and 2014/24/EU in order to avoid frequent changes to the laws regulating the way of organization and operation of public-private partnerships and concessions, as well as refraining from the concession of public property or the initiation of PPP by derogation from the provisions of the framework laws.

### **Statistics**

- In the year 2023, the National Bureau of Statistics successfully conducted the sample census of population and housing, as well as a post-review sample survey. The problems identified following the trial census and those reported by the evaluators have been resolved. In April 2024, the 2024 population and housing census was launched, which proceeded without major incidents despite the disinformation campaign launched against the pre-election background. As of 07.07.2024, 1,655,000 homes and 2,448,000 people were reviewed, and it can be assessed that the review process has been completed successfully. There are other stages to be completed during 2024-2026: carrying out the post-review survey, carrying out evaluation activities and ensuring the quality of the census works, processing the collected data, disseminating the preliminary and final results of the census, popularizing statistics and educating users.
- The main action carried out with a view to consolidating the NBS is the approval of the Government Decision no. 37 of January 17, 2024 for the amendment of Government Decision no. 935/2018 on the organization and operation of the National Bureau of Statistics. However, the non-competitive salary level with other

public institutions requires its review as a matter of priority in order to have competitive neutrality in maintaining and attracting specialists compare to other institutions in the public sector.

- The NBS regularly transmits new data sets to Eurostat — on demographic statistics, consumer price index, and transport statistics — and the main challenge remains to alleviate staffing problems within the NBS in order to attract qualified specialists to cope with requests for statistical data, becoming more complex and varied.

### **Financial control**

- In 2023, a new organizational structure of the Court of Accounts of the Republic of Moldova (CCRM) was approved. The CCRM developed a draft law on the amendment of art. 133 of the Constitution of the Republic of Moldova, which provides for all types of independence of the CCRM (organizational, functional, operational and financial), the statute of the CCRM and a reasonable duration of the mandate of the president of the CCRM. The main constraint is insufficient staff with audit duties, due to low salaries, as well as the low rate of implementation of CCRM recommendations by the audited entities. The government will ensure that the salaries of the CCRM employees are at least at the level of other institutions with a similar profile. The draft to amend art. 133 of the Constitution is to be consulted with the Constitutional Court, the Parliament, the Ministry of Justice, and the State Chancellery, and publicly discussed until the end of 2024.
- The MIA examined the feasibility of joining the Geneva Convention of 1929 and consulted with other relevant institutions on the next steps. The main challenge is who will be institutionally assigned the role of the Central National Office required by the Convention, and the priority remains to accelerate the accession procedures in cost-effective conditions.
- With regard to the creation of an anti-fraud cooperation body, through the changes made to the regulation on the organization and operation of the State Financial Control Inspectorate (SFCI), two new departments were created within the SFCI: the anti-fraud coordination department and the European funds control department. However, the National Anti-Fraud Network remains an institutionalized structure, and the specification of the role of the anti-fraud coordination at the level of government decision regarding the organization and operation of the State Financial Control Inspectorate could be insufficient to determine the effective coordination of all the institutions involved. In this sense, it is necessary to clarify how the anti-fraud coordination will be carried out by the State Financial Control Inspectorate and to include the reference to the national anti-fraud network in the domestic legislation.

### **Social and employment policies**

- An important achievement relates to the adoption of the Law no. 302 of October 26, 2023 for the modification of some normative acts (labour market) through which a series of mechanisms were introduced to stimulate employment. However, the main constraint remains the low and unmotivating salaries offered to the staff employed within the NEAM and its territorial structures. We recommend increasing work motivation, including by increasing the salaries of the staff within the NEAM and its territorial structures.
- Regarding the social assistance reform, we appreciate the adoption of the Law no. 256 of August 17, 2023 for the modification of some normative acts ("Restart" Reform of the Social Assistance System), through which an extensive process of reforming the social assistance system was started. The main constraint here, too, is the unattractive salaries for the staff trained in social assistance, which endanger the attraction and retention of qualified staff. Therefore, it is necessary to increase the salaries of the staff trained in the provision of social assistance.
- As regards the reform of the State Labour Inspectorate, a major achievement is the approval by Order of the Minister of Labour and Social Protection no. 72/2 of April 11, 2024 of the Programme to improve safety



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and health at work in fields with high risks of injury and illness (construction, agriculture, processing industry, transport, and storage) for 2024-2028. The constraints refer to the non-compliance of the Law on State Control over Entrepreneurial Activity no. 131/2012 and the Law on the State Labour Inspectorate no. 140/2001 with the provisions of the Conventions of the International Labour Organization (ILO) no. 81 on the Labour inspection in industry and trade and no. 129 on the Labour inspection in agriculture. In this sense, it is necessary to revise the legal framework in the field of state control over entrepreneurial activity and OSH, and adjust it to the international standards to which the Republic of Moldova is a party.

- Regarding the tripartite consultations, due to the insistence of the unions and the negotiations started during 2023, the amount of the minimum wage was increased by 25% starting from January 1, 2024. However, attention needs to be drawn to the problem of undermining by the Economic Council under the Prime Minister, through its activity in the labour and the social-economic fields, of the activity of the National Commission for Consultations and Collective Bargaining and its specialized councils, as well as the role of social partners in the development of the public labour and the social-economic policies, contrary to the international standards, principles, and practices in the field of social partnership, as well as to the national legislation in this field. It is necessary to develop, with the participation of the social partners, an action plan in order to cover with collective negotiations about 80 percent of employees, according to the EU Directive 2022/2041 on adequate minimum wages in the European Union.

## Democracy

Average score

3,3 out of 5 points

**Recommendation: Moldova needs to consult with the Venice Commission the latest changes to the Electoral Code, to ensure alignment of the provisions related to the electoral ban with European standards**

Score

3 out of 5 points

### Main developments

On October 4, 2023, the Parliament of the Republic of Moldova adopted, in two readings, the draft law no. 280/2023 amending the Electoral Code of the Republic of Moldova no. 325/2022<sup>2</sup>, which included a series of amendments to articles 16, 68, and 91 of the Code. Among the main provisions of the draft law was the prohibition of the right to be elected for individuals who, “at the date of the Constitutional Court's decision declaring the unconstitutionality of a political party, (1) were suspected, accused, indicted, or convicted of committing offenses that were mentioned by the Constitutional Court as arguments in the context of declaring the political party unconstitutional; (2) were excluded from a previous election as a result of violating the electoral law, and this fact was used as an argument in declaring the political party unconstitutional; (3) were guilty of committing acts that led to their inclusion in the international sanctions lists of international organizations or states, and this fact was used as an argument in declaring the political party unconstitutional<sup>3</sup>.

These restrictions were to apply for a period of three years since declaring a political party of unconstitutional. In this case, the amendments in question targeted, at the time of their adoption, the Constitutional Court decision no. 10 of June 19, 2023, declaring the “Shor” Political Party unconstitutional<sup>4</sup>. The draft law was voted on the day after, on October 3, the Constitutional Court declared unconstitutional<sup>5</sup> the amendments made to Article 16, para. (2) letter e) of the Electoral Code, voted through the draft law no. 232 of July 31, 2023<sup>6</sup>. These amendments also related to restricting the right to be elected for certain categories of individuals affiliated with the former “Shor” political party.

On October 27, 2023, the Parliament of the Republic of Moldova requested the opinion of the Venice Commission regarding the legislative changes adopted in the Electoral Code. The joint opinion of the Venice Commission and the OSCE/ODIHR<sup>7</sup> on this issue was published on December 18, 2023. The Commission welcomed the fact that in the draft law voted at the beginning of October, some provisions in the wording of the draft law no. 232/2023 were revised, such as: (1) reducing the period of application of restrictions on the right to be elected - from five to three years from the declaration of unconstitutionality of a political party, (2) introducing an individualized approach for the implementation of these restrictions and limiting the group of

<sup>2</sup> <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6676/language/ro-RO/Default.aspx>

<sup>3</sup> Idem

<sup>4</sup> <https://www.constcourt.md/ccdocview.php?tip=hotariri&docid=828&l=ro>

<sup>5</sup> <https://www.constcourt.md/ccdocview.php?tip=hotariri&docid=834&l=ro>

<sup>6</sup> <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6555/language/ro-RO/Default.aspx>

<sup>7</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)048-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)048-e)

citizens falling under the restrictions, and (3) introducing the possibility to challenge the decision of competent authorities by presenting evidence to the electoral bodies.

At the same time, the Venice Commission highlighted three recommendations for the Moldovan authorities: (1) providing a clearer and more precise definition of the criteria for restricting/limiting the right to be elected, by eliminating vague terminology, as well as how these criteria are applied to individuals who are “suspected, accused, or indicted” and limiting the right to be elected for individuals who, through their actions, have endangered the Constitution and the integrity of the democratic state and/or have actively pursued the (illegal) objectives of unconstitutional parties, (2) requesting that authorities demonstrate through relevant evidence, preferably based on a court decision, that individuals were involved in illegal activities related to the activities of a political party and that those activities have led to the unconstitutionality of that party, and (3) providing the targeted individuals with the opportunity to challenge before electoral bodies the presumption of involvement in illegal activities that led to the unconstitutionality of a political party<sup>8</sup>.

### **Constraints**

On October 16, 2023, five deputies elected on the lists of the “Șor” political party filed a petition with the Constitutional Court, requesting the review of the constitutionality of the draft law no. 280/2023, specifically the aforementioned provisions (art. 16, para. (2), letter f)<sup>9</sup>. On March 26, 2024, the Court adopted a decision<sup>10</sup> declaring the Law no. 280 of October 4, 2023, unconstitutional. Among the reasons cited by the Court were that “a measure disproportionate to the legitimate aim pursued is instituted”<sup>11</sup>, and that there were not “sufficient guarantees capable of ensuring the fight against arbitrariness”<sup>12</sup>. Until now, the Parliament of Moldova has not implemented legislative changes to ensure the transposition of the recommendations from the Venice Commission and the OSCE/ODIHR.

### **Priorities**

1. Amendment by the Parliament of art. 16, para. (2), letter f), by fully incorporating the recommendations of the Venice Commission/ODIHR;
2. Ensuring a broader, transparent, and inclusive process of public consultations on the new amendments to the Electoral Code, aimed at incorporating the recommendations of the Venice Commission/ODIHR.

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<sup>8</sup> Idem

<sup>9</sup> [https://www.constcourt.md/public/ccdoc/sesizari/226a\\_2023.10.16.pdf](https://www.constcourt.md/public/ccdoc/sesizari/226a_2023.10.16.pdf)

<sup>10</sup> <https://www.constcourt.md/ccdocview.php?l=ro&tip=hotariri&docid=851>

<sup>11</sup> Idem

<sup>12</sup> Idem



**Recommendation: The authorities need to implement the electoral legislation by strengthening the Central Election Commission with sufficient authority, resources and technical expertise to carry out its work effectively**

Score

4 out of 5 points

### Main developments

According to the provisions of art. 34, para. (1) of the new Electoral Code no. 325/2022<sup>13</sup>, the establishment of permanent electoral constituencies was determined in accordance with the boundaries of the second-level administrative-territorial units of the Republic of Moldova, the Territorial Administrative Unit "Gagauz-Yeri" (the Gagauz autonomy), and the municipalities of Chisinau and Balti. Thus, in accordance with the CEC Decision on the establishment of second-level electoral constituency councils<sup>14</sup>, the process of selecting and appointing the presidents with permanent status of the second-level electoral constituency councils was initiated through a competition. During the period of August-September 2023, the hiring procedure of 34 candidates who passed the competition for the position of presidents of these councils was completed.

In the years 2023-2024, the structure of the CEC Apparatus was strengthened by increasing the number of personnel units from 53 to 63 employees. Specifically, the capacity of the Human Resources Service was increased from one to two units, and the Administrative-Technical Service was created with eight personnel units.

In 2023, the inter-institutional working group was developed for the examination and verification of reports on the financing of the activity of initiative groups and on the financing of the electoral campaign of electoral competitors, made up of representatives of CEC, the State Fiscal Service and the Financial Inspection. At the same time, on the dimension of strengthening the capacities of the CEC to monitor and control political financing, it is worth noting the operationalization of the SSI "Financial Control" module, within which, during the second semester of 2023, 44 financial reports on the financial management of political parties for the first semester of 2023, 130 monthly information on expenses from the state budget allocations and 133 monthly operational reports on the number of personnel in the staff.

### Constraints

According to the report on the implementation of the strategic plan of the Central Electoral Commission for the period 2020 - 2023, elaborated by the Promo-LEX Association, of the 44 tasks drawn by the CEC for this period, about 36% (16 tasks) were fully completed, 34% (15 tasks) were partially completed, and 30% (13 tasks) were not completed. Among the main actions not carried out or partially carried out, are the development of the "Electoral Profile of the Voter" module, the publication in open format of data related to the financing of political parties and electoral campaigns and the development of permanent electronic statistics services.

One of the main constraints is the frequent modification of the composition of lower electoral bodies. In the context of the local elections in November 2023, the Promo-LEX Association reported 28 cases of changes in the nominal composition of 18 second-level electoral constituency councils and 412 cases of changes in the nominal

<sup>13</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139519&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=139519&lang=ro#)

<sup>14</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139519&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=139519&lang=ro#)

composition of 294 first-level electoral constituency councils<sup>15</sup>. Under these conditions, the activity of lower electoral bodies is affected and may jeopardize the proper organization of the electoral process.

### Priorities

1. Strengthening the human, technical and financial resources of the CEC on the IT dimension, ensuring cyber security and supervising the financing of political parties and electoral campaigns.
2. Transparency and publication of data related to the financing of political parties and electoral campaigns.
3. Continuous training and appropriate certification of electoral officials among the lower electoral bodies.
4. Strengthening communication and interaction capacities with voters, including from the diaspora and the Transnistrian region.

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<sup>15</sup> [https://a.cec.md/storage/ckfinder/files/Raport\\_Plan%20strategic%202020\\_2023\\_aprobat%20sedinta.pdf](https://a.cec.md/storage/ckfinder/files/Raport_Plan%20strategic%202020_2023_aprobat%20sedinta.pdf)

## Recommendation: The focus should be placed on ensuring the transparency of political party funding and the accountability of campaign finance

Score

4 out of 5 points

### Main developments

At the beginning of 2023, in the context of the entry into force of the new Electoral Code, a series of changes related to the financing of political parties in the Republic of Moldova were implemented. These include (1) increasing the value of donations that Moldovan citizens abroad can direct to political parties from three to six average salaries in the economy, (2) reducing the threshold for annual cash donations from three to one average salary in the economy, with the rest of the donations to be made exclusively through bank transfers, (3) introducing a provision whereby the failure to submit or the late submission of financial management reports to the CEC is considered a violation and may lead to the political party being deprived of state budget allocations for a period ranging from two months to one year, and (4) enhancing the transparency of political party financing by reporting by the parties to the CEC detailed information on donor profiles, including their sources of income<sup>16</sup>.

At the same time, the institutional capacities of the CEC were strengthened by creating, within the institution, the Supervision and Control Division regarding the financing of political parties and electoral campaigns, but also by increasing the number of electoral officials responsible for monitoring and evaluating the financing of political parties, especially at the level local. In order to facilitate the fulfilment of their duties, in the second half of last year, the CEC approved the "Methodology for carrying out the supervision and control over the financing of the activity of political parties".

In June 2023, the CEC approved the Regulation on the financing of political parties<sup>17</sup>. This made some changes to the financial reporting submitted by political parties to the electoral bodies, in accordance with the provisions of the Electoral Code. During the local elections of November 5 and 19, 2023, the CEC received, published and examined 18 reports on financial management at the start of the electoral campaign, submitted by political parties as electoral competitors, 288 reports on the financing of the electoral campaign submitted by political parties as electoral competitors and 167 reports from independent candidates<sup>18</sup>. The capacities and resources of the CEC to examine the financial reports of political parties and to bring to the fore possible irregularities or admitted illegalities are currently more extensive, allowing for better monitoring of the financing of electoral campaigns.

### Constraints

Checking and sanctioning illegal practices of collecting financial contributions from fictitious donors remains one of the current challenges for electoral authorities. The cases registered during the last electoral campaign, for the local elections, in which people who were not aware of this fact appeared on the donor lists of some electoral competitors, prove that the phenomenon in question still persists. According to the Promo-LEX report on the financing of political parties in the Republic of Moldova in 2023<sup>19</sup>, 81% of the financial donations made by individuals were less than three average salaries. According to the legislation, the CEC is entitled to verify the

<sup>16</sup> [https://www.legis.md/cautare/getResults?doc\\_id=138777&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=138777&lang=ro#)

<sup>17</sup> [https://a.cec.md/storage/ckfinder/files/Regulament\\_finantare\\_PP\\_.pdf](https://a.cec.md/storage/ckfinder/files/Regulament_finantare_PP_.pdf)

<sup>18</sup> [https://a.cec.md/storage/ckfinder/files/Raport\\_Plan%20strategic%202020\\_2023\\_aprobat%20sedinta.pdf](https://a.cec.md/storage/ckfinder/files/Raport_Plan%20strategic%202020_2023_aprobat%20sedinta.pdf)

<sup>19</sup> [https://promolex.md/wp-content/uploads/2024/06/Finantare-partide-politice\\_2024.pdf](https://promolex.md/wp-content/uploads/2024/06/Finantare-partide-politice_2024.pdf)

origin of the sources of income only for 19% of donors who exceed the threshold of three average salaries. Thus, there is a risk that some illegal practices are not properly identified and punished.

Even though the technical solution of the “Financial Control” IT subsystem has been improved and updated, to ensure the automation of processes related to the verification, approval and publication of financial reports, there are still deficiencies related to its use by political parties. This creates impediments to the presentation of financial reports in strict accordance with the deadlines established by the CEC.

### **Priorities**

1. Capacity building and full engagement of electoral officials at the local level in the data collection process, monitoring, verification and evaluation of the financing of political parties and electoral campaigns.
2. Reducing the average salary threshold for which verification of the sources of income of donors to political parties can be initiated.
3. Improving the SSI “Financial Control” technical solution to facilitate the financial reporting of political parties.

**Recommendation: Further efforts should be made to improve transparency by planning oversight activities and public hearings, publishing the parliamentary calendar sufficiently early, and increasing the level of accountability of parliamentarians**

Score

3 out of 5 points

### Main developments

The recommendation suggests the need to increase transparency by planning oversight activities and public hearings, by publishing the parliamentary calendar early enough, and by increasing the level of accountability of parliamentarians.

Between January and May 2024, certain notable developments were observed in the parliamentary activity. In the plenary sessions, three draft laws proposed by the opposition were presented and discussed. Also, during nine plenary sessions, the opposition formulated 46 proposals for the hearing of leaders or representatives of public authorities, but none of them were accepted. According to the official website of the Parliament, [www.parlament.md](http://www.parlament.md), 34 public consultations were announced. During this period, 17 draft laws were adopted under the priority procedure and no draft law was adopted under the emergency procedure.

For the entire year 2023, according to the Promo-LEX data, the Parliament registered various activities and initiatives that partially reflect the efforts to increase transparency. During this period of time, only four questions were asked to the members of the Government and the leaders of the public authorities. Twelve institutions presented annual reports in plenary. Ex-post legal evaluation was carried out at a rate of 100%, but ex-post impact assessment by standing committees was carried out at a rate of only 24%.

Except for the Law no. 339/2023, which was passed and voted in the first reading, no draft law developed exclusively by the opposition parliamentarians was adopted in 2023. The opposition parliamentarians formulated 40 proposals for the hearing of leaders or representatives of public authorities within 20 plenary sessions. The rate of changes to the plenary agenda was over 48% in the spring 2023 session, falling to 35% in the autumn 2023 session.

The presence and participation of deputies in the voting process



Most of the draft laws voted in the 2023 sessions (56%) were submitted by the Government. Out of the total of 252 draft laws submitted in 2023 by parliamentarians, only 17% were publicly consulted. The number of announcements of public consultations in 2023 was 89. According to the Parliament's report for the year 2023, 3757 petitions and verbal addresses were registered, of which 73 were requests for access to information.

There were 3 draft laws adopted under the emergency procedure, while those under the priority procedure - 42 (8.5% of the total draft laws for the year 2023).

These data reflect partial progress in implementing the recommendation on improving parliamentary transparency. Although there have been initiatives and efforts in this regard, there are still many aspects that require significant improvements to achieve an optimal level of transparency and accountability.

With reference to the level of responsibility of deputies, the diagram presented below provides a detailed picture of the presence and participation of deputies in the voting process during parliamentary sessions.

The graph indicates the maximum and minimum number of deputies present in each of the 14 analyzed meetings. At the beginning of the sessions, 83 deputies were registered on average. The voting participation ranged between 69% and 100% of registered deputies. These data reflect the fact that, although the initial turnout is relatively high, there is significant variability in actual turnout across meetings.

This fluctuation suggests a problem in maintaining a consistent level of commitment and engagement from MPs. High initial attendance indicates MPs' interest in attending meetings, but declining turnout over the course of the meetings may reflect a declining of responsibility and commitment to legislative duties.

The level of responsibility of deputies is closely related to their presence and active participation in the legislative process. The variability of participation observed in the graph suggests that some MPs do not maintain their commitment throughout the entire meeting, which can be interpreted as a lack of accountability towards their role. This affects the efficiency and credibility of the legislative process.

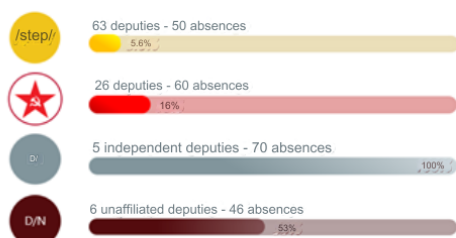
In order to improve the level of accountability, it is necessary to adopt measures to encourage a more consistent and active participation of the deputies. These measures could include the implementation of stricter rules on turnout and increased transparency regarding MPs' participation in parliamentary activities. Also, regular publication of participation statistics and public assessment of each MP's commitment could foster greater accountability.

In conclusion, continued efforts are needed to ensure greater accountability of MPs in the legislative process. Although the initial turnout is good, the variability of turnout indicates the need for further measures to ensure consistent and responsible engagement by all members.

## Absences of deputies at plenary sessions

In the autumn session 2023, 226 absences were registered, 120 less than in the autumn session 2022.

BCS MPs did not participate as a sign of protest in 5 plenary meetings (36%), and independent MPs (ex PPS) did not participate in any plenary meeting.



!! The non-participation of the deputies, especially those from the opposition, in the debate of the draft normative acts, affects the legislative process, as genuine debates are not ensured.

www.101-promolex.md

Another graph, presented below, gives an insight into the absences of MPs in the 2023 autumn session. It highlights that, in the given period, there were 226 absences, by 120 fewer than in the 2022 autumn session<sup>20</sup>.

Deputies of the Communists and Socialists Bloc (BCS) did not participate, in protest, in five plenary sessions, which accounts for 36% of the total sessions. At the same time, the independent deputies (former members of the

"Shor" Party) did not participate in any plenary session.

<sup>20</sup> [www.101.promolex.md](http://www.101.promolex.md)



The Action and Solidarity Party (PAS), with 63 deputies, registered 50 absences, which accounts for 5.6% of the total. By contrast, the 26 deputies of the Party of Socialists (PSRM) had 60 absences, which accounts for 16% of the total. A significant number of 70 - or 100% - absences were recorded by the five independent MPs. Ultimately, the 6 non-affiliated deputies recorded 46 absences, which accounts for 53%.

The non-participation of deputies, especially those from the opposition, in the debate of the draft normative acts significantly affects the legislative process. Frequent absences reduce the opportunity for genuine and constructive debate, thereby limiting the effectiveness and diversity of perspective in the formulation of legislation. Absences among opposition MPs, whose voice is essential to ensuring a democratic balance and effective control over government, are particularly problematic.

### Constraints

Between January and May 2024, the opposition presented three draft laws and formulated 46 proposals for the hearing of leaders or representatives of public authorities. However, none of these proposals were accepted. This suggests institutional and political resistance to the opposition initiatives, thus limiting opportunities for oversight and transparency.

The data show that, although the presence of deputies at the beginning of the plenary sessions is relatively high, the actual participation in the vote ranges between 69% and 100%. This fluctuation reflects a problem in maintaining a consistent level of commitment and involvement from MPs. Inconsistent participation can undermine the legislative process and public confidence in the accountability of MPs.

In the 2023 autumn session, 226 absences were recorded, by 120 fewer than in the 2022 autumn session. However, absences remain a significant problem. Deputies of the Bloc of Communists and Socialists (BCS) boycotted five plenary meetings, which accounts for 36% of the total meetings, while the independent deputies (former members of the "Shor" Party) did not participate in any meeting. The frequent absences of MPs, especially those from the opposition, affect the debate on legislative projects and reduce the opportunity for genuine and constructive debates.

No draft law developed exclusively by opposition MPs was adopted in 2023, except for one draft, the Law no. 339/2023, which was promoted and voted in the first reading. In addition, during 20 plenary sessions, the opposition made 40 proposals for the hearing of leaders or representatives of public authorities, but they were mostly rejected. Such a situation reflects a deficiency in integrating the opposition perspective into the legislative process.

The rate of changes to the plenary agenda was over 48% in the 2023 spring session, falling to 35% in the 2023 autumn session. These frequent changes suggest insufficient planning and can create confusion and difficulties in effectively following and participating in parliamentary activities.

### Priorities

1. Publication well in advance of the parliamentary calendar, to ensure transparency and predictability of legislative activities.
2. Increasing the number of public hearings; organizing and accepting hearing proposals from the opposition to strengthen the government oversight and citizens' engagement.
3. Strict turnout measures, including strict rules and penalties for unexcused absences, along with rewards for consistent participation.
4. Ensuring the transparency of parliamentary activities, by regularly publishing statistics on the participation and activity of deputies to stimulate their responsibility and commitment.



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5. Improving the process of public consultations by increasing the number and quality of public consultations, to be announced in time and made accessible to all interested parties.
6. Ensuring the stability of the plenary agenda, by reducing the frequent changes to it, as a result of better planning and strict adherence to the established schedule.
7. Promoting and integrating legislative initiatives of the opposition to ensure a democratic balance and diverse political perspectives.

## **Recommendation: The process of amending Parliament's Rules of Procedures should be accelerated and ensure a broader involvement of civil society**

Score

**2 out of 5 points**

### **Main developments**

On September 26, 2023, the Parliament held public consultations on the draft Code on the organization and functioning of the Parliament of the Republic of Moldova, held under the auspices of the Parliamentary Legal, Appointments and Immunities Committee. The event was attended by deputies and representatives of the civil society and the Parliament Secretariat, who came up with proposals to improve the document.

The concept of the draft law was developed by a working group led by the then Vice-speaker of the Parliament, Mihail Popșoi, and made up of representatives of all parliamentary groups and officials from the Legislative Secretariat. According to the authors, the drafting of the Code was dictated by the need to ensure the predictability and transparency of the legislative process, the implementation of European standards, the performance of parliamentary control and the regulation of legal relations between the Parliament and other authorities<sup>21</sup>.

The code regulates the constitution, organization, and operation of the Parliament of the Republic of Moldova, the legal relations between the Parliament and other authorities, and establishes the status of the deputy and the Parliament Secretariat. According to the Code, deputies will take the oath as an element of legitimization of the effective start of the exercise of the mandate and their accountability to the people. Another provision of the draft refers to the rights of the parliamentary opposition, including the right of the Opposition Day, which will be organized twice over the course of the session, upon request, at least ten days in advance. The document also regulates the extraordinary procedures for examining draft normative acts, such as the priority and emergency procedures. The priority examination means cutting the procedural term in half. The draft laws requested by the Government in the emergency procedure shall be presented in plenary by the Prime Minister or the Deputy Prime Minister.

The draft also regulates the relations of the Parliament with other public authorities, such as the President of the Republic of Moldova, the Government, the Constitutional Court, the authorities in the field of justice and the local public administration, as well as cooperation with civil society. The Code establishes the types of parliamentary control, including a new type of specialized parliamentary control, carried out through the Court of Accounts and the People's Advocate.

Among the provisions of the draft are those related to the mandate of the deputy, the de jure termination of the quality of deputy, resignation, the grounds for lifting the mandate, incompatibilities and the procedure for lifting parliamentary immunity. After the examination of the presented proposals, the draft law will be finalized, registered in the Parliament and will enter the legislative procedure.

### **Constraints**

The draft Code was not adopted and other public consultations were not organized, which represents a major constraint in the legislative process. The non-adoption of the draft Code and the absence of new public

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<sup>21</sup> "Public consultations on the Code regarding the organization and functioning of the Parliament". Published on the website of the Parliament of the Republic of Moldova. Accessed on 26 June 2024. <https://multimedia.parlament.md/consultari-publice-pe-marginea-codului-cu-privire-la-organizarea-si-functionarea-parlamentului/>

consultations generated more difficulties in ensuring transparency and the involvement of stakeholders in the legislative process.

The Promo-LEX Association formulated detailed proposals for improving the draft Code on the organization and functioning of the Parliament. One of the essential recommendations refers to the reviewing of the constitutionality of the name of this normative act, considering the provisions of Article 64 of the Constitution, which stipulates that the structure, organization and functioning of the Parliament must be regulated by regulation, not by code.

Also, the Promo-LEX Association proposed the addition of Article 6 of the draft Code with a paragraph guaranteeing the right to opinion for all stakeholders in the legislative process. This addition is necessary to reflect the pluralism of opinions and ensure a democratic decision-making process.

Regarding the public nature of the Parliament's activity (article 9), Promo-LEX suggested a new wording, to ensure full access to information of public interest, including its publication and systematic updating on the Parliament's website, in an accessible and clear format to users. This would address the issue of incorrectly categorizing the information of public interest as personal or restricted information.

For article 16, regarding the parliamentary elections, Promo-LEX recommended a new wording to align the text with the provisions of the Electoral Code, and for article 18, regarding the oath-taking, it was proposed to exclude paragraph 4, because the refusal to take the oath does not fall within the prescribed grounds of the Constitution for the termination of the mandate of a deputy.

The Promo-LEX proposals continue with recommendations for the formation of Parliament's working bodies, including merging paragraphs 1 and 2 of Article 19 for clarity and coherence. In article 20, in order to increase transparency, Promo-LEX suggested the mandatory publication of the activity regulations of the parliamentary fractions on the official website of the Parliament.

In article 24, regarding the rights of parliamentary factions, Promo-LEX proposed the inclusion of the right to present advisory opinions on draft normative acts. This would ensure an active involvement of the opposition in the legislative process, contributing to the identification of sustainable legislative solutions.

Article 26, regarding ensuring the activity of parliamentary factions, was supplemented with the recommendation to publish the approved budget for each faction on the official website of the Parliament, in order to promote financial transparency.

Promo-LEX also proposed changes to Article 31, regarding the rights of the parliamentary opposition, including the detailed regulation of the Day of the Opposition and the right of the opposition to organize public consultations and to approve draft normative acts.

Regarding the duties of the Speaker of the Parliament (article 38), Promo-LEX suggested the inclusion of a new duty regarding the representation of the Parliament in relations with citizens and civil society organizations, and ensuring an institutionalized mechanism for informing them.

For articles 41 and 42, regarding the Permanent Bureau of the Parliament, Promo-LEX recommended the inclusion of the obligation to participate in the meetings of the Permanent Bureau and the explicit assignment of the responsibility to draft the agenda for the meetings dedicated to the Opposition Day.

### **Priorities**

1. Speeding up the process of amending the Parliament Regulation:



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- Rapid adoption of the draft Code: finalization and registration of the draft Code regarding the organization and functioning of the Parliament in the legislative procedure.
  - Additional public consultations: organizing new public consultations to ensure the widest possible involvement of civil society in the amendment process.
2. The active involvement of civil society:
    - Guaranteeing the right to opinion: supplementing Article 6 with a paragraph guaranteeing the right to opinion for all stakeholders in the legislative process.
    - Full access to public information: ensuring full and transparent access to information of public interest, by systematically updating and publishing it on the Parliament's website.
  3. Alignment with constitutional and European standards:
    - Revision of the name of the normative act: reviewing the constitutionality of the name "Code" in the context of Article 64 of the Constitution, which provides for regulation by "Regulation".
    - Correlation with the Electoral Code: adjusting the articles related to the parliamentary elections to be in accordance with the provisions of the Electoral Code.
  4. Promoting transparency and accountability:
    - Publishing the regulations and budgets of the factions: the obligation to publish the activity regulations and approved budgets for each parliamentary faction.
    - Ensuring financial transparency: publishing the budget of the parliamentary factions on the official website of the Parliament.
  5. Strengthening the role of the parliamentary opposition:
    - Detailed regulation of the Opposition Day: establishing clear and detailed procedures for the organization of the Opposition Day, as well as ensuring the right of the opposition to organize public consultations and approve draft normative acts.
    - The right to consultative opinions: the inclusion of the right of factions to present consultative opinions on draft normative acts.
  6. Clarity and consistency in parliamentary proceedings:
    - Merger and clarification of Article 19: Merger of paragraphs 1 and 2 to increase clarity and coherence of the text.
    - Participation in the meetings of the Permanent Bureau: including the obligation to participate in the meetings of the Permanent Bureau and the responsibility to draft the agenda for the meetings dedicated to the Opposition Day.
  7. Effective relations with civil society and citizens:
    - Representation of Parliament in relations with citizens: adding a new attribution for the Speaker of Parliament regarding representation in relations with citizens and civil society organizations, ensuring an institutionalized information mechanism.

**Recommendation: The government should adopt a mechanism for the effective parliamentary scrutiny of decisions issued by the Commission for Emergency Situations, in line with the Siracusa Principles**

Score

3 out of 5 points

### Main developments

In March 2023, the Parliament of the Republic of Moldova registered the draft law no. 63, which makes significant changes to the Law on the State of Emergency, Siege and War. This draft law aims to establish parliamentary control over the declaration and management of states of emergency, siege and war, thus introducing an additional dimension of democratic oversight in such exceptional situations.

The draft law no. 63 was voted on in the first reading in the same month it was registered - March 2023. At that stage, the project was preliminarily approved, to be debated and voted on in subsequent readings in order to become law<sup>22</sup>.

In the informative note, the authors mentioned that the aim of the draft law is to improve the regulatory framework for remedying the legislative deficiencies regarding the effective management of states of emergency, siege and war, as well as removing the deficiencies in the application of measures at the institutional level during these situations.

Analysing the elaborated rules, it was found that this draft law proposes to modify the provisions of the Law no. 212/2004, in order to execute the address no. PCC-01/47a of June 23, 2020 and the Constitutional Court Decision no. 17 of June 23, 2020 for the control of the constitutionality of some provisions of the Law no. 212 of June 24, 2004 on the regime of the state of emergency, siege and war, and some provisions of the Parliament Decision no. 55 of March 17, 2020 on the declaration of the state of emergency.

According to the CNA's expertise, during the drafting process, the legal provisions on transparency in the decision-making process were respected, and the draft law is in line with the legislative technical norms.

The draft law is in the general public interest as it will contribute to the establishment of a procedural instrument to ensure effective parliamentary control over the provisions issued by the Commission for Emergency Situations during the state of emergency, siege and war.

The following corruption factors were identified in the provisions of the draft law subject to anti-corruption expertise<sup>23</sup>:

- Ambiguous wording that allows for abusive interpretations;
- Competition of legal norms;
- Legal gaps;
- Lack/ambiguity of administrative procedures.

<sup>22</sup> "The draft law for the amendment of some normative acts (Law no. 212/2004 on the state of emergency, siege and war regime - art. 4, 5, 6, etc.; Law no. 10/2009 on state supervision of public health - art. 55; etc.) Published on the website of the Parliament of the Republic of Moldova. Accessed on 26 June 2024.

<https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6385/language/ro-RO/Default.aspx>.

<sup>23</sup> "CNA opinion no. 63/2023". Document downloaded. Accessed on 26 June 2024."



In order to prevent the emergence of manifestations of corruption when implementing the provisions of the draft law, the draft law should be revised in line with the objections and recommendations of this corruption proofing expert report.

### Constraints

The draft law was only adopted in the first reading and presents certain constraints. Regulations aimed at restricting a person's rights and freedoms, regardless of the circumstances invoked to justify them, must pass the test of legality, expediency, necessity, non-discrimination and flexibility. They must take into account the objective situation and pursue revision and readjustment, according to the provisions of art. 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Respect for human rights cannot be limited, delayed or neglected, including in circumstances of emergency, siege and war. Moreover, in these periods, the authorities are mobilized to honour their obligations prescribed for a social order compatible with the rule of law and with the pre-eminence of law as an instrument of achievement.

Crisis situations can become, through the tension they entail, premises for the violation of human rights and the establishment of arbitrariness and oppressive practices. For this reason, the regulations that keep atypical situations under control must be equipped with anticipatory and ordering tools, in order to respect social order and cohesion between community members. The Republic of Moldova has been in a continuous state of emergency starting from January 20, 2022 until the end of 2023, which was declared in the context of natural gas insufficiency, while from February 24, 2022 the state of emergency was declared and extended in the context of regional security and threats to national security. During this period, elections were also organized, although, until January 1, 2023, the Law 212/2004 did not allow the holding of elections of central and local public authorities and republican and local referenda in a state of emergency<sup>24</sup>.

All the new measures proposed to be instituted and the powers granted must be examined including in the context of maintaining the state of emergency for an indefinite period of time. According to the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, the severity, duration, and geographic scope of any derogatory measure shall be such only as are strictly necessary to deal with the threat and proportionate in its nature and extent. Each measure must be directed at an actual, clear, present or imminent threat and cannot be imposed merely because of a concern about a potential threat.

At the same time, the procedures according to the national law for declaring the state of emergency shall be prescribed before the emergency. The Law no. 212/2004 has already been amended twice during the state of emergency (by Law 109/2022 and Law 336/2022).

The draft law under analysis operates with modifications that could derail from the established goal - the creation of a unitary and consistent practice of applying the special law. As a result, art. 20 of the Law no. 212/2004 on the state of emergency, siege and war regime should be amended by excluding some insufficiently precise provisions, subject to interpretation. Their recipient, although restricted in rights, cannot notify the conduct that is required to be respected. For example, during the state of emergency, depending on the specific situation, "the introduction of the quarantine regime or isolation and the taking of other public health measures" can be applied, wording that can create uncertainties in application.

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<sup>24</sup> "Law no. 212 of 24-06-2004 on the state of emergency, siege and war regime". Published in the Official Gazette no. 132-137, art. 696, August 6, 2004.

The new wording of the norm uses measures that are synonymous, such as “introduction of the quarantine or isolation regime”, thus doubling an already regulated measure. It also prefers the use of generic rather than specific terms, which allows the recipient of the law to be placed in uncertainty as to the strictly determined measures to be applied. The introduction of a measure of a restrictive nature, without determining the incidence of the subjects to which it refers, can introduce arbitrariness and is incompatible with the requirements of the quality of the law. The legal uncertainty caused by such a norm compromises the process of ordering activities to reduce the consequences of events, as well as the respect of human rights.

### Priorities

1. Adjustment of the draft Law no. 63, voted in the first reading, to remedy the ambiguities and deficiencies identified. It is essential that the changes are clear and precise to avoid misinterpretations and to ensure effective enforcement of the rules.
2. The adoption of an effective mechanism for parliamentary oversight of the decisions issued by the Commission for Emergency Situations, in accordance with the Siracusa Principles. This mechanism must comply with the international standards on human rights and democratic governance.
3. Improving the regulatory framework for the management of emergency situations, thus remedying legislative deficiencies in the management of states of emergency, siege and war, and ensuring an efficient and transparent management of these exceptional situations.
4. Compliance with the legal provisions regarding transparency in the decision-making process and the alignment of the draft law with the rules of legislative technique, to guarantee that the proposed measures are in the general public interest and contribute to the establishment of an appropriate procedural instrument.

**Recommendation: Further efforts should focus on adopting: the national strategy on civil society development and improving the quality of public consultation processes to improve transparency and get CSOs more involved in policy dialogue, especially in parliamentary debates and at local level**

Score

4 out of 5 points

### Main developments

Cooperation between state institutions and civil society organizations (CSOs) is legally allowed through various mechanisms based on transparency and participation legislation, joint policy monitoring structures and permanent structures for specific fields<sup>25</sup>. As of 2020, there was no policy document to guide the development of CSOs. Many initiatives launched over time by the Government, Parliament and Presidency for the CSO-state cooperation failed to achieve continuity. The longest-running was the National Participation Council, which has become inactive since 2019.

In recent years, the institutionalized cooperation between the state and CSOs has been almost non-existent and has been largely based on consultation in the decision-making process. An exception was the joint effort to manage the situation of people displaced in Moldova due to the war in Ukraine. Since the beginning of the war, the CSOs have promptly provided indispensable support to Ukrainian refugees and were co-opted by central and local public institutions in formal cooperation, such as the Unified Crisis Management Centre (CUGC), as well as in informal cooperation, to face the challenges.

In the draft National Security Strategy, published in 2023, cooperation between state institutions and civil society is stated as one of the four key principles<sup>26</sup>. A special structure for cooperation with CSOs is the Division for human rights and cooperation with civil society within the State Chancellery, which includes the focal point for relations with CSOs, established in 2019. However, the work of the focal point is not supported by a framework, by specific tools and methods in its relationship with CSOs.

At the local public administration level, there are several Participation Councils and Local Transparency Councils, which offer CSOs the opportunity to get involved in the decision-making process at district or municipal level, based on specific regulations<sup>27</sup>. There are also numerous forms of CSO self-organization, such as national platforms and networks, which seek to engage in cooperative relationships with state institutions. The most prominent platforms of this kind are the NGO Council, a representative structure engaged in dialogue on issues related to the CSO enabling environment, and the National Platform of the Civil Society Forum of the Eastern Partnership, which supports European integration and serves as a consultative platform.

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<sup>25</sup> Republic of Moldova. Law on transparency in the decision-making process, no. 239/2008. Published in the Official Monitor of the Republic of Moldova, no. 215-217, of December 5, 2008.

<sup>26</sup> "Project: Strategy on transparency in the decision-making process". Published on the website of the Presidency of the Republic of Moldova, October 11, 2023. Accessed on 26 June 2024. [https://www.presedinte.md/app/webroot/proiecte/Proiect\\_%20Strategie\\_11.10.23.pdf](https://www.presedinte.md/app/webroot/proiecte/Proiect_%20Strategie_11.10.23.pdf)

<sup>27</sup> Soroca district council for participation. Accessed on 26 June 2024. <http://euparticip.md/>.

Causeni district council for participation. Accessed on 26 June 2024. <https://www.facebook.com/CRCauseni>.

Cahul district council for participation. Accessed on 26 June 2024. <https://crp-cahul.md/>.

In November 2023<sup>28</sup>, the government approved the Programme for the Development of Civil Society Organizations for the period 2024-2027 (PDOSC 2024-2027). This was developed by an independent expert, under the authority of the State Chancellery, with the support of GIZ Moldova, within a participatory process that involved representatives of the central public administration and civil society organizations.

The previous document related to the development of the Civil Society Development Strategy 2018-2020, expired three years ago, with an implementation rate of 50% (38% implementation according to the 2022 ex-post evaluation). Unlike the previous strategies, which were adopted by the Parliament, the new PDOSC was approved by the Government.

The PDOSC 2024-2027 is focused on three main objectives:

1. Strengthening cooperation mechanisms between CPA, LPA and civil society and increase transparency in policy formulation and decision-making.
2. Increasing the financial sustainability of CSOs.
3. Improving the capacities of CSOs that address social issues and promote democratic values.

Some of the actions included in the Programme resonate with the CSO Meter recommendations<sup>29</sup>. Regarding cooperation at the local level, there are several Participation Councils and Local Transparency Councils, which offer CSOs the opportunity to get involved in the decision-making process at the district or municipal level, according to specific regulations. Notable examples in this regard are the Soroca District Participation Council, the Causeni District Participation Council, and the Cahul District Participation Council.

There are also numerous forms of CSO self-organization, such as national platforms and networks, which seek to engage in cooperative relationships with state institutions. Among the most prominent platforms of this kind are the Council of NGOs, a representative structure engaged in dialogue on issues related to the favourable environment for CSOs, and the National Platform of the Civil Society Forum of the Eastern Partnership, which supports European integration and serves as a consultative platform. Other cooperation platforms include the Philanthropy Promotion and Development Platform and anti-violence initiatives.

By approving the PDOSC 2024-2027, the Government of the Republic of Moldova reiterated its commitment to support and develop the civil society sector, acknowledging its importance in promoting democracy, transparency and government accountability.

### **Constraints**

The constraints identified in the cooperation between state institutions and civil society organizations in the context of the implementation of the Programme for the Development of Civil Society Organizations for the period 2024-2027 (PDOSC 2024-2027) are diverse.

The first major constraint is the underfunding of policies. Past experience has shown that lack of adequate funding can compromise the success and continuity of civil society development initiatives. That is why it is crucial that the Government allocates all the necessary financial resources for the implementation of the PDOSC 2024-2027, thus avoiding repeating the mistakes of the past.

<sup>28</sup> "Government Decision 845/2023 For the approval of the Civil Society Organizations Development Programme for the period 2024-2027". Published on the website of the Government of the Republic of Moldova, November 1, 2023. Accessed on 26 June 2024. [https://gov.md/sites/default/files/document/attachments/acte\\_normative\\_adopate\\_in\\_sedinta\\_guvernului\\_din\\_01.11.2023.pdf](https://gov.md/sites/default/files/document/attachments/acte_normative_adopate_in_sedinta_guvernului_din_01.11.2023.pdf)

<sup>29</sup> "CSO Meter 2023 Moldova Report". Accessed on 26 June 2024. <https://csometer.info/sites/default/files/2024-02/Moldova%202023%20CSO%20Meter%20Country%20Report%203%20RO.pdf>

Another important constraint is the lack of continuous and effective dialogue between Parliament and CSOs. The organization of the annual conference with civil society organizations by the Parliament must be maintained as a constant dialogue tool, essential for the involvement of CSOs in the decision-making process and for ensuring transparency.

Ineffective institutional collaboration is another significant problem. It is necessary, in this context, for the State Chancellery to adopt clear institutional procedures for direct and open collaboration between the Divisions of Human Rights and Cooperation with Civil Society and CSOs. These procedures must include specific instructions for optimising the work of the focal point in relations with CSOs.

In conclusion, without addressing these constraints, the efficiency of the PDOSC 2024-2027 implementation and its positive impact on the development of civil society will be severely affected. A concerted approach is needed to overcome these challenges and ensure a favourable environment for the cooperation and development of CSOs in the Republic of Moldova.

### Priorities

1. Improving the quality of public consultation processes:
  - Optimizing consultation mechanisms to ensure transparency.
  - Effective involvement of CSOs in political dialogue, especially in parliamentary debates and the debates at the local level.
  - Ensuring a better representation of the interests of civil society in the decision-making process.
2. Allocation of the necessary financial resources for the implementation of the PDOSC 2024-2027:
  - Ensuring sufficient funds and their efficient distribution.
  - Supporting CSO activities and initiatives to avoid previous situations of underfunding similar policies.
3. Maintaining the regular organization of the annual conference of CSOs by the Parliament:
  - Using the conference as a tool for ongoing dialogue.
  - Facilitating the exchange of information and ideas between CSOs and authorities.
  - Strengthening a relationship of trust and cooperation between CSOs and state institutions.
4. Adoption of institutional collaboration procedures by the State Chancellery:
  - Direct and open collaboration between the Divisions of the Human Rights and cooperation with civil society and CSOs.
  - Including specific instructions for optimizing the work of the focal point in relations with CSOs.
5. Development of cooperation framework mechanisms between CPA, LPA and CSOs:
  - Ensuring representativeness and involvement of local CSOs.
  - Prevention of OSC fragmentation and isolation.
  - Promoting the sustainable development of CSOs at the local and national levels.

## Public Administration Reform

AverageScore

3,3 out of 5 points

**Recommendation: Implement and monitor the public administration reform strategy effectively, including by adopting the complete regulatory framework for territorial reform through voluntary amalgamation, namely the law and the government decision on the methodology for the voluntary amalgamation**

Score

4 out of 5 points

### Main developments

This recommendation is closely related and indispensable to the recommendation of the Democracy Chapter - *the Government should continue local government reforms, including creating incentives for local authorities to amalgamate*. Therefore, the Main developments, Constraints and Priorities on the reform of local public administration are valid both for this recommendation and for the one mentioned above.

During the period under monitoring, among the most important developments related to the implementation of this recommendation is the creation, within the State Chancellery, of the Secretariat for the implementation of the Public Administration Reform Strategy in the Republic of Moldova for the years 2023-2030<sup>30</sup>.

At the same time, progress was made on the development of the regulatory framework aimed at voluntary amalgamation, together with the adoption of the Law no. 225/2023 on the voluntary amalgamation of administrative-territorial units<sup>31</sup> and the Voluntary amalgamation methodology of administrative-territorial units<sup>32</sup>. At the same time, the Central Implementation and Monitoring Unit was created within the State Chancellery, whose role is to coordinate and provide support to local public authorities that intend to amalgamate. Additionally, the Law no. 17/2023 on the development associations<sup>33</sup> and the Government Decision no. 609/2023<sup>34</sup>, which creates the mechanisms for its implementation. The purpose of these acts is to strengthen the capacities of local public authorities in providing quality services to citizens.

It should also be noted the pro-active role of the Government in promoting voluntary amalgamation, by creating a special section on the State Chancellery webpage with information on the voluntary amalgamation process, including a voluntary amalgamation simulation tool<sup>35</sup>. At the same time, on the official webpages of the Government, information was presented regarding two groups of town halls that are about to start the process of voluntary amalgamation.

### Constraints

<sup>30</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140474&lang=ro;](https://www.legis.md/cautare/getResults?doc_id=140474&lang=ro;)

<sup>31</sup> [https://www.legis.md/cautare/getResults?doc\\_id=138655&lang=ro;](https://www.legis.md/cautare/getResults?doc_id=138655&lang=ro;)

<sup>32</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140477&lang=ro;](https://www.legis.md/cautare/getResults?doc_id=140477&lang=ro;)

<sup>33</sup> [https://www.legis.md/cautare/getResults?doc\\_id=135808&lang=ro;](https://www.legis.md/cautare/getResults?doc_id=135808&lang=ro;)

<sup>34</sup> [https://www.legis.md/cautare/getResults?doc\\_id=138974&lang=ro;](https://www.legis.md/cautare/getResults?doc_id=138974&lang=ro;)

<sup>35</sup> <https://cancelaria.gov.md/ro/apc/simulator-online-pentru-amalgamare-voluntara>



According to the Public Administration Reform Strategy of the Republic of Moldova for the years 2023-2030, the State Chancellery prepares annual reports on the implementation stage of this Strategy and semi-annual reports on the execution of its implementation programmes. Although the Strategy does not set an express deadline for the preparation of these reports and their publication method, the State Chancellery will, within a reasonable period, finalize the report and ensure its transparency.

In addition, there is a lack of information on the Central Implementation and Monitoring Unit, as it is necessary to publish information on its activities on the State Chancellery page.

Regarding the implementation of the local public administration reform through voluntary amalgamation, although the normative framework has been adopted and the Unit to coordinate and implement this reform has been created, as well as two groups of town halls have been announced that will start the voluntary amalgamation, the official start of this process must still be encouraged through taking official decisions by the local public authorities. The reasons for the lack of high motivation on the part of local public authorities in this regard are diverse. However, the biggest challenge remains the lack of substantial incentives to encourage local public authorities and citizens to understand that, with amalgamation, they will benefit from higher quality services. In the State Budget Law for the year 2023, MDL 250 million was initially provided for the Fund for Voluntary Amalgamation of Localities, later this figure was reduced to MDL 50 million. However, also these funds remained unused, which led to the complete exclusion from the state budget of the funds dedicated to the voluntary amalgamation. For the year 2024, only MDL 83 million was budgeted for this purpose, which has also remained unused for the monitored period.

### Priorities

1. Finalising and publishing of the Report for the year 2023 regarding the implementation of the Public Administration Reform Strategy in the Republic of Moldova for the years 2023-2030;
2. Publishing the information on the activity of the Central Implementation and Monitoring Unit;
3. Creating additional and sustainable incentives for voluntary amalgamation for the local public authorities;
4. Centralized publication, on the State Chancellery webpage, of information on events and progress on voluntary amalgamation.

## Recommendation: Finalise the salary reform plans and start its implementation

Score

3 out of 5 points

### Main developments

During the reference period, in order to increase the salary level of civil servants at different levels and the attractiveness of employment in the public service, changes were made to the Law no. 270/2018 on the unitary salary system in the budgetary sector, the Law no. 158/2008 on the public office and the civil servant status and the Law no. 436/2006 on local public administration. The most important changes relate to the increase and establishment of the reference value in the amount of MDL 2500 for several categories of employees within agencies, inspectorates, autonomous public authorities, etc.

Also, by the State Budget Law for the year 2024 no. 418/2023, the basic reference value for calculating the salaries of employees in the budgetary sector was increased from MDL 1900 to 2100.

The salary classes for some categories of employees were also revised, such as the staff of the General Prosecutor's Office and specialized prosecutor's offices, the Office of the Superior Council of Prosecutors, the Secretariat of the Constitutional Court, the Secretariat of the Superior Council of Magistrates, the Secretariat of the Supreme Court of Justice. At the same time, additional salary classes were added for some public positions within some structures subordinated to the central administrative authorities.

In order to strengthen the managerial and professional capacities of the management staff in the first-level local public authorities (mayor, vice-mayor and council secretary), a monthly increase of 50% of the basic salary for the respective positions was established.

At the same time, it was established the right to grant executive civil servants within the first-level local public authorities a monthly increase of up to 50% of the basic salary for the respective positions, if they do not benefit from the monthly allowance, which can be granted pursuant to the Law no. 436/2006 on local public administration.

### Constraints

Although concrete steps have been taken to increase salaries for some categories of civil servants, the budget deficit of MDL 15.6 billion for 2024 makes a uniform adjustment of the salary level for all civil servants impossible, in particular, because of the lack of financial sustainability. As a result, the adopted measures are fragmented and were operated in the context of reform actions and various policy priorities.

For this reason, several reference values are used to calculate civil servants' salaries, such as: MDL 2100 (the basic reference value), MDL 2500, MDL 3000 and other derogatory values. This fact creates inequities and imbalances in the salary level for positions with similar duties and qualification level, and precisely its elimination was sought through the adoption of the Law no. 270/2018 on the unitary salary system in the budget sector. It is worth noting that the differentiation of position salaries in relation to the position held and the type of public authority is provided in annex no. 3 to the Law no. 270/2018 on the unitary salary system in the budget sector, and by using several reference values, the salary system for civil servants is further distorted.

The granting of the monthly increase for strengthening the professional capacities of the executive staff within the first-level local public authorities is closely linked to the availability of the respective authorities' own revenues, a fact that makes it almost impossible to offer it for most of the first-level LPAs. Instead, the granting

of the monthly increase for the positions of mayor, deputy mayor and secretary of the local council is provided from the state budget.

Inadequate motivation of civil servants leads to staff turnover in public authorities at all levels, while the hiring of new civil servants is problematic for most institutions and public authorities in the country.

### **Priorities**

1. Revision of salary grades for civil servants at different levels in order to establish a clear and fair salary hierarchy.
2. Unification of several reference values and the establishment of a single reference value used when calculating the salaries of civil servants.
3. Financial assurance of salary policy measures and establishment of a uniform approach for all civil servants.

## Recommendation: Implement the new public finance management strategy, including by strengthening inter-institutional coordination

Score

3 out of 5 points

### Main developments

The European Commission's report states that “the Ministry of Finance needs to strengthen its capacity and improve the quality of dialogue on the governance of public finances with public and private stakeholders.” In December 2023, the Action Plan (Matrix) for the years 2023-2025<sup>36</sup> for the implementation of the *Public Finance Management Development Strategy* (Order of the Minister of Finance no. 129/2023) was approved. Although the action plan does not contain a specific section dedicated to strengthening inter-institutional coordination and improving the quality of dialogue with stakeholders, certain key points can be drawn from other thematic sections, namely:

- Organizing regular consultations with key groups of taxpayers and intermediaries to identify deficiencies in administrative processes and products (regular meetings, seminars, workshops) (Oct 2023 - Dec 2025);
- Establishment of a working group consisting of experts from governmental and non-governmental institutions to develop macroeconomic forecasts (Jan - Feb 2025).

The Ministry of Finance periodically organizes meetings with representatives of business, the Congress of Local Authorities from Moldova, Trade Unions and public authorities to discuss various aspects related to public finances (for example, the practical implementation of the new Customs Code, wage policy measures, etc.). According to the 2023 Open Budget Survey<sup>37</sup>, in terms of public participation, the Republic of Moldova registered progress from 11 points in 2021 to 18 points in 2023 - a score that exceeds the global average of 15 points (for 125 countries included in the evaluation). Also, in March 2024, the meeting of the interministerial working group took place where the joint preliminary forecast of macroeconomic indicators for the years 2024-2027 was discussed.

Progress in public procurement, financial control, and planning and execution of public capital investments is analysed in the following sub-chapters.

### Constraints

According to the 2023 Open Budget Survey, public participation during the formulation of the budget is satisfactory, but there are insufficient opportunities for the public to monitor its execution. At the same time, the Ministry of Finance's dialogue with vulnerable and underrepresented communities is not active enough. It is also mentioned that the public is not involved enough in the parliamentary hearings regarding the budget proposals. The public can assist in the development of the Court of Account's audit programme, but there are no formal mechanisms for the public to contribute to audit investigations.

<sup>36</sup> <https://www.mf.gov.md/ro/managementul-finan%C8%9Belor-publice/strategia-de-reform%C4%83-a-mfp/planuri-%C8%99i-rapoarte>

<sup>37</sup> <https://www.expert-grup.org/ro/biblioteca/item/2690-rezultatele-sondajul-bugetului-deschis-open-budget-survey-2023-republica-moldova-a-%C3%AEnregistrat-%C3%AEmbun%C4%83t%C4%83%C8%9Biri-semnificative-privind-transparen%C8%9Ba-bugetar%C4%83&category=7>

With regard to the inter-institutional cooperation, we must mention the resounding conflicts, from the second half of 2023, between the Government and the local administration of the municipality of Chisinau, on the transfers between budgets, as well as the one between the Parliament and the administration of the ATU Gagauzia on the VAT refunds. The way in which those conflicts were managed - not by constructive dialogue, but by mutual public accusations, taking advantage of the social frustrations of the population and capitalizing politically on them - represents an example of defying the standards of communication between central and local authorities.

### Priorities

1. The Ministry of Finance should prioritize the following actions: (1) pilot mechanisms for monitoring budget execution; (2) engage more actively with vulnerable and underrepresented communities.
2. The Parliament of the Republic of Moldova should: (1) allow any member of the public or civil society organization to testify during hearings on budget proposals before their approval; (2) allow members of the public or civil society organizations to testify during hearings on the Audit Report;
3. The Court of Accounts must establish formal mechanisms for the public to contribute to relevant audit investigations;
4. CPA and LPA must ensure a respectful and constructive dialogue between themselves on topics related to public finances, avoiding excessive politicization of these topics.

## Justice reform

Average Score

3 out of 5 points

**Recommendation:** Pursue implementation of the justice reform strategy, in particular the pre-vetting and vetting processes in line with Venice Commission recommendations and the subsequent appointment of the remaining members of the Superior Council of Magistracy (SCM), the Superior Council of Prosecutors (SCP) and the Supreme Court of Justice but also the members of the SCM and SCP colleges and other judges and prosecutors in an objective, transparent and merit-based procedure, in line with European standards: demonstrate a clear track record in this regard

Score

3 out of 5 points

### Main developments

According to the Shadow Monitoring Report of the degree of achievement, in the period 2022-2023, of the measures from the Action Plan for the implementation of the Strategy for ensuring the independence and integrity of the justice sector for the years 2022-2025, developed by the Group of Experts in the Field of Justice within the IPRE<sup>38</sup>, out of the total of 81 actions that were to be carried out between January 1, 2022 and December 31, 2023, 20 (24.6%) were implemented without deficiencies, 9 (11.1%) - with insignificant deficiencies, and 16 (19.7%) were implemented with substantial deficiencies. The grades were assigned in accordance with the Report methodology.

The Superior Council of Magistracy was completed with two more members - one from civil society and one from among the SCJ judges, selected following the General Assembly of Judges in March 2024.

At the moment, the SCM has nine members. Two more members from civil society and one judge from the Courts of Appeal are to be selected after passing the pre-vetting procedure. Currently, out of the six candidates for the position of SCM member - of which five are appointed from among civil society and one judge from the Court of Appeal -, two candidates from civil society were evaluated, both decisions being for promotion.

Following the General Assembly of Prosecutors in December 2023, five prosecutors who passed the pre-vetting procedure were selected in the SCP. Additionally, in July 2023 and February 2024, two civil society members were appointed to the SCP. Currently, the CSM has 11 members.

There was adopted the Law 252/2023<sup>39</sup> on the external evaluation of judges and prosecutors and the modification of some normative acts. The law in question was subjected to several rounds of consultations by the Venice Commission (VC): (CDL-AD(2023)005<sup>40</sup>), (CDL-AD(2023)023<sup>41</sup>), (CDL-AD(2023)035<sup>42</sup>), with the

<sup>38</sup> <https://ipre.md/2024/05/15/raport-alternativ-de-monitorizare-a-implementarii-strategiei-privind-asigurarea-independentei-si-integritatii-sectorului-justitiei-pentru-anii-2022-2025/>

<sup>39</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140481&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140481&lang=ro)

<sup>40</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)005-e)

<sup>41</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)023-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)023-e)

<sup>42</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)035-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)035-e)



operation of the appropriate adjustments to its text. In its latest opinion, the Venice Commission notes that most of the significant recommendations from the June 2023 opinion have been implemented. At the same time, additionally, the Commission recommends reintroducing the principle of non-retroactivity in the final text of the law, so that the person is not sanctioned retroactively for the violation norms that did not exist at the time of committing the act.

The recommendation in question was implemented through the adoption of the Law 353/2023<sup>43</sup>, which operates a number of changes to the entire set of extraordinary evaluation laws. Among the most important changes are the granting of functional immunity to the members of the Pre-vetting Commission and its secretariat and the clarifications regarding the process of contesting the decisions of the Vetting Commission in the evaluation process of judges and candidates for the position of judge of the SCJ. Thus, it is specified that; "the appeal is submitted to the Supreme Court of Justice and is examined within 30 days by a panel consisting of three judges who passed the evaluation and did not work in the Supreme Court of Justice until December 31, 2022"; The SCJ "orders, once only, the resumption of the evaluation procedure by the Evaluation Commission".

At the same time, clarifications are made regarding the grounds for admitting appeals, thus the SCJ "admits the appeal only if it finds that, within the evaluation procedure, serious procedural errors were admitted that affect the fairness of the evaluation procedure or that there are factual circumstances that could lead to the promotion or non-promotion of the evaluation". Through the changes made to the Law no. 252/2023, it is established the priority order of evaluation of candidates for the position of Prosecutor General, of candidates for the position of member of the SCM and SCP, that of a member of the disciplinary Boards of judges and prosecutors, of the Boards for the selection and evaluation of judges and prosecutors, as well as the prosecutors from the Anticorruption Prosecutor's Office.

By approving the Laws 65/2023<sup>44</sup> and 252/2023, the stages 2 and 3 of the extraordinary evaluation processes started. In this regard, two Evaluation Committees were created, as follows:

- The Judge Evaluation Commission (hereinafter the Vetting Commission no. 2) - responsible for evaluating the ethical and financial integrity of judges and candidates for the position of SCJ judge, of judges and candidates for the position of judge in the Courts of Appeal, of the presidents and vice-presidents of courts, of candidates for the position of member in SCM, of candidates for the position of member in the specialized Boards of the SCM;
- The Prosecutor Evaluation Commission (hereinafter Vetting Commission no. 3) - responsible for evaluating the ethical and financial integrity of the Prosecutor General and his/her deputies, the chief prosecutors of the sections within the General Prosecutor's Office, the prosecutors within the specialized prosecutor's offices, the chief prosecutors and deputy prosecutors from the territorial prosecutor's offices and the candidates for the position of member of the specialised Boards of the SCP.

Until the end of June 2024, the Vetting Commission no. 2 evaluated 22 judges and candidates for the position of judge of the SCJ out of the total of 37 candidates. Respectively, 13 reports were for the promotion of the evaluation, of which 11 were accepted by the SCM (another two promotion reports are to be examined by the SCM); nine other reports of the Commission were for non-promotion - of these, four were accepted by the SCM, one report was rejected and with reference to the other four non-promotion reports, the SCM has not made a decision yet. Among the candidates who passed the evaluation for the position of judge of the SCJ, two were appointed by the President of the Republic of Moldova at the proposal of the SCM.

<sup>43</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140376&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140376&lang=ro)

<sup>44</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140455&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140455&lang=ro)

At the same time, the Vetting Commission no. 2 issued nine decisions on promotion of the evaluation by candidates for the position of member of the Board for Selection and Evaluation of Judges. One candidate withdrew from the contest, and in relation to three other candidates, the Commission's decisions have not yet been pronounced.

The evaluation process of judges and candidates for the position of judge of the Courts of Appeal has also begun. Of the 40 judges notified of the start of the vetting procedure, 19 agreed to go through the integrity evaluation procedure, while another 21 judges resigned from their positions<sup>45</sup>.

Until the end of June 2024, the Vetting Commission no. 3 evaluated 7 out of 22 candidates for the position of member of the Board for the selection and evaluation of prosecutors. Of these, three candidates passed the evaluation, four did not pass it, and in relation to the other 15 candidates, the Commission's decisions have not been pronounced yet<sup>46</sup>.

At the same time, the Vetting Commission no. 3 began the evaluation process of prosecutors from the Anticorruption Prosecutor's Office.

Additionally, with regard to progress made, there can also be mentioned the selection and appointment, since June 1, 2024, of the Prosecutor General of the Republic of Moldova, after an interim period of about two years.

### **Constraints**

Although the dynamics of the implementation of the Justice Sector Strategy shows moderate progress, approximately 20% of the actions have been implemented with significant deficiencies, approximately 29% of the actions planned for the years 2022-2023 are still under implementation, and 14% have not been initiated. The grades were assigned in accordance with the Report methodology.

Even if it was to be carried out in the first stage of the vetting process (pre-vetting procedure), two years later the evaluation of the candidates for the position of member of specialized Boards of the SCM and SCP has not been completed yet. No candidate for the position of member of the Disciplinary Board of Judges has, for now, been evaluated by the Vetting Commission no. 2<sup>47</sup>. In the case of the Board for the selection and evaluation of prosecutors, out of 22 candidates for the position of member, 15 are still to be evaluated. And in the case of candidates for the position of member of the Board of Discipline and Ethics, only one out of 11 candidates was evaluated, the decision of the Vetting Commission no. 3 being non-promotion of the evaluation.

The start of the vetting procedures in stages 2 and 3 caused a massive wave of resignations within the judicial system (20 judges resigned from the SCJ and 21 judges - from the Courts of Appeal). Ten prosecutors from the Anticorruption Prosecutor's Office also announced their resignations (eight already accepted by the CSP). In the case of the judicial system, some provisional measures have already been taken to manage the risk of the system collapse. Namely, legislative changes were made that allow the temporary transfer of judges in case of a large number of vacancies at the SCJ and the Courts of Appeal. In the case of the prosecution system, the Code of Criminal Procedure and Law No. 3/2016 provide for mechanisms to manage the risk in question by the possibility of delegating prosecutors to a prosecutor's office where there is a shortage of staff, for a period of up to one year. Even so, if this trend is maintained, the efficiency of work in the judicial and prosecutorial system will inevitably be affected. Priorities

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<sup>45</sup> <https://www.vettingmd.eu/ro/subiecti-ai-evaluarii>

<sup>46</sup> <https://vettingmd.org/activitatea-comisiei/candidati/>

<sup>47</sup> <https://www.vettingmd.eu/ro/subiecti-ai-evaluarii>



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1. Accelerating the implementation process of the Action Plan for the implementation of the Strategy for ensuring the independence and integrity of the justice sector for the years 2022-2025, especially the outstanding actions;
2. Accelerating the extraordinary evaluation procedures of candidates for the position of member of the SCM and filling the remaining vacancies in the Council;
3. Accelerating the extraordinary evaluation procedures of candidates for the position of member of the specialized Boards of the SCM and SCP and the operationalization of the Boards;
4. Ensuring an effective process for filling the shortage of staff in the judiciary and prosecution system in the event of a possible massive wave of resignations.
5. Ensuring an efficient mechanism to reduce excessive caseloads in the courts and prosecutor's offices.
6. Ensuring a fair increase of salaries for all judges of first instance courts and prosecutors of territorial prosecutor's offices, considering that they bear the consequences of the extraordinary evaluation at higher courts/prosecutor's offices through a considerable increase of workload, as well as ensuring the implementation of the Constitutional Court's decision on remuneration of judges and prosecutors.

**Recommendation: Improve the functioning of the National Institute of Justice, develop human resource strategies for the judiciary and prosecution services and finalise the new judicial map following a systematic approach in line with European standards and based on a comprehensive analysis of the state of play**

Score

**3 out of 5 points**

### Main developments

Through the Law nr. 2/2024<sup>48</sup> changes were made to Law no. 152/2006 regarding the National Institute of Justice (INJ), clarifying the aspects related to the eligibility criteria for the position of director of the INJ, the number of mandates that can be exercised by the same person and the conditions for termination of his/her activity. Likewise, changes were made that tend to balance the workload of judges and prosecutors acting as INJ trainers, this being reduced by the SCM and SCP depending on their involvement in the Institute's activity. In addition, important changes have been made regarding the obligation to participate in recruitment contests for the INJ trainees and the application of the sanction according to art. 27 paragraph (2) in case of non-acceptance for the second time of the position that falls to him/her following the competition.

One of the most important changes made concerns the verification of the integrity of the INJ candidates. Previously, by Law no. 228/2022 amending the INJ Law, the obligation to submit the declaration of assets and personal interests by INJ candidates was introduced. A mechanism for verifying those declarations, however, was not provided at that stage. Through the changes made in February 2024, it is stipulated that "The Institute requests from the National Integrity Authority the verification of the declaration of assets, and from the National Anticorruption Centre and the Security and Intelligence Service - information on the integrity of the candidates who passed the first test of the competition". The legal term for the presentation of information was also established, of a maximum of 45 days.

The findings of the above-mentioned institutions are to be examined by the Entrance Examination Commissions. The same mechanism applies to candidates for the position of judge/prosecutor who enter the competition on the basis of seniority. In the given case, the findings of the NIA regarding the integrity of the candidates are examined by the Commission for the graduation exams.

The draft amendment to the Law no. 76/2016 on the reorganisation of courts<sup>49</sup> was developed and adopted in three readings. Through this draft law, it is proposed to optimize the number of courts of first instance from 15 to 14, and to reconfigure the Courts of Appeal into the Central, North and South Court of Appeal, in order to make the judicial act more efficient, as well as to increase citizens' access to justice.

### Constraints

The mechanism for checking the integrity of candidates for the INJ requires clarification in the part related to its application in relation to candidates for the position of judge/prosecutor based on seniority. In the current wording, the law provides for the verification of integrity of the INJ candidates after passing the first admission test, however, the mechanism in question cannot be applied in mirror to the candidates who register in the competition on the basis of seniority, because their integrity is verified in the graduation exams, not the admission exams to the INJ. Therefore, the integrity check after passing the first graduation test is not rational.

<sup>48</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141808&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141808&lang=ro)

<sup>49</sup> <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6928/language/ro-RO/Default.aspx>

At the same time, the aspects related to contesting the decisions of the Admission/Graduation Commission in the part related to the non-promotion of the competition due to non-compliance with the integrity criteria must be clarified. The law does not specify which institution has the competence to resolve these appeals - the Appeals Commission within the INJ or another competent body.

Although delayed, the draft law on the judicial map revision was nevertheless passed. Respectively, this must be coordinated when drawing up the map of the prosecutor's offices.

Although analyses and concepts have been developed regarding increasing the efficiency of the prosecutor's office, they do not directly address the issue of human resources. Specific activities for the development of a strategy regarding human resources within the prosecution service have not been identified.

### Priorities

1. Clear regulation of the aspects related to the integrity check of the candidates for the position of judge/prosecutor based on seniority at the stage of the graduation exam, as well as the aspects related to challenging the decisions of the Admission/Graduation Commission based on non-compliance with the integrity criteria.
2. Cooperation between PG, MoJ and SCM in order to coordinate the map of the prosecutor's offices with the map of the courts.
3. Development by the GPO and SCP of the Draft Action Plan regarding the relocation, construction or renovation of the prosecutor's office buildings.
4. Development of policy measures regarding human resources for the judiciary and the prosecutor's office.

## Recommendation: Consolidate the capacity of the judicial system and its self-governing institutions, including improving the quality and efficiency of the work of the Superior Council of Magistracy and Superior Council of Prosecutors

Score

3 out of 5 points

### Main developments

The Law no. 147/2023 on the selection and performance evaluation of judges<sup>50</sup> was adopted, which established the principles and procedure for the selection of candidates for the position of judge and evaluation of judges' performance, as well as the way of organization and operation of the Board for the selection and evaluation of judges, including the procedure for the selection and appointment of presidents and vice-presidents of courts. Later, by Law no. 340/2023<sup>51</sup>, changes were made to the normative framework related to the Law no. 147/2023, thus strengthening the role of the Board for the selection and evaluation of judges.

By Law no. 200/2023 for the amendment of some normative acts (improving the mechanism of selection, evaluation and disciplinary liability of prosecutors)<sup>52</sup>, changes were made to the Law no. 3/2016 on the prosecution. Among the most important changes were: the change in the composition of the SCP, excluding the ex officio members (the People's Advocate, the Prosecutor General, and from 2026, the Minister of Justice); the term of office of the SCP members was increased to six years, without the possibility of holding a new mandate, and the mandate of the SCP president was reduced to two years, without the right to re-election; the selection, evaluation and disciplinary liability mechanism of prosecutors was modified; the inspection of prosecutors was transferred from the subordination of the General Prosecutor's Office to that of the SCP. At the same time, SCP is responsible for organizing the competition for the selection of inspectors and the chief inspector. The inspectorate has functional autonomy and is composed of nine inspectors, appointed for a term of six years, without the possibility of holding a new term.

The Regulation on the procedure for the selection of prosecutors, the procedure for evaluating the performance of prosecutors and the procedure for the operation of the Board for the selection and evaluation of prosecutors was adopted.<sup>53</sup>

By the Law no. 246/2023 on the modification of the SCJ reform framework<sup>54</sup>, changes were made to the Administrative Code, according to which the examination in the first instance of administrative litigation actions regarding the legality of the SCM and SCP decisions was established within the jurisdiction of the SCJ.

By the Law no. 353/2023<sup>55</sup>, changes were made that allow the temporary transfer of judges to the Courts of Appeal in the event of a large number of vacancies, in order to avoid blockages in the system.

<sup>50</sup> [https://www.legis.md/cautare/getResults?doc\\_id=138410&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138410&lang=ro)

<sup>51</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140370&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140370&lang=ro)

<sup>52</sup> [https://www.legis.md/cautare/getResults?doc\\_id=138387&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138387&lang=ro)

<sup>53</sup> <https://csp.md/sites/default/files/inline-files/Regulament%20CSEP%20FINAL.pdf>

<sup>54</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140328&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140328&lang=ro)

<sup>55</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140376&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140376&lang=ro)



## Constraints

Although in the meeting of 28.05.2024, the SCM adopted the Regulation on the activity of the Board for the selection and evaluation of judges<sup>56</sup> - which includes the procedure, methodology, and criteria for evaluating judges, as well as the procedure, methodology and criteria for selecting candidates for the position of judge - , the Regulation in question is not, for now, publicly available. The new selection and evaluation procedures are to be implemented only after the establishment of the Board for the selection and evaluation of judges

At the moment, the Selection and Performance Evaluation Board of Judges and the Disciplinary Board of Judges are not functional. The candidates who entered the competition for the positions within the respective Boards have to be checked by the Vetting Commission. Thus, out of 13 candidates registered in the competition for the position of member of the Board for Selection and Evaluation of Judges' Performance, nine passed the evaluation, one candidate withdrew from the race, and in relation to three other candidates, for the time being, the decisions of the Vetting Commission have not been pronounced<sup>57</sup>. The candidates for the position of member of the Disciplinary Board of Judges were not evaluated by the Vetting Commission<sup>58</sup> during the period under monitoring.

Similar to the specialized Boards subordinated to the SCM, the candidates for the position of member of the specialized Boards of the SCP are in the process of integrity evaluation by the Vetting Commission. Thus, of the 22 candidates for the position of member of the Board for the selection and evaluation of prosecutors, seven were evaluated during the monitoring period, of which three passed the evaluation, four did not pass it, and in relation to 15 other candidates, for now, the decisions of the Vetting Commission have not been pronounced<sup>59</sup>. In the case of candidates for the position of member of the Discipline and Ethics Board, only one out of 11 candidates was evaluated, the decision of the Commission being non-promotion of the evaluation.

It should be pointed out that the evaluation of candidates for the membership positions in the specialized Boards within the SCM and SCP was to take place in the first stage of the external evaluation procedure (pre-vetting procedure), started in 2022. Subsequently, this task passed to the vetting commissions of judges and prosecutors.

## Priorities

1. Publication of the Regulation on the activity of the Board for the selection and evaluation of judges.
2. Operationalization of the Selection and Performance Evaluation Board of judges and the Disciplinary Board of Judges.
3. Operationalization of the Board for the selection and evaluation of prosecutors.

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<sup>56</sup> [https://www.csm.md/files/Ordinea\\_de\\_zi\\_CSM/2024/19/Sinteza.pdf](https://www.csm.md/files/Ordinea_de_zi_CSM/2024/19/Sinteza.pdf)

<sup>57</sup> <https://www.vettingmd.eu/ro/subiecti-ai-evaluarii>

<sup>58</sup> <https://www.vettingmd.eu/ro/subiecti-ai-evaluarii>

<sup>59</sup> <https://vettingmd.org/activitatea-comisiei/candidati/>

## Fighting against corruption

Average Score

3,3 out of 5 points

**Recommendation: Adopt the new national integrity and anti-corruption strategy 2024 and beyond and its implementation action plan**

Score

4 out of 5 points

### Main developments

In December 2023, the National Integrity and Anti-Corruption Programme for the years 2024-2028 was adopted, as well as the Action Plan for its implementation<sup>60</sup>. The programme focuses on four general objectives, as follows: (i) development and implementation of integrity standards in the public sector; (ii) streamlining measures to prevent and combat corruption and ensuring the inevitability of sanctioning corruption offences; (iii) cultivating integrity and reducing acts of corruption in the private sector, including entities with full or majority state capital; (iv) cultivating intolerance to acts of corruption, as well as encouraging the reporting of acts of corruption and illegal practices. The objectives of the Programme are correlated with the policy directions established in the “European Moldova 2030” National Development Strategy, but also with the Moldova – 2030 Agenda for Sustainable Development, aligning with the sustainable development objectives 5 and 16.

### Constraints

Although the development of the National Integrity and Anti-corruption Programme for the years 2024-2028, as well as of the Action Plan for its implementation, represents an important progress in achieving the recommendations and commitments to the EU, the detailed analysis of the document reveals a series of constraints. Among the most notable are the correct identification of problems. The analysis of the situation focuses more on findings in the field of corruption than on the causes that generate these phenomena, which creates difficulties in determining the correct interventions. Greater attention should also be paid to the formulation of the impact indicators and targets. Some of the impact indicators are not measurable and the targets do not specify the reference value and the verification source, which will be a challenge in the monitoring process. Regarding the costs, although the Programme mentions the general cost in the descriptive part, in the Action Plan the costs for many actions are not specified, being indicated only as “within the budget sources”. At the same time, there is no clear correlation with the Medium-Term Budgetary Framework, only the programmes and sub-programmes being mentioned. Additionally, it should be emphasized that the active role in the implementation, monitoring and evaluation of the Programme belongs to the National Anticorruption Centre, which can generate a potential conflict of interests. It would be appropriate for the Ministry of Justice to be the body responsible for monitoring and evaluation, and for the National Anticorruption Centre and other authorities to focus on implementation.

### Priorities

1. In the implementation process, identifying the origin of problems and causes in order to ensure correct intervention measures.
2. Setting benchmarks and measurable indicators for the impact indicators and targets.
3. Ensuring adequate funding for the implementation of actions.

<sup>60</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141920&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141920&lang=ro)

## Recommendation: Finalise the reform of the anti-corruption institutional framework, in particular increase the capacity of the institutions concerned

Score

3 out of 5 points

### Main developments

By the Law no. 245/2023<sup>61</sup>, the decoupling of the Anticorruption Prosecutor's Office (AP) from the National Anticorruption Centre (NAC) was achieved. Thus, the circle of subjects of investigations by the Anticorruption Prosecutor's Office was established (the President of the country, members of the Government, judges, prosecutors, employees of the SIS and NAC, leaders and members of the governing bodies of public authorities and institutions provided for by the Constitution of the Republic of Moldova).

Later by the Law no. 365/2023<sup>62</sup>, the circle of subjects in question has been expanded. Additionally, the law establishes a ceiling beyond which, regardless of the quality of the person who committed the crime, the Anticorruption Prosecutor's Office is empowered to investigate the case. During 2023, the ceiling in question was raised twice. Namely, the ceiling originally established by the Law no. 245/2023 - 6,000 conventional units (300,000 MDL) for corruption cases or for cases where the value of the damage caused by the crime exceeds 60,000 conventional units (3,000,000 MDL) - was increased, by Law no. 365/2023, to 10,000 conventional units (500,000 MDL), respectively 100,000 conventional units (5,000,000 MDL). Also, the Anticorruption Prosecutor's Office is mandated to exclusively investigate crimes related to the acceptance by political parties of financing by a criminal group and the illegal financing of political parties.

At the same time, the Law no. 245/2023 provides for the priority examination of corruption cases in the courts, as well as the modification of the jurisdiction of the court that examines corruption cases under the management of the Anticorruption Prosecutor's Office. Thus, the first instance court at the place where the criminal prosecution ended is competent, not the one at the place where the crime was committed.

Following the delimitation of powers between the Anticorruption Prosecutor's Office and the National Anticorruption Centre, a process was initiated to strengthen the institutional capacities of the AP. Thus, starting from January 1, 2024, the AP has its own budget separate from that of the General Prosecutor's Office (GP), which accounts for about 10% of the total budget of the GP. By the Decision no. 14/2024<sup>63</sup> the number of staff members within the AP was increased by 54 units, currently the total number of employees of the institution being 198 people (according to the organisation chart). At the same time, the process of identifying a building where the AP will carry out its work has started.

Also, in the context of the decoupling of the AP from the NAC, the draft law for the amendment of the Law no. 1104/2002 on the National Anticorruption Centre<sup>64</sup> was developed and approved in the first reading, being clarified the aspects related to the institutional independence of the NAC, the detailing of the funding sources and the way of managing the budget, the grounds for the revocation of the NAC director, by excluding the grounds for revocation – “non-compliance with the requirements for appointment to the position”, thus being managed the risk of abusive dismissal from office. The draft law strengthens the NAC's powers in terms of

<sup>61</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140327&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140327&lang=ro)

<sup>62</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140196&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140196&lang=ro)

<sup>63</sup> <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6835/language/ro-RO/Default.aspx>

<sup>64</sup> <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6807/language/ro-RO/Default.aspx>

carrying out operational, tactical and strategic analysis in the anti-corruption field, as well as implements other changes aimed at increasing the efficiency, independence, and transparency in the NAC's activity.

### **Constraints**

Although some progress has been made in institutional reform in the field of anti-corruption, a number of constraints still remain which constitute a challenge in the effective fight against corruption.

Given that the NAC is to carry out its activity jointly with the territorial prosecutor's offices, the latter must also be strengthened, especially with regard to crimes containing economic or financial elements. As far as the AP is concerned, there is need to strengthen its prosecution capabilities, the way it interacts with the prosecution bodies, and ensure adequate physical infrastructure to carry out its activities in optimal conditions.

An additional constraint is the risk of leaving office by a large number of prosecutors, as a result of the start of their evaluation exercise (vetting).

### **Priorities**

1. Strengthening the capacities of the territorial prosecutor's offices for the examination of corruption offences.
2. Strengthening the institutional prosecution capacities of the Anticorruption Prosecutor's Office.
3. Finalizing the procedures for identifying the headquarters for the Anticorruption Prosecutor's Office and relocation of the latter, which will allow for the activities to be carried out under optimal conditions.
4. Identifying backup solutions to mitigate the impact of the leaving of a large number of prosecutors, following the start of the vetting exercise.

## Recommendation: implement pending GRECO recommendations and the ODIHR opinion and guidance on transparency and accountability

Score

3 out of 5 points

### Main developments

During the fourth round of the GRECO<sup>65</sup> evaluation, which refers to the prevention of corruption in relation to members of Parliament, judges and prosecutors, 18 recommendations were formulated. According to the second GRECO Interim Compliance Report<sup>66</sup>, it was found that the Republic of Moldova has satisfactorily implemented or treated in a satisfactory way six recommendations. Of the remaining recommendations, ten were partially implemented and two were not implemented. Among the unimplemented recommendations is the one regarding the adoption of a Code of conduct for members of Parliament. In order to implement this recommendation, the draft law no. 488/2023 on the status, conduct and ethics of the deputy in the Parliament<sup>67</sup> was developed and voted in the first reading.

The fifth round of GRECO evaluation<sup>68</sup> refers to the prevention of corruption and the promotion of integrity among the holders of the top executive positions of the authorities (President, Prime Minister, Deputy Prime Ministers, Ministers, State Secretaries, State Secretaries of the Government, Secretaries General of Presidency and Government, Presidential Advisors and Ministerial Advisors - hereinafter, PTEF), as well as for Police and Border Police bodies.

In the Evaluation Report, GRECO notes the progress made by the Republic of Moldova regarding the development of an institutional integrity framework, consisting of the National Anti-Corruption Centre, the National Integrity Authority, and the Anti-Corruption Prosecutor's Office. It is also mentioned the consolidation of a substantial legal framework that regulates aspects such as the evaluation of institutional integrity, the management of institutional corruption risks and the declaration and verification of assets and personal interests, the protection of whistleblowers, aspects related to access to information of public interest, etc. Additionally, in December 2023, the new National Integrity and Anti-Corruption Programme for the years 2024-2028 was adopted, as well as the Action Plan for its implementation.

In its latest Report, published in March 2024, regarding the local elections in the Republic of Moldova that took place in November 2023<sup>69</sup>, the ODIHR recommends additional efforts to ensure the independence of the CEC. Namely, a possible review of the current composition of the CEC, before the presidential and parliamentary elections, aimed at avoiding the potential risk of dominance by a single political party. Recommendations are also made in relation to increasing the efficiency of the process of supervising the financing of the electoral campaign, by introducing a mechanism to verify the veracity of the expenses reported by the electoral contestants. Efforts are also needed to update the information in the Voters' Register, so that it is possible to automatically or timely exclude data on deceased persons. More details on the ODIHR recommendations, progress, and constraints in their implementation can be found in Chapter 1, "Democracy".

<sup>65</sup> [https://www.cna.md/public/files/grecoeval4rep20166\\_moldova\\_en.pdf](https://www.cna.md/public/files/grecoeval4rep20166_moldova_en.pdf)

<sup>66</sup> <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680ab41b9>

<sup>67</sup> <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6778/language/ro-RO/Default.aspx>

<sup>68</sup> <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680aec9a5>

<sup>69</sup> <https://www.osce.org/files/f/documents/5/f/568981.pdf>

## Constraints

GRECO emphasizes the need to check the integrity of PTEFs (persons with top management positions) at the stage of their recruitment. It is also important to adopt codes of conduct for PTEFs that cover all relevant aspects of integrity, include practical guidance and are supported by a credible and effective monitoring and implementation mechanism. GRECO warns that the management system of the conflict of interests needs strengthening. The National Integrity Authority (NIA) detailed control over the PTEF's asset and personal interest declarations needs significant improvement, and an internal monitoring mechanism should be established to ensure consistency of decisions by NIA's integrity inspectors and a fair distribution of workload among them. GRECO also notes the lack of regulation in the field of lobbying.

Further progress is needed to prevent corruption among law enforcement agencies. There is a need to develop dedicated codes of conduct (separate or joint) for the Police and the Border Police, complete with practical guidance and an implementation mechanism. GRECO also mentions the lack of a constant integrity check mechanism throughout the law enforcement officers' careers. The practice of promotion to interim management positions should be limited and career promotion decisions should be transparent and objective. GRECO's report contains 25 recommendations on preventing corruption and promoting integrity among the top executive functions of central government and law enforcement agencies. The government must report to GRECO on the implementation of these recommendations by June 30, 2025, during the fifth evaluation round.

## Priorities

1. Implementation of the recommendations of the GRECO Fifth Evaluation Round Report and the outstanding recommendations of the GRECO Fourth Evaluation Round Report.
2. Ensuring a participative dialogue with representatives of civil society in order to discuss the progress related to the implementation of the GRECO recommendations.



## Fundamental rights

Score

3,3 out of 5 points

**Recommendation: Further improve gender equality including by undertaking further measures to eliminate gender-based violence, including by adopting and implementing the new national programme on preventing and combating domestic violence and violence against women for 2023-2027 and the new national programme on the acceleration of gender equality for 2023-2027 and its corresponding action plan**

Score

4 out of 5 points

### Main developments

In October 2021, the Republic of Moldova ratified the Istanbul Convention, which entered into force in May 2022<sup>70</sup>. Since then, in order to harmonize the legislation with the provisions of this convention, a series of significant adjustments have been implemented to the national legal framework. Among the most important changes are the introduction of the notions of “violence against women”, “adult victim” and “child victim”, as well as the implementation of electronic monitoring of domestic abusers. This measure allows the court to apply, with the victims’ written consent, protective measures to victims and their family members, including electronic monitoring through a GSM-type surveillance system.

The territorial social assistance system was strengthened by establishing a service responsible for preventing and combating domestic violence. Also, the protection of victims was strengthened by professionals from the police, social assistance and health sectors, through the assessment and management of the risk of repeating acts of violence. The concept of state-guaranteed emergency legal aid has been expanded, this being offered to victims of domestic violence and sexual crimes 24/24 at the complaint stage. The right to qualified legal assistance is also ensured for victims of crimes of torture and inhuman and degrading treatment, trafficking in human beings, domestic violence, crimes concerning sexual life, as well as for child victims of crimes and people with severe or accentuated disabilities.

The mechanism for ensuring the rights of victims of sex crimes and domestic violence has been improved through changes to criminal and civil law to transpose the provisions of the Istanbul Convention and the Lanzarote Convention. These changes include ensuring victims' right to a fair trial, prohibiting the removal of criminal liability following reconciliation between the victim and the offender, and pro-active investigation of possible crimes, even if the victims have withdrawn their statements or complaint. Other measures include the social reintegration of victims through access to medical, medico-legal, post-traumatic psychological assistance and counselling services for physical and psychosocial recovery, as well as by criminalizing cyber violence in the form of pornographic revenge, respectively adjusting the definition of “sexual harassment” to international standards.

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<sup>70</sup> Council of Europe. “Council of Europe Convention on preventing and combating violence against women and domestic violence”.

In 2023, by the Government Decision no. 332, the National Programme on preventing and combating violence against women and domestic violence for the years 2023-2027 was approved<sup>71</sup>. The Programme has four general objectives translated into 90 specific actions and aims to reduce the prevalence of all forms of violence by 2027. The Programme's goals include increasing the number of cases reported to the police, criminal cases filed and convictions for acts of violence, as well as early intervention and prevention of cases of violence. The budget allocated for the implementation of the Programme is MDL 19.8 million, of which MDL 4 million comes from the state budget, while MDL 15.8 million - from the sources provided by the development partners.

Based on the comments and recommendations made by CEDAW following the evaluation of the sixth periodic report of the Republic of Moldova (CEDAW/C/MDA/CO/6 of March 2, 2020), the Programme for promoting and ensuring equality between women and men in the Republic of Moldova was developed for the years 2023-2027 (HG no. 203/2023)<sup>72</sup>.

Also, the methodological operational framework for professionals in the field was strengthened. Among the measures implemented are the approval of the Instruction on the mechanism of intersectoral cooperation in cases of domestic violence and the establishment of an inter-institutional mechanism for the analysis and monitoring of cases of domestic violence resulting in death or serious injury to bodily integrity of the victims, approved by the joint order of several ministries and institutions<sup>73</sup>.

Since January 1, 2024, a new governmental structure was established, the National Agency for the Prevention and Combating of Violence Against Women and Domestic Violence, which operates under a regulation approved by the Government. It has specific functions to ensure comprehensive and effective efforts to combat violence against women<sup>74</sup>.

In the Republic of Moldova there is a network of specialized services that provide support for victims of domestic violence and their children. This includes nine placement Centres financed from the state budget, day Centres managed by non-governmental organizations, the Women and Girls Helpline 08008008 and the Children's Phone 116111 (both offering free, confidential and anonymous services), as well as the National Single Service for Emergency Calls 112. For refugees from Ukraine, with the support of development partners, non-commercial organizations and local authorities, temporary placement Centres were created. Their number has reduced from 136 to 44, currently having a total capacity of 2809 places, of which approximately 70% are occupied. On January 17, 2024, 2,318 beneficiaries were accommodated in these Centres, of which 967 were children and 149 disabled persons.

The Ministry of Labour and Social Protection has developed the new Regulation of the Temporary Placement Centre for persons displaced from the territory of other states, which provides protection measures against violence, discrimination, neglect, exploitation, harassment (including sexual), inhuman and/or degrading treatment and/or human trafficking. Between March 1, 2023 and January 15, 2024, 38,874 people were pre-

<sup>71</sup> The Government of the Republic of Moldova. "Decision no. 332 of 31-05-2023 on the approval of the National Programme on preventing and combating violence against women and domestic violence for the years 2023-2027".

<sup>72</sup> Ministry of Labour and Social Protection. "Gender Acceleration Programme." Accessed on 26 June 2024. <https://social.gov.md/wp-content/uploads/2023/04/Program-accelerare-egalitate-de-gen.pdf>

<sup>73</sup> UN Women Moldova. "Intersectoral Intervention Mechanism Instruction." Accessed on 26 June 2024.

[https://moldova.unwomen.org/sites/default/files/2022-08/Instructiuni%20mecanism%20intersectorial%20de%20interventie\\_25.05.%202022.pdf](https://moldova.unwomen.org/sites/default/files/2022-08/Instructiuni%20mecanism%20intersectorial%20de%20interventie_25.05.%202022.pdf)

<sup>74</sup> The Government of the Republic of Moldova. "The government approved the establishment of the National Agency for the Prevention and Combating of Violence". Accessed on 26 June 2024. <https://gov.md/ro/content/guvernul-aprobat-instituirea-agentiei-nationale-de-prevenire-si-combatere-violentei>



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registered for temporary protection in the information system of the General Inspectorate for Migration, of which 17,145 were women between the ages of 0 and over 60<sup>75</sup>.

In 2023, the piloting of the regional integrated service for victims of sexual violence in the city of Ungheni began<sup>76</sup>, financed by the development partners/UN Women and, in partnership with the US Embassy, the Family Justice Centre was created in Chisinau<sup>77</sup>, under the auspices of the Ministry of Internal Affairs, for victims of domestic violence and sexual violence.

In October 2023, under the auspices of the Ministry of Health and with the support of UNFPA, the Network of Support Units for survivors of gender-based violence, including sexual violence, was launched in 11 medical institutions (Emergency Department)<sup>78</sup>. Thus, women who have been victims of a form of physical and/or sexual violence will immediately receive 24/7 medical assistance, psychological support and referral to other services in a unique and safe space within the public health system, avoiding revictimization in contact with forensic doctors or the police. The units were opened at the Mother and Child Institute in Chisinau, the Institute of Emergency Medicine in Chisinau and in the hospitals of Balti, Edinet, Cahul, Comrat, Causeni, Soroca, Floresti, Hancesti and Orhei.

## Constraints

### *Regarding the investigation and prevention of acts of violence*

According to the data of the General Police Inspectorate, in the period of 2020-2023 there was an increase in the number of crimes that attempted sexual life. Rape cases increased from 254 in 2020 to 289 in 2023. In contrast, violent acts of a sexual nature decreased from 99 in 2021 to 73 in 2023. The domestic violence cases reached 880 in 2023, compared with 867 in 2020 and 831 in 2022. The majority of victims are women, making up more than half of domestic violence cases.

15,817 emergency restraining orders were issued for domestic abusers during this period, as follows: 4250 in 2020, 4939 in 2021, 3907 in 2022 and 2721 in 2023<sup>79</sup>.

According to the analysis of the Women's Law Centre (CDF), the risk of domestic violence resulting in death or serious injury to bodily integrity is higher in rural areas, while the incidence of femicide is higher in urban areas. The common domicile of the victim and the aggressor turns out to be the most dangerous place for women subjected to domestic violence. Also, there is a prevalence of domestic violence cases in the spring-summer months, with a notable incidence in May and August<sup>80</sup>.

The victim-aggressor relationship is characterized by an average duration of 15 years, and in cases of femicide this duration often exceeds ten years. Children present in the family increase the vulnerability of the victims,

<sup>75</sup> Ministry of Labour and Social Protection. "Draft Report no. 7 CEDAW". Accessed on 26 June 2024. <https://social.gov.md/wp-content/uploads/2024/01/Proiectul-Raportului-nr.-7-CEDAW.pdf>

<sup>76</sup> UN Women Moldova. "Ungheni regional integrated service: six months of specialized assistance for victims of sexual violence." Accessed on 26 June 2024. <https://moldova.unwomen.org/ro/stories/comunicat-de-presa/2024/05/serviciul-integrat-regional-din-ungheni-sase-luni-de-asistenta-specializata-pentru-victimele-violentei-sexuale>

<sup>77</sup> Family Justice Centre. Accessed on 26 June 2024. <https://cif.md/>

<sup>78</sup> Ministry of Labour and Social Protection. "In the Republic of Moldova, a network of units was launched to provide assistance to victims of gender-based violence". Accessed on 26 June 2024. <https://social.gov.md/comunicare/comunicate/in-republica-moldova-a-fost-lansata-o-retea-de-unitati-pentru-acordarea-asistentei-victimelor-violentei-in-baza-de-gen/>

<sup>79</sup> General Police Inspectorate. "Activity Report: 12 Months". Accessed on 26 June 2024. [https://politia.md/sites/default/files/raportul\\_de\\_activitate\\_12\\_luni.pdf](https://politia.md/sites/default/files/raportul_de_activitate_12_luni.pdf)

<sup>80</sup> Women's Law Centre. "The home remains the most dangerous place for women." Accessed on 26 June 2024. <https://cdf.md/noutati/domiciliul-continua-sa-fie-cel-mai-periculos-loc-pentru-femei/>

the guardianship authorities often being passive in the face of the risks to which they are exposed. In many cases, domestic violence crimes take place in the presence of children, and sometimes they also become direct victims.

Alcoholism is a common factor for aggressors, and lack of access to alcohol detoxification services presents an increased risk of femicide. The presence of long-term physical violence, associated with other forms of violence, constitutes a major risk factor for femicide, and the lack of prompt and appropriate interventions by the authorities contributes to maintaining this risk.

As for protective measures, their application is inconsistent, and in cases where they are imposed, they are not always respected by the aggressors. The courts, in many cases, do not give the necessary attention to the investigation of the history of violence suffered by the victim, which represents a significant gap. Also, the punishment of the aggressors is sometimes inadequate, and non-custodial measures are applied without verifying the elimination of the causes that generated the violence.

Gender bias and stereotypes are important obstacles to holding perpetrators accountable. Courts and prosecutions do not identify and take into account gender motives in femicide cases, which limits the full understanding of these crimes. These constraints highlight the need for more rigorous and coherent measures to protect victims and hold perpetrators accountable.

#### *Regarding ensuring gender equality*

The Republic of Moldova has been facing, for more than three decades, a deep deterioration of the demographic situation, caused by political, economic and social changes, as well as the exodus of the working-age population, who leave in search of more attractive opportunities. The masculinization and feminization of professions persists in the field of educational professionalisation and in the field of work. The phenomena of violence against women, domestic violence, and human trafficking represent considerable challenges, which require a coordinated multidisciplinary response from all competent structures, namely, the allocation of adequate resources, the realization of educational and informational programmes for the population, the development of appropriate services and the training of specialists.

Informing the population in the field of gender equality is insufficiently valued, and the active involvement of the mass media is necessary to educate society in the spirit of gender equality, by eliminating sexism from language and advertising, as well as gender stereotypes. Women and men in rural areas need more attention, especially in the context of migration and demographic issues. Developing and supporting entrepreneurship programmes for women, youth and the elderly could improve the socio-economic situation, reduce migration flows and mitigate the negative consequences of population aging.

The applicability of the mechanisms for implementing the legal framework is low and insufficient, and it is necessary to align them with international standards, including the EU Directives. The authorities' reluctance to ensure a comprehensive approach to gender equality in sectoral policy documents and to implement gender-sensitive budgeting persists. Another sensitive area is the involvement of men as promoters of gender equality in care initiatives, education and other feminized areas of the labour market. The economic, participation and leadership empowerment of women, especially those from underrepresented groups, are sectors that must be capitalized on through public policy documents approved in 2023.

#### **Priorities**

##### **1. Implementation and monitoring of national programmes**



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- Implementation of the new National Programme on preventing and combating domestic violence and violence against women for 2023-2027,
- Implementation of the National Programme for Accelerating Gender Equality for 2023-2027, including its Action Plan.

## **2. Consolidation of the legal and institutional framework**

- Continue to harmonize national legislation with the provisions of the Istanbul Convention and the Lanzarote Convention.
- Strengthening the National Agency for the Prevention and Combating of Violence Against Women and Domestic Violence to ensure effective and comprehensive efforts to combat gender-based violence.

## **3. Expanding and improving victim support services**

- Development of the network of specialized services, including placement centres and psychological, medical and legal assistance services.
- Piloting and expanding the regional integrated services for victims of sexual violence and the Family Justice Centres.

## **4. Educating and sensitising the population**

- Implementation of educational and informative programmes for the population on gender equality and violence prevention.
- Active involvement of the media to eliminate gender stereotypes and promote gender equality.

## **5. Education and training of specialists**

- Strengthening the methodological operational framework for professionals in the field.
- Organization of training and continuing education sessions for police officers, social workers, doctors and other professionals involved in preventing and combating gender-based violence.

## **6. Improving protection and response mechanisms**

- Ensuring the consistent and effective application of protection measures for victims.
- Development of an inter-institutional mechanism for analysis and monitoring of cases of gender-based violence resulting in death or serious injury.

## **7. Economic and social empowerment of women**

- Development of entrepreneurship programmes for women, youth and the elderly.
- Promoting the participation and leadership of women, especially those from underrepresented groups.

## **8. Combating gender prejudices and stereotypes**

- Promoting a comprehensive approach to gender equality in sectoral policy documents and in gender-sensitive budgeting.
- Involvement of men as promoters of gender equality in initiatives of care, education and other feminized fields.

## Recommendation: Implement the programme in support of the Roma population for 2022-2025 at all levels of government

Score

3 out of 5 points

### Main developments

In the Republic of Moldova, the Roma community represents the most disadvantaged minority group<sup>81</sup>. Even if the Government started to implement the GD no. 576 of August 3, 2022, which provides for a Support Programme for the Roma population in the period 2022-2025<sup>82</sup>, effectively ensuring Roma rights continues to be a major challenge for the authorities. The Roma Women's Platform and the Centre for Policies and Reforms from Moldova expressed their concern regarding the Government's slow progress in respecting Roma rights, according to the International Convention on the Elimination of All Forms of Racial Discrimination<sup>83</sup>. The persistence of discriminatory attitudes towards the Roma, including from civil servants, leads to their discrimination and social exclusion. Roma women are particularly vulnerable, subject to both violence and dual discrimination due to ethnicity and gender, while Roma children have limited access to quality education. A significant number of Roma, including refugees, live in marginalized conditions and face difficult socio-economic situations. Discrimination, social exclusion and segregation particularly affect Roma refugees, worsening their situation. Low access to the labour market and high unemployment rate limit their chances of escaping poverty and social integration through work, leading to low incomes, limited access to quality health services and poor living conditions. These conditions contribute to a lower life expectancy and a higher morbidity rate among Roma compared to the rest of the population.

According to the study "Perceptions and attitudes towards equality", carried out by the Council of Europe in 2021, the general attitude of the Moldovan population towards the Roma is predominantly negative<sup>84</sup>. The Roma interviewed in the study mentioned that although in theory all people are considered equal, in reality, Roma are not seen as equal to other ethnicities and are constantly discriminated against. "There is no equality in Moldova", is the common conclusion of all Roma respondents. Most Moldovans consider the Roma to be dirty, thieves and drug dealers. Even if the Roma show a positive attitude towards people of other ethnicities, this attitude is not reciprocal.

European Commission against Racism and Intolerance (ECRI)<sup>85</sup> highlighted in its report that the political arena plays a crucial role in the emergence, amplification and spread of hate speech. This rhetoric is often exploited because of deep-rooted prejudice against the Roma. The lack of reaction of the authorities, the uncontrolled online environment, ineffective sanctioning mechanisms and imperfect legislation contribute significantly to the spread of hatred and intolerance in society.

<sup>81</sup> UNICEF. "Inclusion and reintegration of Roma children in the education system". Accessed on 26 June 2024.

<https://www.unicef.org/moldova/copiii-de-etnie-rom%C4%83>

<sup>82</sup> The Government of the Republic of Moldova. "Government Decision no. 576 of 03-08-2022 regarding the approval of the Programme for the support of the Roma population in the Republic of Moldova for the years 2022-2025". Accessed on 26 June 2024.

[https://www.legis.md/cautare/getResults?doc\\_id=133208&lang=ro](https://www.legis.md/cautare/getResults?doc_id=133208&lang=ro)

<sup>83</sup> Center for Policies and Reforms (CPR). "Shadow Report: Committee on the Elimination of Racial Discrimination, 2024". Accessed on 26 June 2024. <https://cpr.md/wp-content/uploads/2024/02/Raport-Alternativ-Comitetul-Discriminare-Rasial%C4%83-2024.pdf>

<sup>84</sup> Council of Europe in Moldova. "Study on perceptions and attitudes towards equality, 2021". Accessed on 26 June 2024.

<https://rm.coe.int/studiu-privind-perceptiile-si-atitudinile-fata-de-egalitate-study-on-p/1680a655e7>

<sup>85</sup> European Commission against Racism and Intolerance. "ECRI report on the Republic of Moldova, 5th monitoring cycle", 2018. Accessed on 26 June 2024. <https://rm.coe.int/fifth-report-on-the-republic-of-moldova-translation-in-official-langua/16808de7d9>



Although discrimination against Roma based on ethnicity is widespread in the Republic of Moldova and represents a serious violation of human rights, it often goes unpunished. The reporting rate of cases of hate speech and discrimination is low, due to obstacles preventing Roma access to justice and assistance and protection services, including mistrust of authorities and lack of long-term support from the state<sup>86</sup>.

The authorities have taken important measures to prevent and combat discrimination, but additional efforts are needed to ensure respect for Roma rights in Moldova. Positive aspects include the adoption of legislation and policies such as the Strategy on Strengthening Inter-Ethnic Relations (2017-2027)<sup>87</sup> and Government Decision no. 576 of August 3, 2022<sup>88</sup>.

The UN Committee on the Elimination of Racial Discrimination (CERD) published, on April 29, 2024, the conclusions regarding the Republic of Moldova, after reviewing the implementation of the Convention during its last session. The Committee expressed its concern about reports of the spread of racial discrimination, racial hate speech and hate crimes, as well as the spread of negative stereotypes against ethnic minority groups, in particular the Roma. It recommended that Moldova strengthen its efforts, including through the effective implementation of the legislative framework, to combat racial discrimination, racial hate speech and hate crimes directed against members of ethnic minority groups, including the Roma. The committee also expressed its concern about the low attendance rate and the high dropout rate among Roma children, especially girls, and that only one Roma teacher was employed in public schools in the country. CERD called on Moldova to step up its efforts to ensure Roma children's access to quality and inclusive education, increase school enrolment rates and reduce school dropout rates. These efforts include awareness campaigns on the importance of education for Roma children and youth and their families, as well as recruiting more Roma teachers<sup>89</sup>.

## Constraints

Considering the extent and impact of the phenomenon of discrimination against Roma in the Republic of Moldova, it is necessary to adopt and implement firm, systemic measures that comply with international standards. Roma people, especially refugees, face numerous difficulties in accessing their rights from several perspectives, detailed below:

- **Limited implementation of the Strategy on the Integration of Ethnic Minorities.** Although the Republic of Moldova adopted the Action Plan for supporting the Roma population for the years 2016-2020 and 2022-2025, their implementation was partial. These plans aimed at the social inclusion of Roma through measures to combat discrimination, improve living conditions, increase the schooling rate of Roma children and their participation in public life<sup>90</sup>. The lack of coherent action has led to high school dropout rates, adult illiteracy and limited access to jobs, particularly affecting Roma women, who face multiple discrimination.

<sup>86</sup> Promo-LEX. "Hate speech and incitement to discrimination in the public space and in the mass media of the Republic of Moldova in the context of the war of the Russian Federation against Ukraine". Accessed on 26 June 2024. <https://promolex.md/wp-content/uploads/2022/06/Discursul-de-ur%C4%83-%C8%99i-instigare-la-discriminare-%C3%AEn-spa%C8%9Biu-public-%C8%99i-%C3%AEn-mass-media-din-Republica-Moldova-%C3%AEn-contextul-r%C4%83zboiului-Federa%C8%9Biei-Ruse-%C3%AEmpotriva-Ucrainei.pdf>

<sup>87</sup> The Government of the Republic of Moldova. "Strategy on strengthening inter-ethnic relations 2017-2027, adopted on December 30, 2016". Accessed on 26 June 2024. [https://gov.md/sites/default/files/document/attachments/intr02\\_107.pdf](https://gov.md/sites/default/files/document/attachments/intr02_107.pdf)

<sup>88</sup> "Government Decision no. 576 of 03-08-2022 regarding the approval of the Programme for the support of the Roma population in the Republic of Moldova for the years 2022-2025". Accessed on 26 June 2024. [https://www.legis.md/cautare/getResults?doc\\_id=133208&lang=ro](https://www.legis.md/cautare/getResults?doc_id=133208&lang=ro)

<sup>89</sup> United Nations Office of the High Commissioner for Human Rights (OHCHR). "UN Committee on the Elimination of Racial Discrimination Publishes Findings on Albania, Honduras, Jordan, and Mauritania". April 2024. Accessed on 26 June 2024. <https://www.ohchr.org/en/press-releases/2024/04/un-committee-elimination-racial-discrimination-publishes-findings-albania>

<sup>90</sup> The Government of the Republic of Moldova. "Report on the Implementation of the Action Plan to support the Roma population in the Republic of Moldova for the years 2016-2020 (approved by GD no. 734 of 06/09/2016)".

- **Limited access to housing and segregation in refugee centres.** In July 2023, a working group for people of Roma ethnicity mapped the Roma refugees in the Republic of Moldova, identifying more than 1500 people. Almost 45% of Roma refugees live in placement Centres, which is a much higher percentage than that of Ukrainian refugees. Roma refugees face discrimination in access to housing and accommodation, often being refused accommodation in placement Centres on ethnic grounds<sup>91</sup>. Currently, there are four segregated placement Centres in Moldova, with lower living conditions compared to non-segregated Centres. The authorities are aware of this segregation, but have not taken effective measures to combat it<sup>92</sup>.
- **Gender-based violence and intersectional discrimination.** Domestic violence is widespread in Roma communities, but it is difficult to analyse qualitatively due to the lack of data disaggregated by ethnic criteria. These cases go unreported for various reasons, including passive police intervention. More precisely, the police avoid protecting Roma women and girls under the pretext of the existence in these communities of “their own laws”, thus depriving them of access to protection orders and specialized services<sup>93</sup>. The National Programme to Prevent and Combat Violence against Women and Domestic Violence (2023–2027) recognizes the high prevalence of violence among Roma women, but does not include specific measures to address their needs<sup>94</sup>.
- **Limited access to public services and public participation.** The Roma population continues to encounter difficulties in accessing public services, especially in the fields of education, social protection, medical assistance, and employment. In the localities where community mediators are active, Roma access to these services is better. However, in many localities such mediators are missing, which perpetuates social exclusion and the difficulty of accessing essential services<sup>95</sup>.
- **Limited access to employment.** Most people of Roma ethnicity are not officially employed and do not have unemployment status, due to the lack of knowledge about obtaining this status. The fact in question negatively affects the socio-economic situation of the Roma, deepening their poverty<sup>96</sup>. Employment discrimination and reduced opportunities on the labour market contribute to social isolation, increased crime and corruption.
- **Limited access to social protection.** Roma are often unaware of available social protection services and have limited access to them due to long distances to social assistance institutions, lack of identity documents and insufficient information. The percentage of Roma who benefit from social assistance is very small compared to the total number of the population<sup>97</sup>.

<sup>91</sup> Free Europe. “Two women and ten Roma children, kicked out of a refugee center, ended up on the streets”, 2023. Accessed on 26 June 2024. <https://moldova.europalibera.org/a/doua-femei-si-zece-copii-de-etnie-rom-a-lunga-ti-dintr-un-centru-de-refugiati-au-ajuns-in-strada/32261896.html>

<sup>92</sup> The working group for people of Roma ethnicity. “Informative Note on Roma refugees”. Moldova Refugee Coordination Forum.

<sup>93</sup> United Nations in Moldova. “Roma women speak out and act against gender-based violence.” Accessed on 26 June 2024. <https://moldova.un.org/ro/254869-femeile-rome-vorbesc-%C8%99i-ac%C8%9Bioneaz%C4%83-%C3%AEmpotriva-violen%C8%9Bei-%C3%AEEn-baza-de-gen>

<sup>94</sup> The Government of the Republic of Moldova. “Decision no. 332 of 31-05-2023 regarding the approval of the National Programme on preventing and combating violence against women and domestic violence for the years 2023-2027”. Accessed on 26 June 2024. [https://www.legis.md/cautare/getResults?doc\\_id=138005&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138005&lang=ro)

<sup>95</sup> Center for Policies and Reforms (CPR). “Shadow report on the situation of refugees, asylum seekers and stateless persons in the Republic of Moldova”. Accessed on 26 June 2024. <https://cpr.md/2024/03/29/raport-alternativ-privind-situatia-refugiatilor-solicitantilor-de-azil-si-apatrizilor-din-republica-moldova/>

<sup>96</sup> Stiri.md “The “Voice of the Roma” coalition: There is a need to facilitate Roma access to the labour market”. Accessed on 26 June 2024. <https://stiri.md/article/social/coalitia-vocea-romilor-e-nevoie-de-facilitarea-accesului-romilor-pe-piata-muncii>

<sup>97</sup> United Nations in Moldova. “Twenty Roma community mediators were trained to effectively promote rights.” Accessed on 26 June 2024. <https://moldova.un.org/ro/265442-doua-C4%83zeci-de-mediatori-comunitari-romi-au-fost-instrui%C8%9Bi-pentru-promova-eficient-drepturile>



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- **Limited access to education<sup>98</sup>.** The low level of inclusion in the education system and the precarious financial situation are the main factors that influence the attendance of educational institutions by Roma children. The school dropout rate among Roma children is high due to the lack of an effective partnership between educational institutions, municipalities and parents, as well as discrimination in schools. The quantifiable rate of compulsory school inclusion for Roma children of school age (7-16 years), certified in compulsory general education institutions (primary/secondary cycle) in 54 localities densely populated by Roma, was 72.5% in September 2023. The educational inclusion rate of Roma children is affected by the socially-vulnerable home environment, determined by the complex social profile of the parents, who are constantly faced with the vicious circle of poverty from the position of “illiterate/unemployed/socially marginalized people”. Due to the limited family budget, a significant part of Roma parents sends only one child to school, the rest staying at home.
- **Limited access to health services.** The Roma have little access to public health services, due to the lack of a mandatory medical insurance policy and financial resources to pay for medical services. The vaccination rate among Roma children is lower than the national average, and discrimination by medical professionals and lack of information about state programmes contribute to the perpetuation of these difficulties<sup>99</sup>.
- **Preconceived approaches and incitement to discrimination.** Roma often face discrimination and negative stereotypes, including from public authorities. The Council for Equality has issued numerous decisions that state the discrimination of the Roma on the basis of ethnicity. Stigmatizing messages and stereotypes related to the Roma ethnicity are frequently encountered in official communications, contributing to the perpetuation of prejudices in society<sup>100</sup>.

#### Priorities

1. **Full implementation of the 2022-2025 Programme for the support of the Roma population:** Rigorous monitoring and periodic evaluation to ensure consistent implementation of the Action Plan.
2. **Improving access to housing and eliminating segregation:** Ensuring equal access to housing and combating segregation in refugee centres.
3. **Combating gender-based violence and multiple discrimination:** Implementation of specific measures to protect Roma women within the National Violence Prevention Program.
4. **Ensuring access to public services and participation:** Increasing the number of community mediators and expanding essential services for Roma.
5. **Reducing barriers to employment:** Promoting employment opportunities and combating discrimination on the labour market.
6. **Expanding access to social protection:** Informing and facilitating Roma access to social protection services.
7. **Increasing access to education:** Reducing school dropout and improving the participation of Roma children in education.
8. **Improving access to health services:** Providing compulsory health insurance policies and eliminating discrimination in health.
9. **Combating stereotypes and ethnic discrimination:** Reducing prejudice and discrimination against Roma through awareness and education campaigns, and enforcement of anti-discrimination legislation.

<sup>98</sup> IPN. “Access to education for Roma children in Moldova is very low.” Accessed on 26 June 2024. [https://www.ipn.md/ro/accesul-la-educatie-al-copiiilor-romi-din-moldova-este-7967\\_1103869.html](https://www.ipn.md/ro/accesul-la-educatie-al-copiiilor-romi-din-moldova-este-7967_1103869.html)

<sup>99</sup> Moldova 1. “Lack of access to medical services: one of the problems of Ukrainian refugees”. Accessed on 26 June 2024. <https://moldova1.md/p/29008/lipsa-accesului-la-serviciile-medicale--una-dintre-problemele-refugiailor-ucraineni>

<sup>100</sup> Moldova.org. “Roma near us: how we know them better and accept them”. Accessed on 26 June 2024. <https://www.moldova.org/romii-de-langa-noi-cum-ii-cunoastem-mai-bine-si-ii-acceptam/>

## **Recommendation: Implement the Committee for the Prevention of Torture recommendations on the prevention of torture and ill-treatment**

**Score**

**3 out of 5 points**

### **Main developments**

On September 13, 2023, following an ad hoc visit to the Republic of Moldova in December 2022, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) published a critical report on the situation in Moldovan prisons<sup>101</sup>. The main objective of the visit was to re-evaluate the treatment and detention conditions of people in the country's penitentiary system. For this purpose, CPT visited Penitentiary no. 4 from Cricova, Penitentiary no. 13 from Chisinau and Penitentiary no. 18 from Branesti, paying special attention to the evaluation of the progress made by the Government in combating violence and intimidation between prisoners.

Although most of the people interviewed by members of the CPT delegation did not make allegations of ill-treatment by prison staff, the report highlights that the phenomenon of informal hierarchy among prisoners and the resulting violence and intimidation remain largely unaddressed. Accordingly, penitentiaries still fail to provide a safe environment for incarcerated persons. Many inmates described the general atmosphere of intimidation and violence created by informal prison leaders and their inner circles.

The situation of persons considered "humiliated" or "untouchable", i.e. those at the lowest level of the informal hierarchy of detainees, remains a matter of great concern, the CPT considering that this could constitute a continuing violation of Article 3 of the European Convention on Human Rights.

In the CPT's opinion, this unsatisfactory situation in prisons is directly related to several factors, including the chronic understaffing of the system, the reliance on informal leaders to maintain control over the entire inmate population, and the existence of high-capacity (barrack-type) dormitories. There is also no adequate assessment of the risks and needs of individuals on admission to prison, nor is there a classification of them to identify which prison, block or cell they should be placed in.

In light of these findings, the Committee once again called on the Moldovan authorities to take decisive action, without delay, to combat the phenomenon of the informal hierarchy of prisoners and to prevent violence and intimidation between prisoners throughout the country's prison system.

Living conditions in the institutions visited were generally poor, with many cells/dormitories run down, dirty and poorly equipped. The CPT also observed overcrowding in numerous cells and bedrooms in the penitentiaries in Chisinau and Cricova. In addition, the delegation observed an extremely uneven distribution of prisoners in the visited institutions, a situation closely related to the phenomenon of their informal hierarchy - certain privileged prisoners lived in spacious rooms or even in small "apartments" consisting of several rooms, abundantly equipped. The CPT recommends, inter alia, that detainees be fairly distributed in cells/dormitories and provided with at least 4m<sup>2</sup> of living space per person and all cells/ bedrooms are kept in a proper state of repair and sanitation and are properly equipped.

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<sup>101</sup> Council of Europe. „Council of Europe Anti-Torture Committee (CPT) Publishes Report on Its 2022 Ad Hoc Visit to Moldova”. Accessed on 26 June 2024. <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2022-ad-hoc-visit-to-moldova>

Despite the efforts made in the penitentiaries of Branesti and Cricova to give the prisoners the opportunity to work and carry out some other activities, a significant proportion of them were not engaged in any useful activity. The situation was even more problematic for the adult detainees in pretrial detention in the Chisinau penitentiary, who continued to be locked in their cells for up to 23 hours a day. It is particularly worrying that minors in pre-trial detention in this institution were subjected to an equally precarious regime.

The CPT noted the efforts made by current staff to ensure good quality medical services for detainees, as well as to carry out medical screening of newly admitted persons and record and report injuries detected on admission or during detention. However, the level of medical staff was low, and the fact that no general practitioner was present in the penitentiaries in Branesti and Cricova is particularly worrying.

The Government of the Republic of Moldova has undertaken several actions to implement the recommendations of the CPT, one of the main ones being the fight against overcrowding in penitentiaries. For this purpose, the Ministry of Justice developed amendments to the Criminal Code and the Contravention Code, established special commissions for the implementation of the Amnesty Law and plans to streamline the conditional release mechanism<sup>102</sup>. In June 2023, the Parliament adopted in the first reading the draft law for the amendment of some normative acts, aimed at reducing overcrowding in penitentiaries. Among the proposed measures is the extension of the applicability of alternatives to custodial sentences for all categories of crimes and the introduction of the obligation of the courts to prioritize and motivate the reduction of the custodial sentence.

The CPT also recommends the construction of a new penitentiary with the status of a criminal detention Centre in Chisinau. According to the conclusions of the Technical Monitoring Mission of the Development Bank of the Council of Europe (CEB), the project was partially changed, the total capacity being reduced from 1536 to 1050 seats. The total cost of the project is 74 million euros, and the funding gap is 20 million euros<sup>103</sup>.

For the implementation of the progressive system of execution of sentences, the Ministry of Justice finalized the necessary draft law in this regard in January 2023, and it is in the process of internal consultation with penitentiary institutions and public authorities<sup>104</sup>. Also, through the amendments adopted to the Criminal Procedure Code and Contravention Code, the compensation mechanism for conditions of detention was improved, thus ensuring an equivalent approach for all categories of criminals and establishing a new ground of appeal for improper conditions of detention.

With regard to cases of ill-treatment, the prosecuting authority is required to thoroughly investigate all allegations and systematically inform prisons of the outcome of investigations. The Government of the Republic of Moldova is committed to developing a strategic document to combat the phenomenon of informal hierarchy of prisoners and to prevent violence and intimidation between them. Proposed actions include excluding

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<sup>102</sup> Ministry of Justice. "Amendments to the Criminal Code and the Administrative Code voted by the Cabinet of Ministers" Accessed on 26 June 2024. <https://www.justice.gov.md/content/modificari-la-codul-penal-si-codul-contraventional-votate-de-cabinetul-de-ministri>

<sup>103</sup> Ministry of Justice. "Working session at the Ministry of Justice regarding the construction of the new penitentiary in Chisinau". Accessed on 26 June 2024. <https://www.justice.gov.md/content/sedinta-de-lucru-la-ministerul-justitiei-privind-construcia-noului-penitenciar-din-chisinau>

<sup>104</sup> Ministry of Justice. "The concept of establishing a progressive system of execution of sentences was discussed at the Ministry of Justice." Accessed on 26 June 2024. <https://justice.gov.md/content/conceptul-privind-instituirea-unui-sistem-progresiv-de-executare-pedepselor-fost-discutat-la>



informal leaders, segregating them, recruiting and training prison staff and ensuring an equitable distribution of prisoners in cells<sup>105</sup>.

In the penitentiaries of Branesti and Cricova, in order to improve the conditions of detention, repair and modernization measures are needed. The prison authorities have also made efforts to provide work and education activities to the inmates, but a significant number of them are not engaged in useful activities. The CPT emphasizes the need for prisoners to be involved in a programme of meaningful activities outside the cells for a reasonable part of the day.

Health services in penitentiaries are deficient due to the lack of medical personnel. The CPT recommends the urgent filling of the vacant positions of general practitioners and auxiliary medical personnel. It is also necessary to improve the medical equipment and ensure the operation of defibrillators and oxygen equipment in all the institutions visited.

### Constraints

The report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT), developed following the visit to the Republic of Moldova between December 5-13, 2022, identified several essential constraints in the prison system in the country, to which the Government responded in detail. However, the responses of the Executive are critically assessed due to their insufficiency in terms of the effective and systemic approach to the identified problems.

The problem of prison overcrowding has been recognized by the Government, which has mentioned measures such as amendments to the Criminal Code and the Administrative Code and increasing the use of open prisons. However, the measures in question are often perceived as reactive and insufficiently planned, given the lack of concrete results and persistent overcrowding in the prison system. Adoption in the first reading of the Amnesty Act and other legislative amendments do not provide a long-term solution and do not adequately address the root causes of overpopulation.

Also, the CPT report highlighted the poor material and sanitary conditions in penitentiaries, especially in Penitentiary no. 13 from Chisinau. The government has emphasized routine and capital repair work, but these are often sporadic and insufficient to make significant improvements. Hygiene and infrastructure problems continue to be a major obstacle, and plans to modernize and compartmentalize detention facilities are vague and lack clear timelines. According to the results of the Promo-LEX evaluation, Penitentiary no. 13 are experiencing severe overcrowding, exceeding international standards by 98.9%. The space designed for 377 prisoners currently houses 750, which requires an urgent review of the procedures for calculating the detention capacity and the adjustment of the infrastructure.

The conditions of detention and the sanitary infrastructure show significant deficiencies: 18% of the analysed cells do not meet the minimum standard of 1m<sup>2</sup> per sanitary block, 20% do not offer adequate privacy when using the WCs, and the common bathrooms are inaccessible to people with special needs and pose risks for health. Inadequate ventilation and lighting contribute to an unhealthy and uncomfortable environment, with about 29% of the cells having undersized windows, and in 62% of the cells the view to the outside being severely obstructed. Artificial lighting is insufficient, needs auditing and optimization<sup>106</sup>.

<sup>105</sup> Moldovan Government. „Response of the Moldovan Government to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on Its Visit to Moldova from 5 to 13 December 2022”. Since April 2011, reports on CPT. Accessed on 26 June 2024. <https://rm.coe.int/1680ad1e00>

<sup>106</sup> Promo-LEX. “98% overcrowding at Penitentiary no. 13 from Chisinau - Promo-LEX Report”. Accessed on 26 June 2024. <https://promolex.md/25077-suprapopulare-de-98-la-penitenciarul-nr-13-din-chisinau-raport-promo-lex/?lang=ro>

Regarding violence and intimidation between prisoners, the CPT called for decisive measures to combat informal hierarchy and violence in prisons. Although the Government has recognized the need to develop a strategic document and mentioned the intention to create separate detention units for vulnerable people, the lack of a concrete plan and an implementation timetable indicates an insufficient approach to this critical issue.

The lack of medical staff is another major constraint emphasized by the Government, which mentioned the efforts made to motivate existing staff and attract new specialists. However, the persistent shortage of medical specialists, including doctors, nurses and Laboratory staff, continues to seriously affect the quality of medical services in prisons. The measures taken to date have failed to remedy these deficiencies.

The CPT also highlighted the inhuman and degrading treatment applied to detainees, stressing the need for rigorous and reasoned investigations into reported cases of violence. Government responses have been criticized for a lack of transparency and a cursory approach to allegations of torture and inhumane treatment. Preliminary investigations by prosecutors are often considered incomplete and inconclusive. According to the Legal Resources Centre of Moldova (CRJM), the Republic of Moldova is making modest progress in combating ill-treatment, while the commitments made following the judgments of the European Court of Human Rights (ECtHR) are poorly implemented<sup>107</sup>.

In addition, the CPT highlighted the lack of meaningful activities for prisoners, recommending their involvement in educational and recreational programmes to reduce the time they spend in cells. The government has mentioned the expansion of resocialization programmes and educational activities, but the lack of adequate resources and qualified personnel continues to hinder the effective implementation of these initiatives.

The confidentiality of medical services was another aspect criticized by the CPT, which recommended ensuring the conduct of medical examinations in confidential conditions and the management of medical correspondence directly by medical personnel. Although the Government has stated that all medical examinations are carried out confidentially, there is evidence that in practice these standards are not always respected.

Ultimately, the CPT supported the idea that medical services in penitentiaries should be placed under the responsibility of the Ministry of Health to ensure the quality and equivalence of medical care with that of the wider community. The Government has recognized the importance of this recommendation, but the steps taken so far are insufficient and do not provide a guarantee that this transition will be carried out efficiently and promptly.

## **Priorities**

### **1. Combating informal hierarchy and violence between prisoners:**

- Exclusion of informal leaders and their segregation.
- Recruitment and training of prison staff.
- Implementation of a risk and needs based inmate classification system.
- Ensuring a fair distribution of prisoners in cells.

### **2. Improving conditions of detention:**

- Repairs and modernizations in penitentiaries, especially in Penitentiary no. 13 from Chisinau.
- Ensuring a living space of at least 4m<sup>2</sup> per person.

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<sup>107</sup> Legal Resources Centre of Moldova (CRJM). "The backlog of the Republic of Moldova in combating ill-treatment: an impressive number of complaints and faulty investigations". Accessed on 26 June 2024. <https://crjm.org/restantele-republicii-moldova-in-combaterea-maltratariei-numar-impunator-de-plangeri-si-investigatii-defectuoase/16818/>



- Keeping cells in a proper state of repair and hygiene.
- Improving ventilation and lighting.

### **3. Reducing overcrowding:**

- Adoption and implementation of amendments to the Criminal Code and the Administrative Code.
- Extending the applicability of alternatives to custodial sentences.
- The construction of a new penitentiary with the status of an isolation ward for criminal prosecution in Chisinau.

### **4. Improving medical services:**

- Recruitment of medical staff, including general practitioners and auxiliary staff.
- Renewal of medical equipment and ensuring its operation.
- Ensuring the confidentiality of medical services.

### **5. Ensuring the involvement of prisoners in useful activities:**

- Extension of educational and recreational programmes.
- Reducing the time spent by prisoners in cells.

### **6. Investigation of cases of ill-treatment:**

- Thorough investigation of allegations of torture and inhuman treatment.
- Systematic information of prisons on the results of investigations.

## Freedom of expression

Average Score

2 out of 5 points

**Recommendation: Protect journalists more effectively against intimidation and attacks, including by thorough law enforcement investigations**

Score

2 out of 5 points

### Main developments

During the reporting period, several cases of intimidation, harassment and physical<sup>108</sup> and verbal<sup>109</sup> abuse against media representatives were recorded. Among the most relevant are the verbal abuse from some politicians<sup>110</sup> and civil servants<sup>111</sup>, and the physical aggression<sup>112</sup> towards two journalists during a mass action on May 9, 2024. In UTA Gagauz-Yeri, several attempts to intimidate<sup>113</sup> independent journalists by the representatives of the autonomous authorities were reported, along with a case of censorship<sup>114</sup> at the public media service provider “Gagauziya Radio Televisionu” (GRT), denounced by a former employee of that institution. Also, several cases of restrictions on the free movement<sup>115</sup> of journalists in the Transnistrian region were recorded, including the detention<sup>116</sup>, by the security bodies in Tiraspol, of a journalist while she was exercising her professional duties.

In all these cases, civil society organizations have reacted with statements and appeals, urging politicians to abandon such practices and the authorities to intervene to solve the problems. Most of the time, there was no reaction or investigation by the relevant authorities. The only case in which prompt action was taken was the detention of a TV 8 journalist by the Tiraspol law enforcement agencies, who was released after the intervention of the legitimate authorities in Chisinau. In another case, where a minister admitted using obscene language in relation to a journalist, the official was not disciplined. However, the ruling party reacted with a statement disapproving of the “minister's remarks” and warned “all officials who are members/affiliates of PAS to use dignified language in all situations”. Shortly afterwards, the minister apologized on a social network and said he regretted the case.

### Constraints

<sup>108</sup> <https://cji.md/en/media-ngos-condemn-the-illegal-actions-against-journalists-committed-by-the-participants-in-the-march-of-victory-and-call-on-the-law-enforcement-bodies-to-punish-the-perpetrators/> - IJC (cji.md)

<sup>109</sup> [Media NGOs condemn Minister Vladimir Bolea's inappropriate behavior of using offensive language against a journalist - IJC \(cji.md\)](#)

<sup>110</sup> [Media NGOs condemn the unacceptable behaviour of politician Ion Chicu towards ZdG reporter Măriuta Nistor - IJC \(cji.md\)](#)

<sup>111</sup> [Media NGOs Condemn Repeated Attacks on the Press by Mayor Ion Ceban - IJC \(cji.md\)](#)

<sup>112</sup> [Media NGOs condemn the illegal actions against journalists committed by the participants in the “March of Victory,” and call on the law enforcement bodies to punish the perpetrators - IJC \(cji.md\)](#)

<sup>113</sup> [Media NGOs condemn the attempts to intimidate the press in Gagauzia and call on local administration representatives to immediately stop such unacceptable practices - IJC \(cji.md\)](#)

<sup>114</sup> <https://cji.md/declaratie-condamnam-vehement-orice-incercare-de-cenzura-in-mass-media/>

<sup>115</sup> [Media NGOs condemn Tiraspol's illegal restrictions on media and call on the legitimate state authorities to intervene - IJC \(cji.md\)](#)

<sup>116</sup> [Media NGOs condemn the abuses by the self-proclaimed authorities in Tiraspol against the media and demand the immediate release of journalist Viorica Tătaru - IJC \(cji.md\)](#)

The journalistic activity is not sufficiently protected from attacks, physical threats, intimidation in the online space. Journalists continue to report issues related to the intimidating and aggressive behaviour of some politicians and representatives of local and central authorities, who refuse to answer questions, insult media representatives and resort to foul language. While covering protest actions or mass marches, journalists are often exposed to verbal and physical abuse from participants. The right to free movement and the access of some journalists in the Transnistrian region is still restricted, while the representatives of the independent media from the Gagauz autonomy are intimidated both by the local authorities and by their supporters. Censorship signals from the regional public provider of audio-visual media services in Gagauzia, GRT, point to interference in the editorial activity of mass media institutions, which is contrary to legal provisions. .

### Priorities

1. Politicians and representatives of central and local public authorities should refrain from intimidating journalists and adopt a dignified and appropriate language in relation to the press. The relevant authorities should ensure disciplinary liability of officials who admit abuses in relation to journalists, according to the provisions of the Law on Government.
2. The relevant state institutions should react and intervene promptly when cases of censorship and interference in the editorial activity of public media service providers are denounced.
3. The relevant state institutions should investigate cases of harassment and physical abuse against representatives of the press and impose sanctions against persons guilty of such abuses.
4. The legitimate authorities of the Republic of Moldova should take note of the defiant practices restricting the free movement and access of the press in the Transnistrian region and take the necessary measures to ensure the rights and freedoms guaranteed by law.

## Recommendation: Extend ownership transparency requirements to print and online media

Score

1 out of 5 points

### Main developments

During the reporting period, no changes were made to the legislation aimed at extending the requirements for ensuring the transparency of ownership also on the written and online press. In the first months of 2024, discussions were initiated on this topic, including by the Joint Working Group on improving the media legislation, but they have not advanced yet and have not materialized in concrete actions.

### Constraints

Existing mechanisms to ensure the transparency of the online and written press ownership are insufficient and ineffective. As some studies reveal, accessing basic information about media institutions (e.g., address, contact details, team, media type, short history of the institution, editorial policy, etc.), which apparently should be transparent and accessible, remains a great challenge. A large part of the information portals does not publish information on the legal organization form and/or members of the editorial team, or contact details. Respectively, the public does not have access to basic information on sources of information in order to form an opinion on the value that can be given to the ideas, information and opinions disseminated by them.

Similarly, the lack of transparency of ownership jeopardises the provision and strengthening of media pluralism. Existing legal mechanisms are incapable of ensuring the prevention and counteracting of dominant situations in the formation of public opinion through media service providers or print or online media outlets. Also, the regulatory framework of the legal regime of the ownership of media institutions is not adapted to the current state of the media sector, anti-competitive legislation is insufficient and prevents fair competition in the market.

The lack of transparency of media ownership also leads to a decrease in media accountability towards media consumers. As a result, the content published by many portals does not correspond to professional and deontological criteria, and in some cases even misinforms and manipulates public opinion. The portals are used by shadow owners, including politicians, as instruments of disinformation and propaganda, but also to promote the political agenda, especially during election campaigns.

### Priorities

1. Improving the legal framework regulating the legal regime of media ownership, which would limit media concentration and introduce any other strong legal mechanisms for the development of media pluralism, in line with the Recommendations<sup>117</sup> of the Committee of Ministers of the Council of Europe on ensuring the transparency of media ownership and promoting pluralism.
2. Legislating sufficient and effective legal mechanisms in the anti-competitive field, to prevent, identify and counter anti-competitive practices (dominant situations in the formation of public opinion through media service providers or print or online media institutions).
3. Increasing the transparency of media ownership and accountability by introducing the public media register, a tool for improving transparency and institutionalization of the sector.

<sup>117</sup> Recommendation CM/Rec(2018)1[1] of the Committee of Ministers to member States on media pluralism and transparency of media ownership/[CM/Rec\(2018\)1 \(coe.int\)](#)

## Recommendation: Improve media self-regulation mechanisms

Score

3 out of 5 points

### Main developments

During the reporting period, certain developments were recorded in the area of media self-regulation. Thus, on November 29, 2023, the Press Council (PC), founded on October 1, 2009 based on a Memorandum of Understanding between six public associations, was registered with the Public Services Agency as the “Press Council of the Republic of Moldova” public association. Among the declared objectives of this national self-regulatory structure of the activity of mass media institutions and journalists in the Republic of Moldova are: *promoting quality journalism, increasing the credibility and responsibility of mass media institutions and journalists towards the public, promoting compliance with professional standards and cultivating the culture of dialogue and of mutual respect between media institutions and/or journalists, on the one hand, and consumers of media products, on the other.*

In May 2024, following an open competition, the Selection Commission elected nine members of the Council of Experts mandated by the Press Council to examine complaints regarding violations of the Journalists' Code of Ethics.

In the period July 2023 - June 2024, the Press Council adopted 12 decisions, in 11 cases it was about complaints or referrals from media consumers or state institutions and mass media, and in one case it was about a decision taken on the basis of the PC self-notice. In 2023, the PC reviewed the list of signatories of the Journalist's Code of Ethics, excluding the media institutions that previously signed the document, but do not respect it.

Other civil society organizations also implement activities and manage tools aimed at encouraging the media to respect professional ethics and conduct. The Independent Journalism Centre, for example, published two editions of *the Media Radar*, which assessed the reliability of about 40 online portals. The Centre also maintained daily the *Media in sight* column on the Mediacritica.md portal, through which it warned journalists about ethical violations and encouraged them to correct their mistakes. The Media Guard initiated an anti-plagiarism campaign in journalism by developing a Media Consumer Guide<sup>118</sup>, to help the public distinguish between honest newsrooms from those who steal journalistic content.

### Constraints

Periodic monitoring reveals that several media institutions, especially online ones, continue to admit gross deviations from the provisions of the Journalist's Code of Ethics. The quality of media products suffers from a lack of staff/human resources, while the news - especially the online news - represent often shortened or full versions of press releases. In addition, no right of reply in the controversial materials is included, while facts are not checked and the veracity of the information is not ensured. The phenomenon of plagiarism from other media sources is gaining momentum, with more and more portals massively taking over content from the national or foreign media, thus deviating from professional rigor and standards. And with the advancement of artificial intelligence, the press becomes susceptible to the bad faith or unwitting spread of fake and propagandistic messages.

Most media institutions do not have internal ethical codes or guidelines in their newsrooms, and the Journalist's Code of Ethics, approved in 2011 and revised in 2019, needs improvement.

<sup>118</sup> [Ghidul Consumatorului de Presă: Cum să delimitați redacțiile oneste de cele care fură conținut jurnalistic – MediaGuard](#)

The Press Council does not monitor the content ex officio, but mainly reacts to consumer complaints or reports from public or private institutions. The guild is not united and not all media institutions recognize the authority of this self-regulatory structure.

### **Priorities**

1. The Press Council, a newly registered institution as a separate legal entity, needs to be institutionally strengthened by hiring staff and by drawing up a strategic plan and other relevant documents, in order to ensure its proper functioning.
2. The Press Council should develop an action plan according to the established strategic objectives and implement activities aimed at ensuring the achievement of these objectives, including:
  - Periodically monitor media content from the perspective of compliance with ethical and deontological provisions.
  - Initiate the revision of the Journalist's Code of Ethics taking into account the developments in the online media, including the consequences of the use of artificial intelligence in the creation of media content.
  - Discuss the necessity of union solidarity and the development of internal self-regulation mechanisms in the editorial offices.
3. Civil society should continue efforts to stimulate self-regulation within the editorial offices and hold media institutions accountable.
4. The editorial offices should adopt internal codes/guidelines of ethics and deontology and respect them; reject any attempts by interest groups to subordinate them to their agenda; not admit and publicly report cases of unauthorized taking of media content and copyright violation.



## Security

Average Score

4,3 out of 5 points

**Recommendation: Improve interinstitutional cooperation and coordination, strengthen institutional capacity and sharing information in the area of security to ensure effective prevention and response capabilities, including in a crisis**

Score

4 out of 5 points

### Main developments

On September 29, 2023, the Republic of Moldova joined the EU Civil Protection Mechanism. This instrument aims to strengthen cooperation in the field of civil protection between EU countries and the ten participating states (Iceland, Norway, Serbia, North Macedonia, Montenegro, Turkey, Bosnia and Herzegovina, Albania, Ukraine and, more recently, Moldova). Its mission is to improve disaster prevention, preparedness and response, and it is based on cooperation and solidarity, meaning that when a disaster strikes, other countries can provide assistance. Since 2001, when it was created, the EU Civil Protection Mechanism has been activated more than 650 times inside and outside the European Union.

On 29 December 2023, the National Anticorruption Center, the General Prosecutor's Office, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Finance, the Superior Council of Magistrates and the National Integrity Authority, signed Joint Order no. 69/105/326/638/127/20/44 on the creation of the National Coordination Task Force for the Recovery of Criminal Assets, aimed at preventing and combating organized crime and high-level corruption through the cooperation and direct involvement of all anti-corruption and law enforcement responsible for the system of identification, freezing/seizure and confiscation of the proceeds of grand corruption and funds used by organized crime. At the same time, the cooperation and inter-institutional coordination framework between the Ministry of Defense and the General Inspectorate of the Border Police in the field of security for the prevention and effective response to crises will be regulated by article 59 of Law no. 28/2024 regarding the state border of the Republic of Moldova, which will enter into force on January 6, 2025. On April 1, 2024, by Order of the Minister of Internal Affairs no. 162, the Working Group was established for the adaptation of Directive 2557/2022 in order to strengthen the resilience of critical entities.

In January 2024, a joint risk analysis group was established at Chisinau International Airport, composed of representatives of various security agencies. It complements the existing Joint Strategic and Operational Risk Analysis Group. On 1st of April, 2024, by Order of the Minister of Internal Affairs no. 162, the Working Group was established for the adaptation of Directive 2557/2022 in order to strengthen the resilience of critical entities.

In March 2024, the [Security and Defense Partnership](#) between Moldova and the EU was signed - a political agreement that provides for the advancement of the existing format of consultations in the field of security and defence, to address specific security and defence issues, but also to explore new possibilities for cooperation and exchange of information between the security agencies in Chisinau and those in European capitals. Also, the EU and the Republic of Moldova will work together to expand the scope and increase the level of classification of information that can be exchanged under the current agreement, by supporting Moldova in the

process of transposing and achieving EU standards and by strengthening capacities related to the protection of classified information.

Currently, the EU Partnership Mission contributes to strengthening the crisis management capacity and increasing the resilience of the Republic of Moldova against hybrid threats. The Partnership Mission works in close cooperation with the Ministry of Internal Affairs (MAI), the Centre for Combating Disinformation and Strategic Communication and the Information Technologies and Cyber Security Service (STISC), providing technical assistance to national authorities and ensuring the transfer of best practices to these institutions.

### **Constraints**

One of the main constraints relates to the operationalization of the legislative and institutional framework for managing crises, emergencies and countering hybrid threats. Although there is currently a working group aimed at preparing a concept and a consolidated legislative framework in this regard, coordination between different institutions in the efforts to analyze, identify and manage crisis situations and hybrid threats remains necessary.

Another challenge concerns the strengthening of the capacities of relevant institutions, such as MAI, STISC, Cyber Security Agency, but also of the Center for Combating Disinformation and Strategic Communication, which became operational in the first quarter of the current year. Currently, the Center has limited staff and resources, which need to be properly supplemented in order to achieve the objectives set for this institution.

### **Priorities**

1. Consolidation of the legislative and institutional framework on the dimension of crisis and emergency management.
2. Development and application, at the level of government authorities, of an early warning mechanism against hybrid threats.
3. Intensification of information exchanges between the security and intelligence agencies of Moldova and EU member countries.
5. Extending EU financial and technical assistance to institutions in the Republic of Moldova responsible for crisis management, combating hybrid threats and strategic communication.
6. Consolidation of the resources of the Center for Combating Disinformation and Strategic Communication, in accordance with the objectives and activity plan of this institution.

## Recommendation: Strengthen the legal framework and institutional capacity for assessing risks and fighting cybercrime

Score

4,5 out of 5 points

### Main developments

On March 16, 2023, the Parliament of the Republic of Moldova voted in the final reading the draft law on cyber security no. 48/2023, the provisions of which will enter into force on January 1, 2025. The law, developed with the support of external partners, regulates the legal and institutional framework in the field of cyber security, delimiting the competences of relevant institutions and establishing a series of mechanisms for managing cyber security crises. Among the main aspects of the draft law are (1) the designation by the Government of a competent authority at the national level in the field of cyber security and the establishment of its organization and operation, (2) the establishment of the Government Centre for Response to Cyber Incidents and (3) development of the National Response Plan to cyber incidents and cyber crises, as well as the State Registry of cyber incidents.

On March 21, 2024, the Parliament voted in the second reading some changes to the legal framework established by the Law no. 48/2023. These relate to the alignment of the policy framework of the Republic of Moldova with the NIS Directive <sup>[1]</sup> of the EU and establishing clearly defined responsibilities for cyber security service providers. In this sense, the Cyber Security Agency (CSA) is the institution responsible for the supervision and verification of compliance with these duties, but also for the implementation of cyber security measures in areas such as health, transport or banking services.

In the context of the implementation of the draft law on cyber security, the Government approved, at the end of December 2023, the creation of the Cyber Security Agency (CSA) <sup>[2]</sup>. According to the Government Decision <sup>[3]</sup>, CSA has the mission to ensure a common high level of security of networks and IT systems of service providers, fulfilling the functions of state supervision and control in terms of compliance by service providers with the provisions of the law, but also of the national team of response to cyber incidents. In March of the current year, the leadership of the CSA was appointed and the operationalization process of this institution began.

At the beginning of May 2024, the Government established the Coordinating Council in the field of cyber security <sup>[4]</sup>, which will start its activity at the beginning of 2025. The Council will contribute, among other things, to the development and implementation of the National Cyber Security Strategy, the National Response Plan to cyber incidents and crises in the field of cyber security, as well as other documents of policies in the field.

### Constraints

Although the Republic of Moldova has made important progress in the development of the legal framework and policies in the field of cyber security, the main challenge currently lies in the operationalization of all processes and work mechanisms, in order to ensure an effective coordination of the responsibilities of each institution in this field. The training and technical equipment of the Cyber Security Agency, but also the appropriate training of the personnel of each government institution in the area of applying the protocols aimed at cyber security, remain the main constraints at present.

<sup>[1]</sup> <https://eur-lex.europa.eu/eli/dir/2022/2555>

<sup>[2]</sup> <https://gov.md/ro/content/republica-moldova-va-fi-creata-agentia-nationala-pentru-securitate-cibernetica>

<sup>[3]</sup> <https://cancelaria.gov.md/sites/default/files/document/attachments/nu-856-mded-2023.pdf>

<sup>[4]</sup> <https://gov.md/sites/default/files/document/attachments/nu-1186-mded-2023.pdf>

At the same time, the low involvement of the private sector and civil society in the process of consultations and discussions on policy documents, but also at the level of advisory bodies, such as the Coordinating Council in the field of cyber security, limits the opportunities for dialogue, transfer of best practices, communicating and promoting the importance of cyber security nationally.

### Priorities

1. Initiating the process of developing the National Cyber Security Strategy and the National Response Plan to cyber incidents and crises in the field of cyber security.
2. Strengthening the technical capacities and human resources of the National Cyber Security Agency.
3. Ensuring effective institutional cooperation between the National Cyber Security Agency, the Intelligence and Security Service and other government institutions, to ensure the identification and assessment of potential risks to the cyber security of the Republic of Moldova.
4. Consolidation of the dialogue between the authorities, the private sector and civil society in the area of cyber security, to ensure an inclusive and transparent process of consultations on the decision-making process in this field.

## The existence of a functioning market economy

Average Score

3,1 out of 5 points

**Recommendation: Further improve the management of public finances and in particular the planning and execution of public investment**

Score

3 out of 5 points

### Main developments

The new regulation on the public capital investment projects was approved by the Government Decision no. 684 of 29.09.2022. In order to implement it, between July 2023 and May 2024, the Ministry of Finance carried out the following actions:

- The Working Group for Public Capital Investment was established within the Ministry of Finance, which ensures the examination and confirmation of the eligibility of new investment projects;
- *The Instruction on the evaluation of public capital investment projects* was approved<sup>119</sup>;
- In the process of developing the Medium-Term Budgetary Framework (MTBF) 2024-2026, the portfolio of capital investment projects for the years 2021-2026 was created, which includes 55 investment objects. The situation regarding the execution of the projects for the last two years, the absorption capacities in the following years, the existence of the contracts concluded regarding the carrying out of the works was analysed. In the process of drafting the state budget law for 2024 and the estimates for 2025-2026, the capital investment portfolio was updated based on the CPA proposals<sup>120</sup>;
- In December 2023, the process of developing the new "*Register of Capital Investment Projects*" Information System (SI RPIC), which was handed over to the Ministry of Finance, was completed;
- With the support of the EU project "*Support for the Government of the Republic of Moldova in the identification and development of projects related to the implementation of the Moldova-EU Association Agreement*", between February and April 2024, the training of representatives of the CPA, responsible for the management of public capital investment projects, took place. Between May and June 2024, the IT expert of the EU project team organized on-the-job training sessions for the CPA representatives on the IS RPIC functionality;
- The Ministry of Finance is preparing the draft Government Decision to amend the GD no. 684/2022, by which the evaluation criterion of new public capital investment projects "*Environmental impact assessment*", will be supplemented with the analysis of the climate change impact. The draft is at the finalization stage.

### Constraints

The national mechanism for the evaluation, selection and monitoring of public capital investment projects is yet to be fully implemented. For this, the Action Plan (Matrix) for 2023-2025 regarding the implementation of the Public Finance Management Development Strategy provides several actions.

<sup>119</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140521&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140521&lang=ro)

<sup>120</sup> <https://www.mf.gov.md/ro/content/proiectul-legii-bugetului-de-stat-pentru-anul-2024-1>

## Priorities

1. Transposition of data from the old RPIC IS into the new RPIC IS and periodic adjustment of information from the RPIC IS at the level of central public authorities.
2. Updating the portfolio of investment projects: receiving new project proposals and evaluating their eligibility by the Working Group.
3. Submission to the Interministerial Committee for Strategic Planning (CIPS) of eligible new projects for review and selection to be included in the draft MTBF/ state budget law.
4. Increasing the transparency of the results of the evaluation of investment projects by publishing the feasibility studies of public investment projects on the official pages of the CPA.
5. Establishing the project post-implementation reporting system: receiving final evaluation reports of the projects from the CPA and placing them on the official pages of the CPA.
6. Modernization of RPIC IS, including the integration of projects financed from development funds.



**Recommendation: Continue to improve the business environment, reduce state interference in pricing, and maintain a rapid pace of reforms to restructure and/or privatize state ownership**

Score

3 out of 5 points

### **Main developments**

By GD no. 653/2023 the National Programme for promoting entrepreneurship and increasing competitiveness in the years 2023-2027 (PACC)<sup>121</sup> was approved, and in April 2024 the government approved the National Industrial Development Programme for the years 2024-2028<sup>122</sup>.

On June 5, 2024, the government approved the 2030 National Strategy for Economic Development<sup>123</sup>.

By the Provision no. 69 of May 17, 2024<sup>124</sup>, the Commission for Emergency Situations of the Republic of Moldova amended the Provision no. 2/2022<sup>125</sup>, which excluded the application of the provisions of GD no. 774/2016 and no longer classify as socially important products: fresh potatoes (tariff heading 0701), fresh onions (tariff heading 0703), fresh white cabbage (tariff heading 0704), fresh carrots and beetroot (tariff heading 0706).

In October 2023, by the GD no. 819/2023, the screening mechanism for state enterprises and commercial companies with state capital<sup>126</sup> was approved.

On April 12, 2024, the Ministry of Economic Development and Digitization published for public consultation the draft Programme on the administration of public state property for the years 2024-2027<sup>127</sup>. The programme details the steps the state will take to reduce its presence in the economy, reform the state-owned companies sector and improve the governance of state-owned enterprises (SoE).

In October 2023, the analysis of the functional alignment of the organizational structure of the Public Property Agency<sup>128</sup> was published in order to facilitate its reorganization. For the digitization of the records and administration of state property, in November 2023, the Government approved the Concept and Regulation of the "Register of public patrimony and administration of state property" integrated information system.

At the meeting of June 12, 2024, the executive approved the GD no. 413/2024 by which, in contradiction with the provisions of the state ownership strategy (GD no. 911/2022) and with the sectoral strategies (transport and logistics<sup>129</sup>), operationalizes the reorganization of the "State Road Administration" SoE, by merging it with the road maintenance companies "Drumuri" JSC. Following this reorganization, a mega enterprise with state capital – "National Road Administration" is ought to emerge.

<sup>121</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139409&lang=ro](https://www.legis.md/cautare/getResults?doc_id=139409&lang=ro)

<sup>122</sup> [https://www.legis.md/cautare/getResults?doc\\_id=143460&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143460&lang=ro)

<sup>123</sup> [https://www.legis.md/cautare/getResults?doc\\_id=143524&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143524&lang=ro)

<sup>124</sup> [https://gov.md/sites/default/files/document/attachments/dispozitie\\_cse\\_nr.69\\_din\\_14.05.2023\\_17052023160539.pdf](https://gov.md/sites/default/files/document/attachments/dispozitie_cse_nr.69_din_14.05.2023_17052023160539.pdf)

<sup>125</sup> [https://cancelaria.gov.md/sites/default/files/dispozitie\\_cse\\_2\\_25.02\\_v.2.pdf](https://cancelaria.gov.md/sites/default/files/dispozitie_cse_2_25.02_v.2.pdf)

<sup>126</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139984&lang=ro](https://www.legis.md/cautare/getResults?doc_id=139984&lang=ro)

<sup>127</sup> <https://particip.gov.md/ro/document/stages/anunt-de-consultare-publica-vizavi-de-proiectul-programului-privind-administrarea-proprietatii-publice-de-stat-pentru-anii-2024-2027/12368>

<sup>128</sup> [https://www.expert-grup.org/media/k2/attachments/Analiza\\_alinierii\\_funcyionale\\_APP.pdf](https://www.expert-grup.org/media/k2/attachments/Analiza_alinierii_funcyionale_APP.pdf)

<sup>129</sup> [https://www.expert-grup.org/media/k2/attachments/Comentariu\\_NED\\_VI\\_Vitalie\\_Rapcea.pdf](https://www.expert-grup.org/media/k2/attachments/Comentariu_NED_VI_Vitalie_Rapcea.pdf)

## **Constraints**

The results of the screening process and the list of companies with state capital that will remain in state ownership in accordance with the decision of the Screening Commission have not been made public, which does not allow a public assessment of how the government implements the Commission's decisions. The lack of transparency on the decisions of the Screening Commission can endanger the efforts to effectively privatize state property.

The organizational structure of the Public Property Agency is not aligned with its functional duties. The records and administration of public property are not digitized.

The initiation of the reorganization process of the State Road Administration by nationalizing the road maintenance companies and merging them into the National Road Administration JSC, contrary to the provisions of the State Ownership Strategy approved by the GD no. 911/2022, strengthens the state's presence in the economy and increases the risk of imbalances on the road maintenance and rehabilitation market.

The approval of the National Programme for promoting entrepreneurship and increasing competitiveness, as well as the National Industrial Development Programme before the approval of the National Economic Development Strategy 2030 violates the principles of strategic planning and the provisions of the GD no. 386/2020 regarding the planning, development, approval, implementation, monitoring and evaluation of public policy documents. Programmes are documents deriving from strategies and describe how to implement them and not vice versa.

The National Economic Development Strategy 2030 does not explain how the priority sectors were identified and what were the criteria for choosing certain priority sectors at the expense of others. The strategy does not detail the state's vision on policies regarding internal trade, policies in the field of quality infrastructure or those in the field of business environment regulation, etc., which diminishes the value of this strategic planning document.

The war in Ukraine decreases the investment attractiveness of the Republic of Moldova, amplifying the economic and political risks endangering the privatization efforts and the efforts to complete the transition to the market economy.

The delay of justice reform increases the mistrust of potential investors.

## **Priorities**

1. Amending the National Economic Development Strategy to reflect the state's vision in terms of trade policies, quality infrastructure and market surveillance.
2. Development and approval of the Programme for the implementation of the National Economic Development Strategy 2030.
3. Refraining from the reorganization of the "State Road Administration" by merging it with the road maintenance enterprises.
4. Reorganization and strengthening of the Public Property Agency.
5. Digitization of the record and administration of public patrimony, as well as the operational processes that take place within the Public Property Agency.
6. Approving the state ownership strategy Programme and ensuring its implementation.
7. Improving the governance of companies with state capital.
8. Compliance with the provisions and principles set in the State Property Strategy (GD no. 911/2022) when drafting and promoting legislative acts and strategic planning documents.

**Recommendation: Address the main weaknesses of the labour market, in particular by increasing incentives for labour force participation, and take measures to tackle informal employment**

Score

3,5 out of 5 points

### **Main developments**

The national employment programme for the years 2022-2026<sup>130</sup> is the main strategic planning document relevant to this recommendation, the general objective of the document being to increase the participation of the population in the labour force and to stimulate productive employment and decent work for all.

Starting from the outlined strategic priorities, during the reference period the Ministry of Labour and Social Protection (MLSP) carried out several activities relevant to this recommendation. In particular, it is about the reform of two key institutions, namely: the National Employment Agency (NEAM) and the State Labour Inspectorate (SLI).

In 2023, MLSP developed and published the Reform Concept regarding the improvement of the services offered by the NEAM for the years 2023-2026<sup>131</sup>. The general objective pursued by this reform is for more jobseekers/unemployed, respectively more employers to find a job/necessary workforce faster through the NEAM. With reference to the provisions of the NEAM reform, several relevant actions were taken during the reference period, namely:

- Implementation of performance-based management by the NEAM - a new performance evaluation procedure was developed and applied in 2023, new evaluation reports were introduced and the procedure for establishing performance indicators was revised. Thus, the focus related to performance was centred on the effort to place and improve intermediation on the labour market, all other targets being subordinated to this objective. At the same time, the performance indicators take into account the socio-economic realities of each NEAM subdivision. It should be noted that the number of people placed in the labour field increased by 14.1% during this period - from 9,692 people in 2022 to 11,062 in 2023.
- A new measure to stimulate inactive people - the establishment and operationalization of 17 mobile teams with the NEAM territorial subdivisions, aimed at ensuring access to employment services for people looking for a job in remote localities. The mobile teams carry out proximity activities to stimulate the unemployed/inactive persons, including social assistance beneficiaries (Law no. 302/2023<sup>132</sup>) and the GD no. 46/2024<sup>133</sup>.
- New procedure regarding the cooperation with employers - this provides for employment services related to the identification and filling of vacant jobs, such as: conducting visits to employers, organizing job fairs, mediating jobs, providing pre-dismissal services.
- Elaboration of local labour market profiles - local labour market profiles for all 32 districts, as well as the municipalities of Chisinau and Balti, plus ATUG, were developed and taken into account in the annual planning of labour market indicators for the NEAM.
- New procedure for the unemployed - the unemployed are obliged to submit a monthly report detailing the actions taken in the search for a job. At the same time, the legal amendments aimed at excluding

<sup>130</sup> [https://www.legis.md/cautare/getResults?doc\\_id=134612&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134612&lang=ro)

<sup>131</sup> <https://anofm.md/ro/node/75>

<sup>132</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139656&lang=ro](https://www.legis.md/cautare/getResults?doc_id=139656&lang=ro)

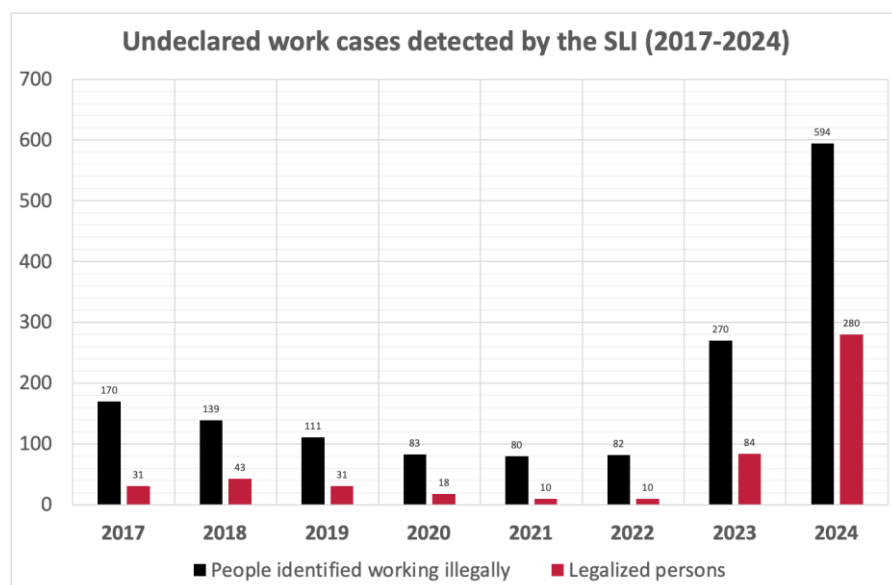
<sup>133</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139656&lang=ro](https://www.legis.md/cautare/getResults?doc_id=139656&lang=ro)

the unemployed who come to the territorial offices of the NEAM for reasons other than finding a job (obtaining social aid, obtaining a medical insurance policy) entered into force.

As for the informal economy, starting from 2022, the MLSP and the standing parliamentary commission initiated a complex structural reform to combat undeclared and under-declared work, by modernizing and increasing the efficiency of the State Labour Inspectorate. The logic of the institutional reform envisaged three main directions, namely:

1. The possibility for inspectors to carry out unannounced checks to identify undeclared/under-declared work and apply penalties;
2. Better risk analysis when planning controls - the frequency of inspections and the resources used will be proportional to the level of risk. As a result, honest employers who do not practice undeclared or under-declared work will not be subject to inspections;
3. Reorganization of the SLI with improved governance, including new internal policies of integrity through zero tolerance for abuse and corruption aimed at increasing internal transparency and the powers of the Inspectorate in preventing and sanctioning illegal labour practices.

The reform process of the State Labour Inspectorate seems to be already yielding the first tangible results. Thus, in the first five months of 2024, SLI managed to legalize 280 people who were working illegally, which is more compared to the period 2017-2023 taken cumulatively.



Source: Ministry of Labour and Social Protection, Note: 2024 - first 5 months of the year

At the same time, in order to provide for continuity and predictability to the reform, the State Labour Inspectorate and the MLSP developed and approved by ministerial order the National Programme for the reduction of undeclared work for the years 2024-2025<sup>134</sup>.

According to statistical data, in 2023 the labour force (the active population aged 15 and over) accounted for 929.5 thousand people, increasing by 4.4% compared to 2022. At the same time, the labour force participation rate of the population aged 15 and over (the proportion of the labour force aged 15 and over in the total population of the same age group) accounted for 45.1%, increasing compared to the level of the previous year

<sup>134</sup> <https://social.gov.md/wp-content/uploads/2024/05/Program-de-reducere-a-muncii-nedeclare.pdf>

(41.8% in 2022). Also, the share of people who had an informal job accounted for 23.0% of the total number of employed people (in 2022 - 22.0%).

### **Constraints**

1. Statistical and sociological data suggest the existence of challenges and imbalances in the intermediation of labour market demand and supply. Among the economic agents surveyed in 2022 by NEAM, 17% reported that they had a lack of labour in the last 12 months. At the same time, the MEA data reveal that on average only one out of four registered vacancies are capitalized on by the unemployed placed in the labour market, given that around 80% of the unemployed are unqualified and require professional training to be integrated into the labour market.
2. The labour market in the Republic of Moldova is characterized by a modest unemployment rate, while the Labour force participation rate is one of the lowest in Europe.
3. The poor digitization of the NEAM and communication deficiencies between institutions in ensuring data interoperability limit efficiency.
4. Perception of companies, especially SMEs, regarding high compliance costs (high level of taxation and bookkeeping).
5. The significant presence of cash in the economy and the predisposition of some companies to sell products and provide services without calculating and paying VAT.
6. General public perception regarding the tolerance of the phenomenon of under-declared/undeclared work.

### **Priorities**

1. Full implementation of the actions of the Reform Concept regarding the improvement of services offered by the NEAM for the years 2023-2026.
2. Strengthening the role and impact of active employment measures in order to mitigate the imbalances between demand and supply on the labour market.
3. Implementation of measures of the National Programme on reducing undeclared work for the years 2024-2025.

**Recommendation: Take steps to improve the quality of education and training to ensure outcomes align with labour market needs, including ICT skills and digital literacy.**

Score

4 out of 5 points

### Main developments

On August 17, 2023, the parliament approved the Law no. 257, which amended the Education Code of the Republic of Moldova no. 152/2014. The changes in question aim to modernize the regulatory framework of the educational system of the Republic of Moldova, with a view to its fuller integration into the European education system, the recognition of qualifications, and the facilitation of citizens' access to the labour market.

In order to increase the degree of adaptation of the labour force to the specific needs of the market, the possibility of obtaining micro-qualifications was introduced through improvement, retraining and specialization programmes, which result in the issuance of micro-qualification certificates (partial qualification).

Another measure foreseen, for the first time, in the amendment of the Education Code, relates to offering the possibility of achieving dual education within the higher education cycle. This mechanism will allow theoretical classes to be held in educational institutions, and practical ones - within enterprises. For universities, dual education will be possible as part of the first cycle. In order to implement this innovation, in May 2024 the Ministry of Education and Research developed and submitted for public consultations the draft Government Decision regarding the approval of the framework regulation regarding the organization and implementation of the dual education as part of the higher undergraduate studies<sup>135</sup>.

Additionally, the Law no. 257/2023 stipulates increasing the compatibility of the National Framework of Qualifications with the European qualifications framework, favouring international recognition of academic and professional progress. The Law no. 108 approved on 30.05.2024 establishes a financial incentive mechanism for parents or guardians who agree to move their children from rural schools with less than 50 students, and who are designated by the Ministry of Education and Research, to facilitate the access of these children to schools that offer a better quality of studies. Also, through the Law no. 180/2024, people who intend to occupy teaching positions, but are not graduates of higher pedagogical studies programmes, can participate in the competition for these positions, provided that they complete the psycho-pedagogical module within a maximum of two years upon employment. This change will allow holders of other than pedagogical higher education diplomas to enter teaching positions, thus filling the shortage of teaching staff.

On April 30, 2024, the draft school curriculum development concept was submitted for consultations<sup>136</sup>. The new curriculum aims to emphasize the applied value of the knowledge acquired by students from the Republic of Moldova for the acquisition of transversal (transdisciplinary) skills. Also, on May 15, 2024, the Ministry of Education and Research initiated public consultations on the methodology for developing educational programmes for adults in lifelong learning<sup>137</sup>.

<sup>135</sup> <https://particip.gov.md/ro/document/stages/hotararea-guvernului-cu-privire-la-aprobarea-regulamentului-cadru-cu-privire-la-organizarea-si-desfasurarea-invatamantului-dual-in-cadrul-studiilor-superioare-de-licenta-ciclul-i/12476>

<sup>136</sup> <https://particip.gov.md/ro/document/stages/conceptul-dezvoltarii-curriculumului-scolar/12466>

<sup>137</sup> <https://particip.gov.md/ro/document/stages/ministerul-educatiei-si-cercetarii-anunta-despre-consultarea-publica-a-proiectului-metodologiei-de-elaborare-a-programelor-si-curriculumului-in-cadrul-invataarii-pe-tot-parcursul-vietii-elaborata-in-conformitate-cu-prevederile-hotararii-guvernului-nr-2222024-cu-privire-la-aprobarea-regulamentului-privind-educatia-adultilor/12525>



The National Institute for Education and Leadership (NIEL) was created to facilitate the continuous training and development of teaching staff. Among other tasks, the Institute will have to establish a network of teaching staff-mentors. They will work in schools countrywide to provide support for young specialists, contribute to professional development in the workplace, and guide and support the implementation, in the education system, of successful teaching and leadership methods.

### Constraints

- The salary of teachers, especially university teachers, remains insufficient to attract and retain professionals.
- The share of teachers and managers in education, under the age of 30, in primary and general secondary education accounts for 8% and 7.7% respectively, and of those aged between 30-39 - only 19,7% in primary education and 19.6% in secondary education<sup>138</sup>. In the 2023/24 academic year, compared to 2022/23, the share of young teaching and management staff (under 30 years old) decreased by 0.3 percentage points, and those over 60 years old increased by 0.9 percentage points.
- Low efficiency of spending in education.
- The gap between the demand for skills in the labour market and the de facto skills of the workforce.
- A very low level of education in the workforce diminishes the opportunity for employees to learn and discourages employers from investing in the education of their workforce.
- Underfunding of research and development.
- The poor provision of schools with modern technical and digital tools (video projectors, interactive whiteboards, science laboratory equipment, access to a digital library), including outdated and insufficient computers, lack of licensed software etc. seriously affects the gaining by students of ICT skills.
- The migration phenomenon and the exodus of the population with a high level of education and qualification undermines the reform efforts in the field of education.
- The members of the Council of the National Institute for Education and Leadership (the supreme governing body of NIEL) are not remunerated, which can negatively affect the quality of the Institute's governance.

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<sup>138</sup> [https://statistica.gov.md/ro/activitatea-institutiilor-de-invataman-primar-si-secundar-general-in-9454\\_60865.html](https://statistica.gov.md/ro/activitatea-institutiilor-de-invataman-primar-si-secundar-general-in-9454_60865.html)



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## Priorities

1. Implementation of the expansion of dual education also for the first cycle of university education.
2. Implementation, starting with September, of financial incentives for parents and guardians who agree to move their children from designated schools with fewer than 50 children.
3. Operationalization of the network of mentors within NIEL.
4. Debureaucratisation of processes in educational institutions and reducing the reporting burden placed on education employees.
5. The popularization of the possibility of enrolling in the competition for teaching positions also for people who are not graduates of higher education pedagogical programmes, provided that they complete the psycho-pedagogical module within two years of employment.
6. Implementation of the best practices (eg: South Korea, Poland, Vietnam, Pakistan, Papua New Guinea) for reforming the education system in the Republic of Moldova.
7. Approval of the new curriculum and implementation of school textbook reform based on the best school textbooks developed in countries with the best performance in the PISA assessments (OECD).
8. Increasing the salaries of teaching staff, especially university teachers, and implementing the liberalization of salary scales within universities.
9. Implementation of a national anti-plagiarism software.
10. Accelerating the internationalization of Moldovan universities.
11. Correlation of the financing of technical professional education institutions with the employment rate of graduates of these institutions.

## Recommendation: Increase investment in infrastructure, especially to improve energy security and facilitate international trade and digitalisation

Score

3 out of 5 points

### Main developments

Through the JASPERS consultancy programme, the pre-feasibility study for a new EU standard gauge railway corridor was carried out. This corridor aims to connect Poland (Krakow), Ukraine (Lviv), Romania (Iasi) and Moldova (Chisinau) with a European gauge. After the financing of road maintenance works in the amount of MDL 2,327 mln<sup>139</sup> in 2023, the funding allocated from the road fund for national public roads decreased in 2024 by approximately 30%<sup>140</sup>. This amounts to only MDL 1,635.9 mln, which accounts for approximately 50% of the sums collected from excise duties on the import of fuel - sums which, in accordance with the provisions of the Transport and Logistics Strategy<sup>141</sup>, were to be allocated in proportion to 80% for the financing of road maintenance works. Currently, 50.3% of national roads remain in bad and very bad condition<sup>142</sup>.

According to the World Bank Logistics Performance Index Report<sup>143</sup>, The Republic of Moldova has accumulated a score of 2.5 out of 5 maximum possible. The lowest values were recorded for the score assigned to Customs and customs procedures, but also to the infrastructure quality - 1.9 for each. Thus, according to the speed of customs procedures, the Republic of Moldova ranks 134<sup>th</sup> out of the 140 countries participating in the study, and 133<sup>rd</sup> when accounting for the infrastructure quality.

Starting from March 29, 2024, the actual works regarding the construction of the 400 kV Vulcanesti - Chisinau Overhead Power Line (OPL) were initiated, the construction company obtaining access to the land. The tender for the modernization of the 330 kV Chisinau station was won by a consortium of companies from Romania (Association of companies "Siemens Energy" LTD, "Electromontaj" JSC and "Energotech" JSC). The deadline for the completion of the project is December 2025. This infrastructure goal aims at the efficient use of the existing interconnection between Vulcanesti and Isaccea and the extension of overhead power lines to the Centre of the country, towards the most important electricity consumption centres. Considering the concentration of the energy infrastructure in the Transnistrian region of the Republic of Moldova, the OPL to be built will contribute to the reduction of the energy dependence and to the strengthening of security in the Moldovan electricity supply.

In December 2023, the Moldovan and the Romanian governments signed a Memorandum regarding the implementation of the projects necessary to interconnect the Moldovan and Romanian natural gas and electricity networks. The memorandum also provides for the implementation of the construction of the 400 kV Balti - Suceava power transmission line and the construction of the 400 kV Straseni - Gutinas power transmission line. For the construction of the 400 kV Balti - Suceava OPL, on March 13, 2024, a co-financing 30.8 million euros loan agreement was signed with the EBRD.

On January 19, 2024, within the CESEC platform, the Republic of Moldova, Ukraine and Slovakia officially joined the Vertical Natural Gas Corridor (Greece-Bulgaria-Romania-Moldova-Ukraine). By signing the Memorandum, the Trans-Balkan gas pipeline becomes a component of the Vertical Corridor, which will allow the transport of

<sup>139</sup> [HG 73/2023](#)

<sup>140</sup> [HG 90/2024](#)

<sup>141</sup> [HG 827/2013](#)

<sup>142</sup> Draft [Strategy on Mobility 2030](#), figure no. 2, page 8.

<sup>143</sup> <https://lpi.worldbank.org/report>

natural gas from Greece to Moldova and to underground storages in Ukraine. The pipeline can carry both natural gas from Azerbaijan and liquefied natural gas from the Revithoussa and Alexandroupolis terminals in Greece. On January 19, 2024, the CESEC Action Plan was approved. Although 88.1% of households in the Republic of Moldova are connected to the Internet, only 49.4% of government services addressed to citizens are digitized. For legal entities this figure is 59%. In 2024, the Evo app was launched<sup>144</sup>. The app concentrates, in one place, all digital government services, which can be accessed by a physical entity.

### Constraints

- 50% of the roads in the Republic of Moldova remain in bad and very bad condition, while the chronic underfunding of the Road Fund increases the risk of degradation of existing road infrastructure.
- The share of periodic maintenance works of national public roads from the total scheduled distribution of the Road Fund allocations does not allow for the prevention of the deterioration of the rehabilitated roads.
- The reorganization of the “State Road Administration” is not in accordance with the State Property Strategy, and inconsistent with the previous sectoral strategies: the Land Transport Infrastructure Strategy<sup>145</sup> and the Transport and logistics strategy<sup>146</sup>.
- The slow pace of carrying out rehabilitation works and construction of the infrastructure (including the transmission and distribution of electricity) financed from external sources.
- The high degree of wear and tear of the rolling stock of the “Moldovan Railway” State Owned Enterprise and the lack of the necessary means for its replacement or rehabilitation.
- The slow pace of rail rehabilitation will continue to exercise increasing pressure on rail transport costs and on the existing road infrastructure.
- The almost non-existent capacities to control the maximum allowed axle load (lack of scales) increases the risk of rapid degradation of existing road infrastructure.
- The delay in the implementation of the e-Democracy package caps the degree of digitization of government services.

### Priorities

1. Relinquishing the merger process of the “Drumuri” JSCs with the “State Roads Administration” SoE and reorganizing the latter into a public entity.
2. The transfer of public roads to the management of a public entity, not a joint-stock company that would compete with the private sector.
3. Prioritizing allocations from the Road Fund for periodic maintenance works while financing road rehabilitation from external funding sources.
4. Accelerating the tempo of assimilation of the means granted from external loans for infrastructure.
5. Accelerating the pace of railway rehabilitation, the construction of the European standard gauge and the initiation of discussions to identify the means for the electrification of the Moldovan railway.
6. Increasing the number of ECMT multilateral annual authorizations and initiating negotiations for the liberalization of freight and passenger transport services with the EU.
7. Accelerating the interconnection with the European electricity and natural gas markets.
8. Accelerating the implementation of the e-Democracy package.
9. Completion and approval of the Mobility Strategy and the Action Plan regarding its implementation.

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<sup>144</sup> <https://evo.gov.md/>

<sup>145</sup> [https://www.legis.md/cautare/getResults?doc\\_id=62659&lang=ro](https://www.legis.md/cautare/getResults?doc_id=62659&lang=ro)

<sup>146</sup> [https://www.legis.md/cautare/getResults?doc\\_id=55092&lang=ro](https://www.legis.md/cautare/getResults?doc_id=55092&lang=ro)

**Recommendation: Implement measures to attract foreign direct investment, including addressing issues related to corruption and the rule of law as well as investment incentives and promotion**

Score

2.5 out of 5 points

### **Main developments**

From the perspective of a vision translated into implementation programmes, after the expiry of the National Strategy for attracting investments and promoting exports 2016-2020, the Republic of Moldova does not have an adopted and operational strategic planning document. The National Investment Attraction and Export Promotion Programme for 2024-2028 (PNAIPE) and the Economic Diplomacy Development Programme for 2023-2027, although they were included as measures in the Government's Action Plan for 2023, were still not approved at the beginning of June 2024. The PNAIPE programme is already developed and can be consulted publicly on the website of the State Chancellery<sup>147</sup>, while the Economic Diplomacy Development Programme is still not available for consultation, although a statement from the MEDD<sup>148</sup> suggests that its draft has been developed. Subsequently, in the Government meeting of July 3, 2024, the PNAIPE 2024-2028 program was approved<sup>149</sup>. At the same time, at the macro level, the Government recently approved the National Strategy for Economic Development 2030<sup>150</sup>, whose vision is also based on a stable, competitive economic environment, supported by investments, with increased innovation capabilities and a high degree of human capital development.

The FDI attraction performance for 2023 is modest, with net FDI inflows of USD 417 million, down by 28.8% y-o-y. Most of the net FDI inflows came from existing investors through reinvestment of profits (USD 391.4 million), with the largest share coming from the financial sector. At the same time, the net FDI inflows in the form of equity and shares, other than profit reinvestment, constituted, in 2023, the value of USD 40.1 million - 2.3 times less compared to 2022.

Among the actions aimed at improving the country's business environment during the reference period, the MEDD mentions the measures to reduce the administrative burden by adopting the available proposals to reduce bureaucracy and simplify and digitize processes. These are: i) Law no. 325/2023 for the amendment of various legislative acts (facilitating business activity - package II), ii) Law no. 229/2023 for the amendment of some legislative acts (the package regarding limited liability companies - in order to liberalize the activity of associates/shareholders of commercial companies in terms of business administration), iii) Law no. 37/2024 for the modification of some normative acts (facilitating business activity - package IV by eliminating administrative barriers, unjustified or outdated requirements, thus reducing costs for economic agents in their entrepreneurial activity).

Among the measures primarily aimed at attracting FDI, during the reference period, the initiation of changes to the Law on Industrial Parks can be mentioned<sup>151</sup>, which were approved by the Parliament, but also the fact that the MEDD finalised the primary and secondary normative framework regarding the state aid granting scheme. Implicitly, it is about the establishment of the regional state aid scheme for investments made in the processing

<sup>147</sup> <https://cancelaria.gov.md/ro/content/cu-privire-la-aprobarea-programului-national-de-atragerea-investitiilor-si-promovarea>

<sup>148</sup> <https://mded.gov.md/64848/>

<sup>149</sup> [https://gov.md/sites/default/files/document/attachments/nu-147-mded-2024\\_0.pdf](https://gov.md/sites/default/files/document/attachments/nu-147-mded-2024_0.pdf)

<sup>150</sup> <https://gov.md/sites/default/files/document/attachments/nu-1191-mded-2023.pdf>

<sup>151</sup> [https://www.legis.md/cautare/getResults?doc\\_id=143888&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143888&lang=ro)

industry, in the form of a 50% income tax exemption, which will become operational in the fourth quarter of 2024.

Transparency International's latest Corruption Perceptions Index report<sup>152</sup> reveals an improvement in the position obtained by the Republic of Moldova, which reached the 76<sup>th</sup> place out of the 180 states included in the study, with an aggregate score of 42 out of 100 (from 32 points out of 100 in 2019). According to the report, Moldova improved its score by strengthening the independence and efficiency of the judicial system and by the measures it took to reduce interference - including by politicians - in the judicial system<sup>153</sup>.

At the same time, the latest edition of the Economic Freedom Index, carried out by the Heritage Foundation, shows a score of 57.1 points out of 100 for the Republic of Moldova<sup>154</sup>, which places it on the 99<sup>th</sup> place. In the case of Moldova it is mentioned, among other things, that the country's economic performance is below potential, while the weak rule of law undermines the prospects of a more significant and dynamic economic development in the long term. Similarly, it is shown that Moldova has adopted some regulatory reforms, but bureaucracy and lack of transparency continue to hinder the creation and operation of private enterprises.

In the reference period, the exit from the state of emergency, produced at the end of 2023, is welcome, considering the fact that, given the major discretionary power available to the Government, it generates a higher degree of insecurity from the perspective of ensuring the right to property. At the same time, the use of the Council for promotion of investment projects of national importance as a vehicle for countering potential security threats or protecting the information space is questionable, especially if we take into account the limited evidence brought by this structure in arguing its own decisions.

## Constraints

- Perpetuation of regional geopolitical instability and related crises, fuelled by the war in Ukraine. Except for Russia and Belarus (which is de facto part of the conflict), the Republic of Moldova is the only neighbour of Ukraine that is not a NATO member.
- Lack of a robust strategic planning and implementation framework for attracting FDI.
- Lack of a clear country offer, emerging from the current context.
- The slow pace of justice reform and related structural reforms.
- Imbalances in the labour market.
- Limited budget resources for public investments, implicitly investments in business infrastructure, compared to Eastern European states that have access to the structural instruments of the European Union.

## Priorities

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<sup>152</sup> <https://www.transparency.org/en/cpi/2023/index/mda>

<sup>153</sup> <https://www.transparency.org/en/news/cpi-2023-corruption-and-injustice>

<sup>154</sup> <https://www.heritage.org/index/pages/country-pages/moldova#:~:text=Moldova's%20economic%20freedom%20score%20is,countries%20in%20the%20Europe%20region.>





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1. Approval of strategic planning documents related to FDI and their coherent implementation, including the periodic presentation of monitoring and evaluation reports.
2. Accelerating the harmonization of national legislation to the *acquis communautaire* and strengthening of institutions, especially in areas such as competition, quality infrastructure or consumer protection.
3. Advancing justice reform with results that increase the credibility of the system and the sense of protection for investors.
4. Preparation of the process of privatization of state assets in accordance with the Strategy on the administration of state property in the field of state enterprises or with majority state capital for the years 2023-2030, including by attracting foreign investments.

## Public procurement

Average Score:

3 out of 5 points

**Recommendation:** Adopt and implement the new public procurement program including initial benchmarks, annual targets, responsibility for implementation and reporting together with the required human and budgetary resources

Score:

3 out of 5 points

### Main developments

**In terms of** the adoption of the new public procurement program, the recommendation was fulfilled. On August 30, 2023, the Government Decision no. 625/2023 regarding the approval of the *National Programme for the Development of the Public Procurement System for the years 2023-2026* was approved, which establishes the priorities and measures in the field of public procurement. The Programme's action plan contains information on costs and institutions responsible for implementation, as well as specific monitoring indicators.

Regarding the implementation of the Programme, according to the *Report on the execution of the Action Plan of the Ministry of Finance for 2023*<sup>155</sup>, during 2023, a series of actions were carried out, namely:

- Development and approval of draft normative acts necessary to be adopted in order to harmonize national legislation with EU legislation:
  - ✓ A draft law was developed to amend the Law no. 74/2020 on procurement in the energy, water, transport and postal services sectors, approved in September 2023 by GD no. 648/2023<sup>156</sup>. Later, the Law no. 74/2020 on procurement in the energy, water, transport and postal services sectors was modified (by Law no. 291/2023 for the amendment of some normative acts). The changes were made to transpose the Directive 2014/25/EU of the European Parliament and of the Council of 26.02.2014 on procurement by entities operating in the water, energy, transport and postal services sectors.
  - ✓ The draft GD was elaborated and published for public consultation regarding the approval of the draft law on the awarding of certain contracts for works, supply of goods and provision of services by contracting authorities or entities in the fields of defense and security, in order to transpose the EU Directive 2009/81/EC on public procurement in the field of defense and security<sup>157</sup>.
- Development, capacity building and professionalization of procurement personnel:
  - ✓ The Draft Government Decision on the approval of the Regulation on the certification of specialists in the field of public/sectoral procurement was developed and submitted for approval.
  - ✓ During 2023, 2788 people involved in public procurement procedures were trained.
- Development/adjustment of SIA RSAP "MTender" functionalities:
  - ✓ On July 1, 2023, the *Regulation on small value public procurement*, approved by the Government Decision no. 870/2022, entered into force. Based on it, the new small value procurement reporting function was developed on the "mtender.md" electronic procurement platform, so that the

<sup>155</sup> <https://mf.gov.md/sites/default/files/Raport%20PAMF%202023%20publicare.pdf>

<sup>156</sup> [https://www.legis.md/cautare/getResults?doc\\_id=139053&lang=ro](https://www.legis.md/cautare/getResults?doc_id=139053&lang=ro)

<sup>157</sup> <https://particip.gov.md/ro/document/stages/proiectul-hg-cu-privire-la-aprobarea-proiectului-de-lege-privind-atribuirea-anumitor-contracte-de-lucrari-de-furnizare-de-bunuri-si-de-prestare-de-servicii-de-catre-autoritatile-sau-entitatile-contractante-in-domeniile-apararii-si-securitatii-numar-unic-126mf2024/12068>

contracting authorities can report and manage all low-value public procurement contracts/invoices in a centralized way.

### Constraints

It is not known exactly what progress was made in 2024, because the progress report on the implementation of the *National Programme for the Development of the Public Procurement System for 2023-2026* has not yet been published. In response to our request, neither the Ministry of Finance nor the Public Procurement Agency mentioned progress in 2024 regarding the implementation of the Programme.

### Priorities

The action plan for the implementation of the National Programme for the Development of the Public Procurement System for 2023-2026 provides for a series of activities to be carried out in 2024-2026, among which:

1. Further harmonization of public procurement legislation with the *acquis communautaire*.
2. The re-engineering of the electronic procurement system in accordance with national and European regulations.
3. Monitoring and evaluation of policy documents that use public procurement to achieve the set objectives.
4. Ensuring the quality of the award documentation in the course of public procurement in accordance with the best practices of international development agencies.
5. Redesigning the way of monitoring contracts in order to ensure qualitative and quantitative execution, according to the award documentation.
6. Strengthening the administrative capacity of the contracting authorities/entities and making the use of public funds more efficient by centralizing procurement or resorting to auxiliary procurement services.

**Recommendation: Take effective steps to reduce the volume of public procurement not subject to the Law on public procurement and the Regulation on small value procurement.**

Score

4 out of 5 points

### Main developments

After the entry into force, on July 1, 2023, of Government Decision no. 870/2022 regarding the approval of the *Regulation on small value public procurement*<sup>158</sup>, the contracting authorities/entities are obliged to carry out the procedure of awarding small value contracts through the "State Register of Public Procurement" Automated Information System (except for the cases established at point 14 of the Regulation).

In the case of direct procurement, the contracting authorities / entities have the obligation to present quarterly, by the 15<sup>th</sup> of the following month, in SIA RSAP (MTender) the information regarding small value public procurements made outside the electronic system.

In this sense, the new small value procurement reporting function through the "mtender.md" electronic procurement platform was developed , so that contracting authorities can report and manage all small value public procurement contracts/invoices in a centralized way.

In 2023, through SIA RSAP, the contracting authorities/entities submitted 29,297 reports on direct procurements, worth MDL 431,948,291. Also, through the electronic system, 15,053 small value procurements were initiated and carried out in the amount of MDL 1,239,656,290.

### Constraints

Before the possibility of reporting small value procurements through the electronic procurement platform appeared, their monitoring was a problem. Some authorities intentionally split procurement contracts into several small value contracts to use less competitive procedures, but this could only be monitored with delay by analyzing paper reports submitted by contracting authorities.

Thus, the measures to increase the transparency of procurement have been taken, it remains to monitor the evolution of small value procurement carried out through SIA RSAP and the reported direct purchases, in order to be able to assess the effectiveness of these actions.

### Priorities

1. The legal and technological framework has been developed, it remains to further monitor and analyze the evolution of small value procurement carried out through SIA RSAP and the direct procurement reported through the system.
2. Further and full implementation of the *Regulation on small value public procurement*, approved by the Government Decision no. 870/2022.

<sup>158</sup> [https://www.legis.md/cautare/getResults?doc\\_id=134614&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134614&lang=ro)

## Recommendation: Align laws on concessions and public-private partnerships with the EU acquis

Score

2 out of 5 points

### Main developments

Despite the numerous vulnerabilities of the draft law for the amendment of the Law on public-private partnership and the Law on the concession of works and services, which rather worsens than improves existing framework<sup>159</sup>, on July 14, 2023 the Parliament of the Republic of Moldova approved the Law no. 193 which amended the Law no. 179/2008 (on PPP) and the Law 121/2018 (on concessions). Only five months after the approval of the PPP law, the line ministry (MEDD) publicly announced the initiation of a draft law to amend the Law no. 179/2008 regarding the public-private partnership<sup>160</sup>.

Likewise, in the case of the Law no. 121/2018 on the concession of works and services. Just one month after the publication of the law that operates the amendments to this normative act, MEDD announced the initiation of a new process to amend the Law no. 121/2018<sup>161</sup>.

The fact that the drafting of the legislative amendments was initiated only a few months after the publication of the amendments to the laws regulating the conclusion of the PPP and concession contracts seriously affects the predictability and confidence of the business environment in the public-private partnership as an investment instrument.

Because the changes made in 2023 to the two laws did not fully transpose the EU Directives no. 2014/23/EU and 2014/24/EU, this will need to be achieved through a new draft law to amend the Laws no. 121/2018 and no. 179/2008, as well as other related laws. Although the approval of this document by the parliament is expected for the end of 2024<sup>162</sup>, the draft law has not yet been submitted for public consultations.

### Constraints

The state violates its own concession regulations, further eroding the confidence of potential private partners. On June 12, 2024, the Cabinet of Ministers approved the draft Government Decision<sup>163</sup> implementing the provisions of art. V of the Law no. 118/2023. Thus, by way of derogation from the provisions of the Law on the concession of works and services, the Ministry of Infrastructure and Regional Development will transfer all national roads and related land surfaces in public property, under the conditions of the concession contract concluded with the "National Road Administration" JSC for a period of 35 years, exempting the state owned enterprise from the royalty payments. In these circumstances, instead of transferring the roads into the administration of a public institution, which in turn must to conclude contracts for the maintenance works with private entities, the state preferred to make a concession in favour of a state owned enterprise by way of

<sup>159</sup> Rapcea, V. „Parteneriate cu bucluc: analiza proiectului de modificare a legii PPP”, Expert-Grup, iulie 2023

<sup>160</sup> <https://particip.gov.md/ro/document/stages/anunt-privind-initierea-elaborarii-proiectului-de-lege-privind-modificarea-legii-nr1792008-cu-privire-la-parteneriatul-public-privat/11958>

<sup>161</sup> <https://particip.gov.md/ro/document/stages/anunt-privind-initierea-procesului-de-elaborarea-a-proiectului-de-lege-privind-modificarea-legii-nr1212018-cu-privire-la-concesiunile-de-lucrari-si-concesiunile-de-servicii/11145>

<sup>162</sup> MEDD response letter no. 04-1667 of 28.05.2024

<sup>163</sup> <https://gov.md/sites/default/files/document/attachments/nu-244-midr-2024.pdf>

derogation from the Law on Concessions, that ended up in contradiction with the concession concept enshrined in the Directive 2014/23/EU.

### Priorities

1. Transfer roads into the administration of a public entity in lieu of transferring national roads in concession to the “National Road Administration” JSC without royalty payments. Refraining from the concession of public property or the initiation of PPP by derogation from the provisions of the framework laws.
2. Full transposition in the national legislation of the Directives 2014/23/EU and 2014/24/EU.
3. Ensuring the transparency of the decisions regarding the operation of legislative amendments by indicating in the intent notices: i) the motives underlying the initiation of the legislative amendment; ii) the goals that will be achieved through such amendments.
4. Strengthening the confidence of the business environment in the state as a business partner, by abolishing the practice of frequent and non-transparent interventions to the regulatory framework.
5. Regulating the PPP and concessions within a single law, given the fact that the concession is one of the forms of the public-private partnership, and at the EU level the specific regulations related to other forms of public-private partnership can be found, rather, in the legislation specific to public procurement than in a dedicated regulation.



## Statistics

Average Score

3,3 out of 5 points

**Recommendation: Conduct the population and housing census in 2024 and the pilot census in 2023**

Score

4 out of 5 points

### Main developments

In 2023, the National Bureau of Statistics (NBS) successfully conducted the pilot population and housing census, which included 11 localities, as well as a post-enumeration survey. With the support of the European Union Delegation in the Republic of Moldova, the independent analytical Centre “Expert-Group” carried out an independent evaluation of the census piloting process. It was verified to what extent the processes of preparing and conducting the pilot census correspond to the standards in the field and the recommendations of the experts who evaluated the results of the previous census (2014). Before the launch of the Population and Housing Census on April 8, 2024, the NBS has taken the necessary steps to address the issues identified in the Pilot census and those pointed out by the evaluators to ensure proper preparation for the Census.

On April 8, 2024, the 2024 Population and Housing Census was launched. According to the census work plan, during the first two months of the census, dwellings in the country's localities were identified and visited, and data on those dwellings and the people who live in them were collected. During the last month of data collection (07.06-07.07.2024), enumeration of persons in collective living spaces (dormitories, asylums, prisons, barracks etc.), staff of diplomatic missions and consular services (together with their families), homeless persons, as well as repeated visits to dwellings that could not be enumerated at the first stage were carried out. According to the situation at the end of July 7, 2024, 1655 thousand dwellings (occupied, secondary and unoccupied) and 2448 thousand persons (including both persons with usual residence and persons without usual residence in the Republic of Moldova, with possible duplications, which will be identified at the processing stage) were enumerated<sup>164</sup>. Thus, it can be assessed that the enumeration phase was successfully completed.

### Constraints

Overall, the data collection process for the 2024 Population and Housing Census has proceeded without major incidents. However, it should be noted that the census took place in the context of an atmosphere of distrust in the messages of the authorities. On the electoral background, a campaign of disinformation and discouragement of cooperation with the enumerators was launched, which caused a part of the population to react negatively to the census, although it should be noted that the NBS conducted a massive communication and information campaign, with the involvement of civil society organizations, the CPA and LPAs, and well-known personalities in various fields.

It should also be noted that the census is not limited to data collection. There are other important stages to be completed during the years 2024-2026, such as: carrying out the post-enumeration survey (scheduled for July 15 - August 11, 2024), carrying out evaluation and quality assurance activities of the census works, processing

<sup>164</sup> [https://statistica.gov.md/ro/biroul-national-de-statistica-a-prezentat-rezultatele-etapei-de-12\\_61378.html](https://statistica.gov.md/ro/biroul-national-de-statistica-a-prezentat-rezultatele-etapei-de-12_61378.html)

the collected data, inserting data from administrative data sources for persons with usual residence not covered in the census, tabulating and disseminating the preliminary and final results of the census, popularizing statistics and educating users.

### Priorities

1. Conducting the post-enumeration survey.
2. Integration of census data with census-relevant administrative data sources.
3. Processing of data collected during the census and the post-enumeration survey, calculation of statistical indicators.
4. Analysing the results of the post-enumeration survey, comparing the census results with administrative data and other data sources to assess the quality of the census data, preparing the final report on the quality assurance of the census data and processes.
5. Disseminating the census results - preliminary, short final and extended final.
6. Promoting the use of census results for policy development, research and informing of society (information seminars, workshops etc.).

## Recommendation: Ensure the National Bureau of Statistics (NBS) has adequate staffing and financial resources

Score

2 out of 5 points

### Main developments

The main action carried out in the reference period for fulfil this recommendation is the approval of the GD no. 37 of January 17, 2024 for the amendment of Government Decision no. 935/2018 on the organization and operation of the National Bureau of Statistics<sup>165</sup>. The main changes operated are the following:

- Consolidation of the central apparatus of the NBS by adjusting its organizational structure and adding new subdivisions, in order to develop the production and dissemination of statistics in line with EU standards, improve the implementation of innovations in the field of statistics, including the development of experimental statistics and the use of alternative data sources (administrative and private) to produce official statistics. The number of staff at the NBS headquarters was strengthened on the account of the regional statistical offices.
- Reducing the NBS staff. Before the approval of the GD, the total number of NBS units was, according to the staff lists, 710. After the reorganization, the number of units was reduced to 484, of which 249 in the central apparatus and 235 in the statistical territorial subdivisions (about two times fewer staff than before reorganisation). Thus, the staff was reduced by 226 units (about 30%), of which more than 70 units were civil servants. Additionally, on the basis of individual annual employment contracts, 240 interview operators will be contracted for: conducting household surveys, conducting consumer price research, as well as conducting research of small agricultural producers. The financing will be carried out from the state budget, from the resources planned for the realization of the Statistical works programme. The exclusion of the interview operators responsible for data collection from the NBS staff list and their co-optation for the execution of the same tasks on the basis of individual employment contracts, was done to create favourable conditions for the staff remuneration. Namely, for the employees to be remunerated according to the actual results achieved and not according to the tariff salary established by the normative salary framework in the budgetary sector, paid without taking into account the performance of the staff.

The mentioned optimizations were possible and necessary under the conditions in which the NBS carries out a series of optimizations of the statistical processes, including: (i) the digitization of the statistical questionnaires and the definitive elimination of data collection on paper in favour of data collection through CAWI (Computer-assisted Web Interviewing); CAPI (Computer-assisted Personal Interviewing); CATI (Computer-assisted Telephone Interviewing); (ii) expanding the use of administrative and alternative data sources in statistical activity, as well as (iii) modernizing the statistical information system.

However, the optimizations in question are a necessary but by no means sufficient condition for alleviating the personnel constraints within the NBS.

### Constraints

A large part of the personnel constraints, which are also reflected in the National Statistical System Development Strategy for the period 2023-2030<sup>166</sup>, remain valid. These include the following:

<sup>165</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141429&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141429&lang=ro)

<sup>166</sup> [https://www.legis.md/cautare/getResults?doc\\_id=135611&lang=ro](https://www.legis.md/cautare/getResults?doc_id=135611&lang=ro)

- Uncompetitive salary level, especially compared to other public institutions. Within the NBS, there is an ebb and flow of young and middle-aged personnel with a high level of qualification, who opt for better-paid positions in other public and private entities in the country and abroad. The NBS is disadvantaged by an unfavourable salary ratio, having lost a number of key specialists in this way in recent years.
- The lack of young people that choose to specialize in statistics. Although the NBS traditionally relies on the intake of young specialists from statistics specialties, the number of students admitted to the statistics faculty in the last decade has been very small, and as of 2017, no new groups have been formed. In addition, data show that slightly over half of those admitted successfully complete the statistics speciality, and even fewer choose a career in statistics. The fundamental cause is, again, the very low level of salary for entry-level positions in the statistician profession, compared to the opportunities of similar complexity and profile in the public and private sectors. This factor is even more decisive in the case of specialties traditionally considered as “auxiliary” for the National Statistics System, but which are clearly becoming more important, such as specialists in the fields of ICT, GIS, legal support or communications. For holders of these specialties, the level of entry salaries in other public institutions and in the private sector, compared to the level offered by the NBS, is even higher than in the case of statisticians.
- Another constraint, resulting from the first two factors, is the increasing pressure on existing staff, who have to juggle several tasks simultaneously, including new tasks arising from the statistical rigors of the time. In conditions of high staff turnover and the need to replace other functions, for many employees there is also the risk of professional “burnout”, which increases the probability of the exodus of qualified personnel.
- The prestige and image of the NBS in the institutional hierarchy of the public sector. The NBS is consistently not perceived as a priority institution for decision-makers compared to other public authorities and businesses, and this entails the consequences of under-financing.
- Moreover, there is no reason to believe that the situation is much better in the case of other producers and potential producers of official statistics.

### Priorities

1. Revising the salary system within the NBS to have competitive neutrality in retaining and attracting specialists, at least compared to other institutions in the public sector.
2. Promoting statistics-related specialties and the opportunities they offer, in order to increase the prestige and attractiveness of this field. The state can intervene by offering more places with funding from the state budget.

## Recommendation: Increase production and transmission of timely and high-quality data to Eurostat

Score

4 out of 5 points

### Main developments

The harmonization of the national statistical system with the EU's requirements is one of the pillars on which the strategic planning framework under which the NBS operates is based. Thus, the general objective 3 of the National Statistical System Development Strategy for the period 2023-2030<sup>167</sup> is formulated as follows: "High-quality data, including new data sets (timely, relevant, reliable, accessible, disaggregated, coherent, internationally comparable and harmonized with European Union requirements), produced to inform society and to support effective decision-making and the implementation of public policies, based on evidence, leading to sustainable development and an inclusive society". As a result, the NSS Implementation Programme, as well as the annual plans or annual programmes of statistical work, take into account the harmonization with the provisions of the EU Statistical Requirements Compendium.

According to the information provided by the NBS, during the reference period the authorities of the National Statistical System (NSS) under the coordination of the NBS, undertook the following relevant activities in order to fulfil the recommendation of increasing the production and transmission of timely and high-quality data to Eurostat, namely:

- By the end of 2023, the National Bureau of Statistics (NBS) has transmitted to Eurostat the data for 2022, as part of the statistical exercise of the first round of data collection for the candidate and potential candidate (28 questionnaires completed by the NBS, NBM and other NSS participants). In March 2024, the 2022 data - as part of the 2023 statistical exercise of the second round of data collection for candidate and potential candidate countries - were also sent to Eurostat (17 questionnaires completed by the NBS, NBM and other NSS participants).
- In the reference period, in addition to the energy statistics regularly transmitted through the EDAMIS platform, new data sets were transmitted to Eurostat - on demographic statistics, the consumer price index, and transport statistics.
- Starting from January 2023, the NBS provides monthly to Eurostat statistical data on the international trade in goods of the Republic of Moldova (ESTAT-COMEXT-DATA), instead of the quarterly frequency applied until 2023.
- In response to Eurostat's requests, in the period September 2023 - February 2024, the NBS transmitted data on: (i) salary statistics (the questionnaire on the national minimum salary); (ii) statistics on consumer prices (in the context of the participation of the Republic of Moldova in the International Comparability Programme (PCI)); (iii) macroeconomic statistics.
- On May 31, 2024, the 2023 round of the compliance monitoring process (ESS-MH) was fully completed with 76 flows and sent to Eurostat.

In general, the NBS is an open institution, including with regard to ad hoc requests from international bodies, including Eurostat. For example, according to the Report on the implementation of the Statistical Work Programme (SWP) for the year 2023<sup>168</sup>, at the request of international bodies, the NBS completed and sent to them 134 questionnaires in various fields, compared to 98 questionnaires provided for in the SWP for the year 2023 (136.7% compared to the planned level). Incidentally, the first compartment of the SWP for the year

<sup>167</sup> [https://www.legis.md/cautare/getResults?doc\\_id=135611&lang=ro](https://www.legis.md/cautare/getResults?doc_id=135611&lang=ro)

<sup>168</sup> [https://statistica.gov.md/files/files/despre/planuri/Raport\\_realizarea\\_PLS\\_2023.pdf](https://statistica.gov.md/files/files/despre/planuri/Raport_realizarea_PLS_2023.pdf)

2024<sup>169</sup> includes 27 chapters corresponding to statistical fields, structured according to the provisions of the EU Statistical Requirements Compendium. It contains 116 titles of statistical works, which are based on research and statistical calculations with monthly, quarterly, half-yearly and annual periodicity. At the same time, 110 questionnaires are expected to be completed and sent to international organizations, including 69 questionnaires to Eurostat.

### Constraints

The main challenges faced:

- The coordination process between the NBS and the local public authorities in the process of completing the questionnaires.
- Lack of sources of statistical data in certain fields.
- The high burden on the NBS, coming from the need to further prepare a large number of data sets for certain public institutions at the national level (given that many of these data sets are available in the Statistical Data Bank of the NBS).
- Staff shortage and fluctuation, as well as the difficulty of attracting qualified specialists due to the lower remuneration compared to most of the public institutions in the country.

### Priorities

1. Alleviating personnel problems within the NBS by attracting qualified specialists to deal with the increasingly complex and varied requests for statistical data.
2. Attracting technical assistance projects for support in aligning the generated statistics to the EU Statistical Requirements Compendium.
3. Improving the inter-institutional coordination process in order to provide the NBS with the necessary data in a timely manner and in accordance with the requests, as well as the utilization of administrative data sources.
4. Enhancing the culture and educating users of statistical data.

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<sup>169</sup> [https://www.legis.md/cautare/getResults?doc\\_id=140725&lang=ro](https://www.legis.md/cautare/getResults?doc_id=140725&lang=ro)



## Financial control

Average Score

3,7 out of 5 points

### Recommendation: Implement the development strategy of the Court of Accounts

Score

4 out of 5 points

#### Main developments

According to the situation at the end of 2023, the Court of Accounts (CARM) estimates that about 64% of the actions planned for 2023 for the implementation of the *Development Strategy of the Court of Accounts for 2021-2025*<sup>170</sup> were fully carried out, and about 25% - partially. In the period July 2023 - June 2024, the following progress was achieved in the main strategic areas:

Contributing to the sound management of public money by increasing the impact of audit activity:

- In 2023, the "Entity Cabinet" was created on the CARM web page, which allows audited entities to view the recommendations made to them during the audit missions, the implementation deadline, the data presented and the implementation status. Also there, the entities can report on the actions taken to implement the recommendations.
- In February 2024, the CARM and the State Chancellery held a workshop dedicated to monitoring the way how external public audit recommendations are implemented, in which approximately 50 representatives of public entities subject to audit participated.
- During 2023, as a result of the audit activities of the CARM's auditors, the following actions were carried out: registration and correction of entries in the accounting records (about 540.5 million lei), accounting of more than 840 movable museum goods (about 922.28 million lei), evaluation and accounting of 36 buildings and 6 plots of land (about 251.2 million lei), transmission of 33 public land plots to the Public Property Agency (about 66.4 million lei), signing of documents of reception-handover of investments (about 19.9 million lei), recalculation of the depreciation of fixed assets and making the corresponding accounting corrections (about 3.94 million lei) etc<sup>171</sup>.
- A new audit subdivision was created, specialized in carrying out performance audit missions.

Sustainable development of the Court of Accounts to ensure high quality audits:

- In 2023, a new organizational structure of CARM was approved, with a staff limit of 164 units, and in March 2024, as a result of the expiry of the mandate of the previous president, a new president of CARM was appointed.
- Draft laws were developed to amend the normative acts related to the financial and organizational independence of the CARM: the amendment of art. 4 of *Law no. 260/2017 regarding the organization and operation of the CARM* and art. 67 of *Law no. 158/2008 regarding the public office and the status of the civil servant*<sup>172</sup>. The Parliament approved the amendments to the Law no. 158/2008, a new paragraph being added, which stipulates the derogation applicable to the CARM from the standard procedure for approving staff lists. The amendments to the Law no. 260/2017 aimed at contributing to

<sup>170</sup> [https://www.ccrm.md/ro/strategia-de-dezvoltare-a-curtii-de-conturi-pentru-perioada-2021-2025-3571\\_92059.html](https://www.ccrm.md/ro/strategia-de-dezvoltare-a-curtii-de-conturi-pentru-perioada-2021-2025-3571_92059.html)

<sup>171</sup> [https://www.ccrm.md/ro/raportul-de-activitate-al-curtii-de-conturi-pe-anul-90\\_93187.html](https://www.ccrm.md/ro/raportul-de-activitate-al-curtii-de-conturi-pe-anul-90_93187.html)

<sup>172</sup> [https://www.legis.md/cautare/getResults?doc\\_id=143046&lang=ro](https://www.legis.md/cautare/getResults?doc_id=143046&lang=ro)

the financial independence of the CARM were included in the Parliament's legislative programme for 2024.

- In order to adjust to Principle 16 letter g (EU/SIGMA) and to the standards of the International Organization of Supreme Audit Institutions (INTOSAI)<sup>173</sup>, the CARM has drafted a law proposal for the amendment of Article 133 of the Constitution of the Republic of Moldova, which provides for all types of independence of the CARM (organizational, functional, operational and financial), the status of the CARM and a reasonable term of office of the CARM President<sup>174</sup>.
- In 2023, the *Quality Management System Guide* was approved for testing, which describes the components of the quality system established within the CARM, and on June 25, 2024, the Guide was approved in final version<sup>175</sup>. The *Instruction on the independent assessment of the quality of the audit mission within the CARM* was approved, aimed at aligning the internal procedures with the INTOSAI international auditing standards.
- The CARM has also developed the information system for financial audit process automation.

### Constraints

The total number of audit missions performed by the CARM is decreasing (61 missions performed in 2021, 46 - in 2022, 34 - in 2023), the reason being the insufficiency of staff with audit duties. At the end of 2023, out of 164 approved personnel units, 138 people were working in the CARM, with 26 positions remaining vacant. The CARM faces losses of qualified personnel, who migrate to public institutions with higher salaries, as a result of establishing a higher reference value when calculating salaries in those institutions compared to the one established for the CARM. In 2019-2023, 90 people resigned from the CARM (more than half of the staff on payroll), while only 55 people were employed<sup>176</sup>.

An aspect that requires continuous improvement efforts concerns the rate of implementation of CARM recommendations by the audited entities, which was assessed as low in the Evaluation report of the public administration of the Republic of Moldova, issued by SIGMA (Support for Improvement in Governance and Management). According to the institution's performance indicators, the level of implementation of audit recommendations was supposed to increase by 10% annually, but in 2023 it increased by only 7%.

### Priorities

1. The Government needs to undertake measures so that the salaries of civil servants of the CARM are calculated based on the reference value similar to institutions in the same occupational or professional group, establishing the corresponding reference value in the draft annual state budget law.
2. The draft amendment to Article 133 of the Constitution is to be consulted with the Constitutional Court, the Parliament, the Ministry of Justice, the State Chancellery and discussed publicly by the end of 2024.
- 3.
4. Efforts to increase the rate of implementation of CARM recommendations by audited entities should be continued.

<sup>173</sup> <https://gov.md/sites/default/files/document/attachments/29-07-2877-plan-sigma.pdf>

<sup>174</sup> [https://www.ccrm.md/ro/realizarile-curtii-de-conturi-discutate-in-cadrul-sedintei-operative-80\\_93300.html](https://www.ccrm.md/ro/realizarile-curtii-de-conturi-discutate-in-cadrul-sedintei-operative-80_93300.html)

<sup>175</sup> <https://www.ccrm.md/ro/ghiduri-3558.html>

<sup>176</sup> [https://www.ccrm.md/ro/raportul-de-acitivitate-al-curtii-de-conturi-pe-anul-90\\_93187.html](https://www.ccrm.md/ro/raportul-de-acitivitate-al-curtii-de-conturi-pe-anul-90_93187.html)

## Recommendation: Ratify the 1929 Geneva Convention on suppression of counterfeiting of currency

Score

3 out of 5 points

### Main developments

This recommendation of the European Commission is included in the National Action Plan for the accession of the Republic of Moldova to the European Union for the years 2024-2027, approved by the GD no. 829 of October 2023<sup>177</sup>, as well as in the Government's Action Plan for 2024<sup>178</sup>. The main institution responsible for the implementation of this measure is the Ministry of Internal Affairs (MIA), and the deadline for the adoption of the draft law for the ratification of the International Convention on Suppression of Currency Counterfeiting, signed in Geneva on April 20, 1929, is August 2024. In the analysis process, it was found that, according to Article 21 of the Convention, after January 1, 1930, the Treaty is open for accession by any UN member country and any non-member state mentioned in Article 20 of the Convention. For this reason, the Convention will be subject to the procedure of accession, not ratification. In practical terms, this means a more simplified procedure compared to the ratification procedure. According to the information provided by the MIA, the institution examined the opportunity of joining the Convention and established that it provides for the prevention and sanctioning of the crime of currency counterfeiting, representing the main international treaty in this regard. At the same time, after the completion of the related internal procedures, as well as as a result of the internal consultation of the set of documents regarding the accession to the Convention, the MIA, together with the Ministry of Justice, the Ministry of Finance and the National Bank of Moldova, held a series of working meetings to address the possibility of joining the Convention, as well as the actions to be taken in this regard. In addition to identifying the set of documents necessary for the accession to the Convention and consulting with other relevant institutions on subsequent actions, the MIA requested the European Commission's opinion on the sufficiency of the national regulatory framework necessary for the accession to the Convention.

In addition, on June 10, the Ministry of Internal Affairs sent the set of materials related to the accession of the Republic of Moldova to the Convention to the national authorities for their endorsement. In line with the argument of the necessity of Moldova's accession to the Convention, it is proposed that the Central National Office be established within the Directorate specialized on counterfeiting of currency and investigation of such cases within the National Investigation Inspectorate of the General Inspectorate of Police.

### Constraints

A challenge related to the accession to the Convention is the fact that it also has institutional implications. According to the provisions, the Republic of Moldova, pursuant to art. 12 of the Convention<sup>179</sup>, needs to establish the National Central Office, which will be in close contact with the currency issuing institutions, with the police authorities in the country and with the central offices of other countries. Thus, most likely, the implementation of this provision will also have a budgetary impact.

### Priorities

Taking into account the progress so far, it is very likely that this recommendation will not have a finality in August 2024 as planned. For the next period, the priority is to thoroughly evaluate the national normative framework in order to align it with the provisions of the Convention and to identify the best cost-efficiency solution for the institution that will have the role of Central National Office. For example, in Latvia and Lithuania<sup>180</sup>, this institutional role is assigned to the Economic Police Department under the Ministry of the Interior.

<sup>177</sup> [https://www.legis.md/cautare/getResults?doc\\_id=141820&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141820&lang=ro)

<sup>178</sup> <https://gov.md/sites/default/files/document/attachments/subiect-02-nu-948-cs-2023.pdf>

<sup>179</sup> <https://opac.oireachtas.ie/AWData/Library3/Library2/DL055153.pdf>

<sup>180</sup> <https://treaties.un.org/pages/LONViewDetails.aspx?src=IND&id=563&chapter=30&clang=en>

## Recommendation: Appoint an anti-fraud coordination body and develop an anti-fraud coordination network

Score

4 out of 5 points

### Main developments

The EU Member States, in accordance with Article 12 of EU Regulation no. 883/2013, have the obligation to designate an anti-fraud coordination body in order to facilitate an effective cooperation and exchange of information, including information of an operational nature, with the European Anti-Fraud Office (OLAF). The designation of an anti-fraud coordination body is essential to ensure compliance with EU rules, to effectively support OLAF in its mission and to protect the financial interests of the European Union.

Currently, investigative cooperation between OLAF and the relevant national authorities is sporadic, on a case-by-case basis. The National Anti-Corruption Centre was designated as the main focal point and provided sound assistance to OLAF in the context of investigative cooperation, but is not yet officially recognized as an anti-fraud coordination service. Although, on April 25, 2024, changes were made to the Law no. 1104/2002 on the National Anticorruption Centre, they do not provide for the recognition of the Centre as an anti-fraud coordination service. In accordance with the National Action Plan for the accession of the Republic of Moldova to the European Union for the years 2024-2027<sup>181</sup>, the development of the national anti-fraud coordination network is entrusted to the State Financial Control Inspectorate (ICFS), with a completion deadline scheduled for August 2024. Through the changes made to the Regulation on the organization and operation of the State Financial Control Inspectorate<sup>182</sup>, two new departments were established within the ICFS: the anti-fraud coordination department and the European funds control department.

### Constraints

- Specifying the role of anti-fraud coordination, at the level of government decision regarding the organization and operation of the Inspectorate, could be insufficient to determine an effective coordination of all institutions involved.
- The national anti-fraud network is not yet an institutionalized structure.
- The low salary level of the ICFS staff<sup>183</sup> can jeopardize efforts to attract and retain qualified personnel with integrity.
- In case of insufficient development or coordination of the national anti-fraud network, the EU may decide to withhold, reduce or withdraw funding for projects and programmes managed by the respective state if there are indications that fraud is not being managed effectively.

### Priorities

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<sup>181</sup> [HG nr. 829/2023](#)

<sup>182</sup> [HG nr. 938/2023](#)

<sup>183</sup> The salary fund of the ICFS approved for the year 2024 is 22241.6 thousand lei, while the personnel limit of the Inspectorate is 119 units. Thus, the average salary per staff unit is 186.9 thousand lei per year.



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1. Clarify how anti-fraud coordination will be carried out by the State Financial Control Inspectorate.
2. Ensuring qualified and sufficient personnel for the: i) anti-fraud coordination and ii) control of European funds departments.
3. Clearly delineating the role of the National Anti-Corruption Centre in the development and coordination of the national anti-fraud network.

## Social and employment policies

Score

3 out of 5 points

**Recommendation: Development, adoption and further implementation of the measures provided for in the Reform Concept of the National Employment Agency, ensuring adequate capacity and establishing a monitoring and evaluation system (score: 3 out of 5 points)**

### Main developments

By adopting the Law no. 302 of October 26, 2023 for the amendment of some normative acts (labour market), which entered into force on January 31, 2024, a series of mechanisms were introduced to stimulate employment, such as: carrying out professional training courses based on vouchers; granting subsidies to support local initiative projects; introduction of mobile teams to move to localities to carry out measures to promote employment; inclusion, for the territorial subdivisions, of a new task of carrying out the process of profiling the unemployed and developing the individual employment plan: defining the concept of “appropriate job” in the context of employing the unemployed; introduction of the mandatory submission by the registered unemployed person of the report (once every 30 calendar days) regarding the activities carried out in search of a job; medical insurance by the Government only for the unemployed beneficiaries of unemployment benefit, registered with the employment territorial subdivisions, only during the period of unemployment benefit payment; reducing the mandatory term of maintaining employment relationships from 18 to 12 months for employers who receive subsidies for hiring people with barriers to entering the labour market; certification of the knowledge and skills obtained by the unemployed in the context of non-formal education and covering the costs by National Employment Agency of Moldova (NEAM); removing barriers to accessing assisted employment services for people with disabilities, etc.

With the support of external donors, technical and material equipment was provided to ensure the effective activity of territorial employment structures and mobile teams. Expertise was provided on various subjects and thematic trainings were delivered in the context of the reform.

In order to increase access to information on employment measures, on February 9, 2024, the Ministry of Labour and Social Protection and the National Social Insurance Agency signed a Collaboration Agreement for piloting the mechanism for providing public services in the field of labour and social protection based on the One Stop Shop principle. The latter provides consulting services in the field of social protection, as well as services provided by the NEAM and its territorial structures.

### Constraints

Financial sustainability for the measures needed to stimulate employment, including among vulnerable people and beneficiaries of social assistance, is not assured, including in the short term.

The low and unattractive salaries offered to the NEAM staff and its territorial structures is a challenge in attracting and retaining qualified employees, and without the human resources necessary to facilitate the employment of the unemployed, the actual results of the reform could be different from those expected. According to the provisions of existing regulatory framework, the reference value of MDL 2100 is applied to the calculation of the salaries of the NEAM employees its territorial structures. For instance, a main specialist with



NEAM receives a position salary of MDL 7380, and together with the fixed monthly increase and the 10% performance increase the salary reaches around MDL 7700. This is despite the investment made in the professional training and the technical-material endowment of the NEAM structures. There is still a major risk that the NEAM personnel will resign, while the vacant jobs will remain unoccupied due to low salaries.

### Priorities

1. Ensuring sufficient funding of active employment and economic empowerment measures for inactive people, jobseekers, and beneficiaries of social assistance.
2. Enhancing work motivation, including by increasing the salaries of the NEAM and its territorial structures personnel;
3. Informing citizens about active employment measures and job opportunities.

## Recommendation: Reforming social assistance, with a stronger link to employment

Score

3 out of 5 points

### Main developments

By the Law no. 256 of August 17, 2023 for the amendment of some normative acts (the "Restart" social assistance system reform), an extensive process of reforming the social assistance system was started, which also aims at the transfer of responsibilities in the field of social assistance from the local public authorities of second level to the Territorial Social Assistance Agencies. For this purpose, the Agency for the management of highly specialized social services was established, which is an administrative authority subordinate to the Ministry of Labour and Social Protection.

At the local level, ten territorial social assistance agencies were established, which implement directly and through the territorial social assistance structures the state policy in the field and provide methodological support to the first-level local public administration authorities, and public and private social service providers. It is worth noting that, in the municipality of Chisinau and in the Gagauz Autonomous Region, the function of providing social services was assigned to the LPAs' structures responsible for social assistance and the protection of children's rights, they having the direct responsibility for diversifying and providing social services oriented, as a matter of priority, towards retaining the beneficiary in the family and the community where he/she comes from.

An important aspect foreseen by the reform in the field of social assistance is the professional development of employees in the sector. This is achieved through professional insertion, continuing professional training and attestation, in order to confer professional qualification degrees.

In order to increase the motivation of employees' work, by Law no. 81 of April 12, 2024 for the modification of some normative acts, salary increases were operated for the positions of "Educator", "Social pedagogue", "Psychopedagogue", "Speech therapist", "Psychologist" and "Musical conductor" in children's homes, rehabilitation and recovery Centres, foster care Centres and other social assistance institutions for children. For the position of "Parent-educator" in family-type children's homes, the salary class is set at the level of the position of "Methodist in general education and technical vocational education".

By the Law no. 421 of December 22, 2023 for the amendment of the Law no. 270/2018 on the unitary salary system in the budgetary sector, additional salary classes were added for the executive public functions of "chief inspector", "superior inspector" and "inspector" within the State Social Inspectorate.

At the same time, according to the State Budget Law for the year 2024 no. 418/2023, the reference value for the staff of the State Social Inspectorate was increased from MDL 1900 to MDL 2500, except for the positions of public dignity.

Based on the collaboration agreement between the Ministry of Labour and Social Protection and the National Social Insurance Agency for the piloting of the mechanism for the provision of public services in the field of labour and social protection based on the One Stop Shop principle, consulting services are provided simultaneously in the area of social aid, social services, energy compensation, etc.

It is necessary to mention that thanks to the support of external financiers, the technical and material provision was ensured for the territorial social assistance agencies and for the mobile teams. This support contributes to the proper implementation of the reform measures provided to the social assistance beneficiaries.

### **Constraints**

The financial sustainability in the medium and long term for the implementation of social assistance policies and the provision of quality social services to all eligible applicants could be compromised if, in the following years, the budget deficit will remain at a high level.

Low salaries of social assistance personnel jeopardize the attraction and retention of qualified employees. If in the near future salary adjustments are not made, there is a high risk that the investment made in staff training will be useless. However, according to the provisions of existing regulatory framework, the reference value of MDL 2100 is applied to the calculation of the salaries of employees in the field of social assistance (other than those from the State Social Inspectorate). For instance, a beginner social worker with the salary class 52, the salary coefficient 2.90, will benefit from a monthly salary of about MDL 8000 lei (including the performance bonus and the monthly fixed bonus) or about MDL 6600 net. A personal assistant with the salary class 30, the coefficient 1.83, benefits from a monthly salary of about MDL 5,500 (about MDL 4,600 net).

The lack of financial sustainability within the local public administration (Chisinau municipality and UTA Gagauz-Yeri), responsible for social assistance and the protection of children's rights, can be a constraint in ensuring the implementation and diversification of the social services provided by them, which should be oriented, as a way of priority, to retain the beneficiary in the family and community where he/she comes from. An eloquent example is the situation with the personal assistants in the municipality of Chisinau who, due to the lack of financial sources, were laid off, and were later hired by the Ministry of Labour and Social Protection.

### **Priorities**

1. Ensuring sufficient funding of social and economic inclusion measures for social assistance recipients, as well as social assistance services, in full for all eligible applicants.
2. Increasing the salaries of the staff trained in providing social assistance.
3. Informing the general public about the benefits of the reform for citizens and society and about the types of social assistance services available.

## Recommendation: Take concrete measures to strengthen the mandate and the administrative and institutional capacity of the State Labour Inspectorate

Score

3 out of 5 points

### Main developments

Through the Law for the amendment of some normative acts (facilitating the activity of the business environment) no. 112 of May 11, 2023, article 91 of the Law no. 140/2001 on the State Labour Inspectorate was modified, which regulates the incompatibilities for the Labour inspector. As a result of the changes made, the labour inspector is prohibited from founding external private protection and prevention services, commercial companies providing business and management consulting services or any other related services, as well as from acting or having any personal interest within them (in force from July 2, 2023).

Regarding this amendment, two referrals were submitted to the Constitutional Court<sup>184</sup>, which has to rule on the constitutionality of para. (3) of that article.

It is worth noting that, the by Law no. 337 of November 9, 2023 for the modification of some normative acts, changes were made to art. 7 of the Law no. 140/2001 on the State Labour Inspectorate. According to them, the director of the State Labour Inspectorate (SLI) is appointed in a position of public dignity and released from a position of public dignity, under the terms of the law, by the Government, upon the proposal of the minister.

Starting from May 20, 2025, the changes made by the Law no. 74 of March 31, 2023 for the modification of some normative acts, by which the labour inspector's duties were supplemented with duties of verifying, at the unit level, the regulation of procedures for preventing and combating discrimination and sexual harassment at work, as well as the employer's measures to prevent and combat cases of discrimination and sexual harassment at work. At the same time, the Annual Report on the SLI activity must also include analytical data on violations in the field of preventing and combating sexual harassment.

In order to increase the attractiveness of the position of labour inspector within the SLI, starting from January 1, 2024, through the State Budget Law no. 418/2023, when calculating the salaries of the Inspectorate's employees, the reference value of MDL 2500 was established. The exception is made in the case of the deputy director of the State Labour Inspectorate, whose salary is calculated at the reference value of MDL 3,000, and the director of the institution, for whom the reference value was established starting from October 2023. Simultaneously, by the Law no. 421 of December 22, 2023 for the amendment of the Law no. 270/2018 on the unitary salary system in the budget sector, the additional salary classes were reduced, from 10 to 8, for the public execution functions of "chief inspector", "senior inspector" and "inspector" within the SLI, which are added to the wage class established for the functions given in annex no. 3 to the Law no. 270/2018.

With regard to the occupational safety and health (OSH), by order of the Minister of Labour and Social Protection no. 72/2 of April 11, 2024, the Programme for improving safety and health at work in areas with high risks of injury and illness (construction, agriculture, processing industry, transport and storage) was approved for the years 2024-2028, which establishes measures to improve the situation in the given field. Additionally, as a result of the amendment made to the art. 17 of the Occupational Safety and Health Law no. 186/2008 (in force from

<sup>184</sup>(<https://constcourt.md/ccdocview.php?tip=sesizari&docid=2578&l=ro>, and <https://constcourt.md/ccdocview.php?tip=sesizari&docid=2581&l=ro>)

April 22, 2024), the periodicity of OSH training for the administrative civil servants, job managers, specialists and workers' representatives was revised.

Also, the Government Decision no. 1079 of December 27, 2023 on the mandatory prophylactic medical examinations of workers (in force since March 5, 2024), by which two regulations were approved - the Sanitary Regulation on the supervision of the workers' health and the Sanitary Regulation on the mandatory medical examination of workers in order to prevent communicable diseases. The respective regulations establish the employer's obligations in relation to:

- Identifying the occupational risk factors to which workers are exposed and contracting a medical institution to monitor their health;
- Informing workers about the need for medical examinations in relation to the occupational risk factors to which they are exposed;
- Providing the financial means and conditions for performing medical examinations without involving the workers in the related costs; completing and keeping records;
- Admission to the field of work only of workers who have completed the medical examination.

### Constraints

Until present, the Law on state control over entrepreneurial activity no. 131/2012 and the Law on the State Labour Inspectorate no. 140/2001 were not brought in line with the provisions of the Conventions of the International Labour Organization (ILO) no. 81 on Labour inspection in industry and trade and no. 129 on labour inspection in agriculture. As a result, the impossibility of ensuring an adequate functionality of the SLI, namely, conducting unannounced checks in the field of Labour relations and OSH, as established by the ratified international standards, is maintained.

Non-compliance of the national legal framework with the provisions of the ILO Convention no. 161 on the occupational health services, ratified by the Law no. 18 of March 4, 2021, delays its implementation in practice.

### Priorities

1. Revise the legal framework in the field of state control over entrepreneurial activity and in the field of OSH and its adjustment to the international standards to which the Republic of Moldova is a party.
2. Develop the SLI capacities necessary to carry out the activity of training labour inspectors with responsibilities in the field of OSH, as well as training employers, specialists, employees and other stakeholders in the field of OSH.
3. Promote and approve the draft Government Decision on the "State Labour Inspectorate" Information System Concept and create the mechanism for its operation and use.
4. Transpose into national legislation the EU Directives in the field of OSH, according to the National Action Plan for the accession of the Republic of Moldova to the European Union for the years 2024-2027, approved by the Government Decision no. 829 of October 27, 2023.
5. Develop the national legal framework in the field of OSH by continuing the transposition of the European Directives and creating the conditions for compliance and application.
6. Implement as a matter of urgency the electronic register of employees in the Republic of Moldova, which would serve as an official source of data on work activity both for public authorities and for parties of employment relationship.
7. Inform employees and employers about the dangers existing at the workplaces where OSH requirements are not respected, the accidents and illnesses at the workplace, as well as the direct and indirect damages generated by work accidents and occupational diseases.

**Recommendation: Assessing how the Government's commitment to consult the social partners on all social and economic legislation and to strengthen tripartite consultation (strengthening the capacities of the social partners) is being implemented**

Score

**3 out of 5 points**

### Main developments

During the reference period, the legal framework in the field of social dialogue was not modified/improved, although the National Trade Union Confederation of Moldova (NTUCM) and the National Confederation of Employers of Moldova (NECM), in their capacity as social partners at the national level, came up with initiatives in this regard. An example can be the initiatives regarding ensuring the rotation of the exercise, by the coordinators of the parties, of the position of chair of the National Commission for Consultations and Collective Bargaining (NCCCB) or the promotion of the bipartite social partnership and the creation of conditions for its development.

NTUCM and NECM have developed and submitted to the Ministry of Labour and Social Protection, for examination and promotion, the draft of the NCCCB Decision for the approval of the amendments to the NCCCB Regulation, whose purpose is to concretize the provisions of the NCCCB Regulation and to remove existing gaps (to be examined at the next meeting of the NCCCB).

During the monitoring period, seven meetings of the NCCCB took place, ensuring its continuous activity in accordance with the provisions of the legal framework.

Due to the insistence of the Trade Unions and the negotiations that started during 2023, as well as the discussion of the minimum wage review at each meeting of the NCCCB, its amount increased by 25%. Namely, according to the Government Decision no. 985 of December 6, 2023 on the establishment of the amount of the national minimum wage for the year 2024, starting from January 1, 2024, its level was set at MDL 5000.

NTUCM developed and promoted two draft Collective Agreement (national level): (1) On the establishment of the amount of the minimum wage for units in the real sector of the national economy (bipartite convention); (2) On the approval of the amount of compensation increases for work performed in unfavorable conditions and the amendment of the Collective Agreement (national level) no. 1 of February 3, 2004 "Salary of employees in employment relationships based on individual employment contracts".

Currently, consultations are taking place with the NECM in order to identify mutually acceptable solutions regarding the content of the respective agreements.

### Constraints

- The reduced capacity of the NCCCB and its Secretariat in terms of examining and approving draft normative acts in the labour and social-economic fields, coupled with the inactivity of the NCCCB specialized councils.
- Undermining by the Economic Council under the Prime Minister, through its activity in the labour and social-economic fields, the activity of the NCCCB and its specialized councils, as well as the role of the social partners in the development of the labour and socio-economic policies. This contradicts international standards, principles and practices in the field of social partnership, as well as the national legislation governing this area.

- The lack, at branch level, of consolidated employer structures and the lack, in some branches, of specialized public administration structures as partners for negotiations.
- The lack at the territorial level of one of the three structures of the social partnership - employers' associations - and the frequent change of leadership of local public administration authorities, which determines the lack, in some districts and municipalities, of territorial commissions for consultations and collective bargaining.
- Ignoring frequently, in the process of drafting and improving labour legislation, of the standards and principles of social partnership and the voice of the Trade Unions.

### Priorities

1. Developing the efficiency of the partnership/social dialogue in the field of work at all levels, including by promoting changes to the legal framework in the field.
2. Amending the legal framework in force to ensure the rotation of the exercise, by the coordinators of the parties, of the function of the chair of NCCCB, which will ensure the continuous activity of the NCCCB and exclude possible blockages in the future.
3. Strengthening the capacities of the NCCCB and, in particular, its Secretariat in terms of examining and approving draft normative acts in the labour and social-economic fields, as well as reviving the specialist councils of the NCCCB.
4. Creating commissions for consultations and collective bargaining in all branches of the national economy and in all districts and municipalities, and ensuring their continuous activity.
5. Developing together with the social partners of an action plan in order to ensure 80% coverage of employees with collective negotiations, in compliance with the EU Directive 2022/2041 on adequate minimum wages in the European Union.
6. Negotiating and concluding collective agreements (national level) on various labour and social-economic topics that require additional regulation.
7. Not admitting the undermining by the Economic Council under the Prime Minister of the status and role of the NCCCB and its taking over of the NCCCB's powers.
8. Promoting the bipartite social partnership and creating the conditions for its development.
9. Establishing the Economic and Social Council in the Republic of Moldova (the Economic and Social Council or similar institutions exist in most EU member states).