

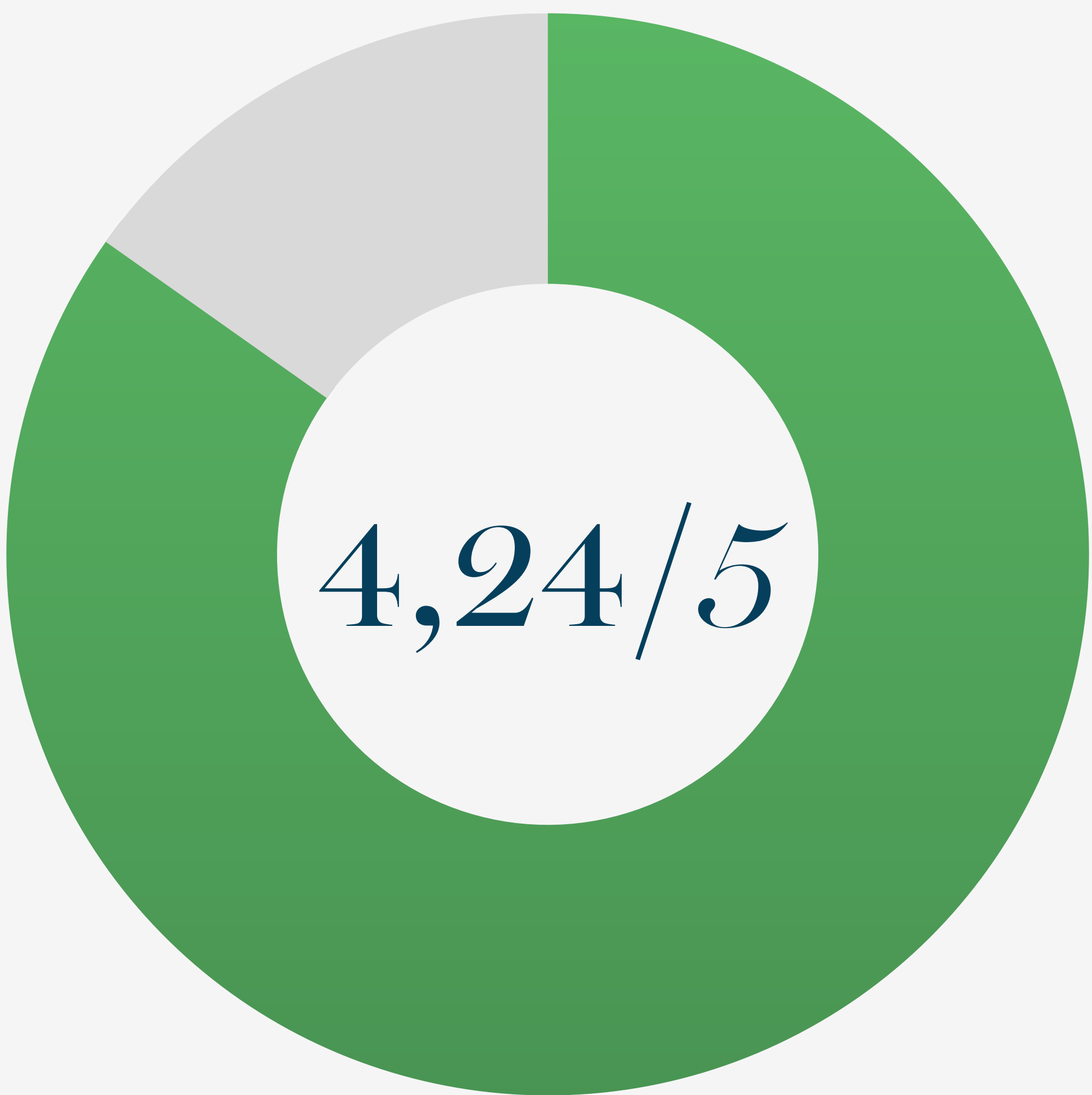
Shadow report no.2

9 steps towards opening the accession negotiations with the European Union

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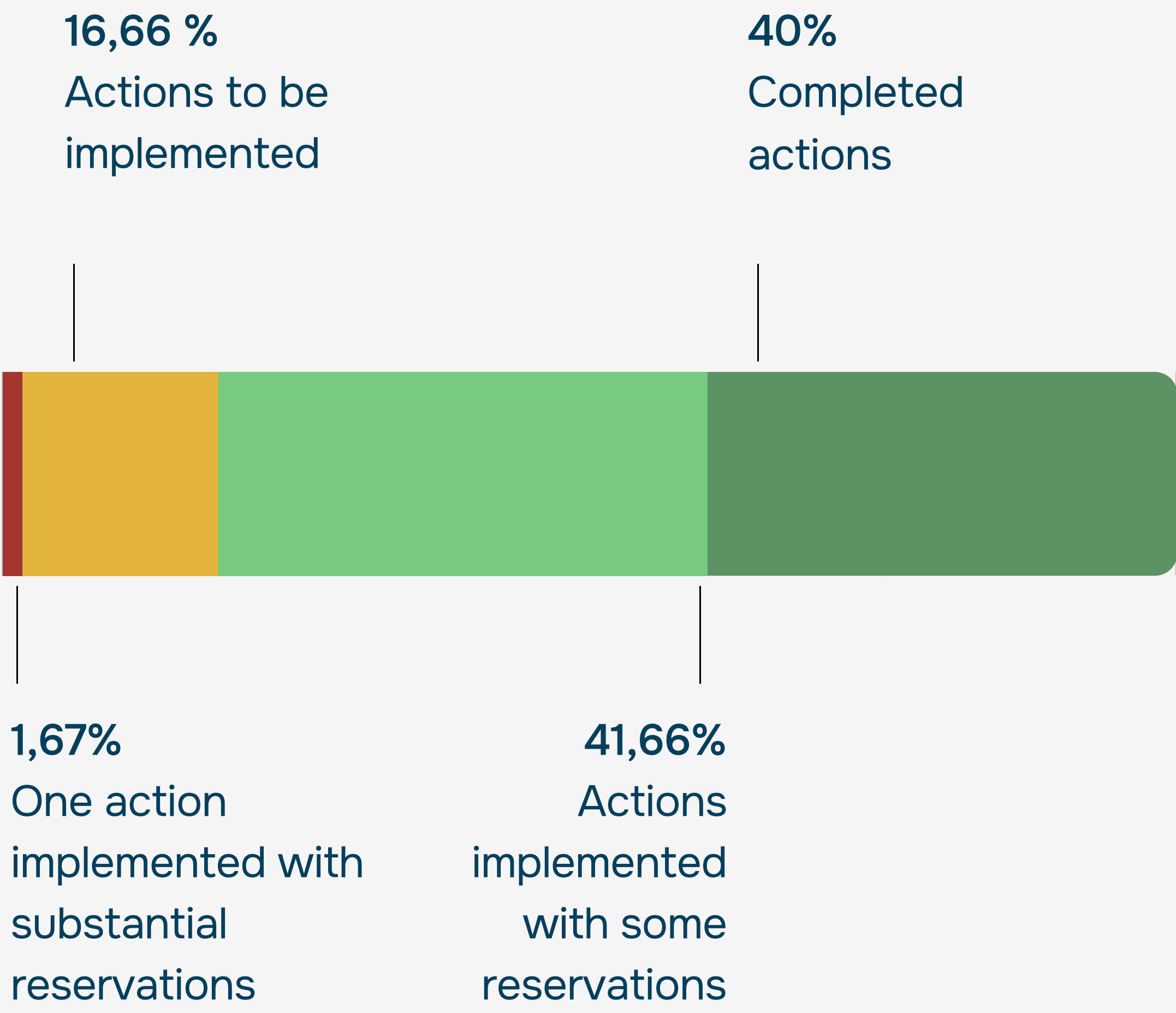
As a result of the updated assessment and the publication of the second shadow report, it is considered that by 30 June 2023, most of the measures have been implemented, with an overall average score of 4,24 points out of the maximum threshold of 5 points.

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The implementation of the 9 measures

Out of the 60 actions corresponding to 9 measures provided by the authorities in the Action Plan: 24 actions (40%) have been completed, 25 actions (41,66%) have been implemented with some reservations, 10 actions (16,66%) are still to be implemented, and one action (1,67%) has been implemented with substantial reservations.



The list of the 9 steps

The assessments reflected in the first shadow report, published in April 2023, were reviewed and updated to reflect the final evaluations, given that the deadline for fulfilling the 9 commitments was June 2023, when the European Commission initiated the elaboration of the first report within the EU Enlargement Package, which will be published in the autumn of this year.

This infographic is developed within the "Moldova-EU Candidate Check: 9 steps towards the opening of accession negotiations with the European Union" Project implemented by the Institute for European Policies and Reforms, Expert-Group, and the Centre for Legal Resources of Moldova (CRJM), in cooperation with the Friedrich Ebert Foundation (FES).

July 2023

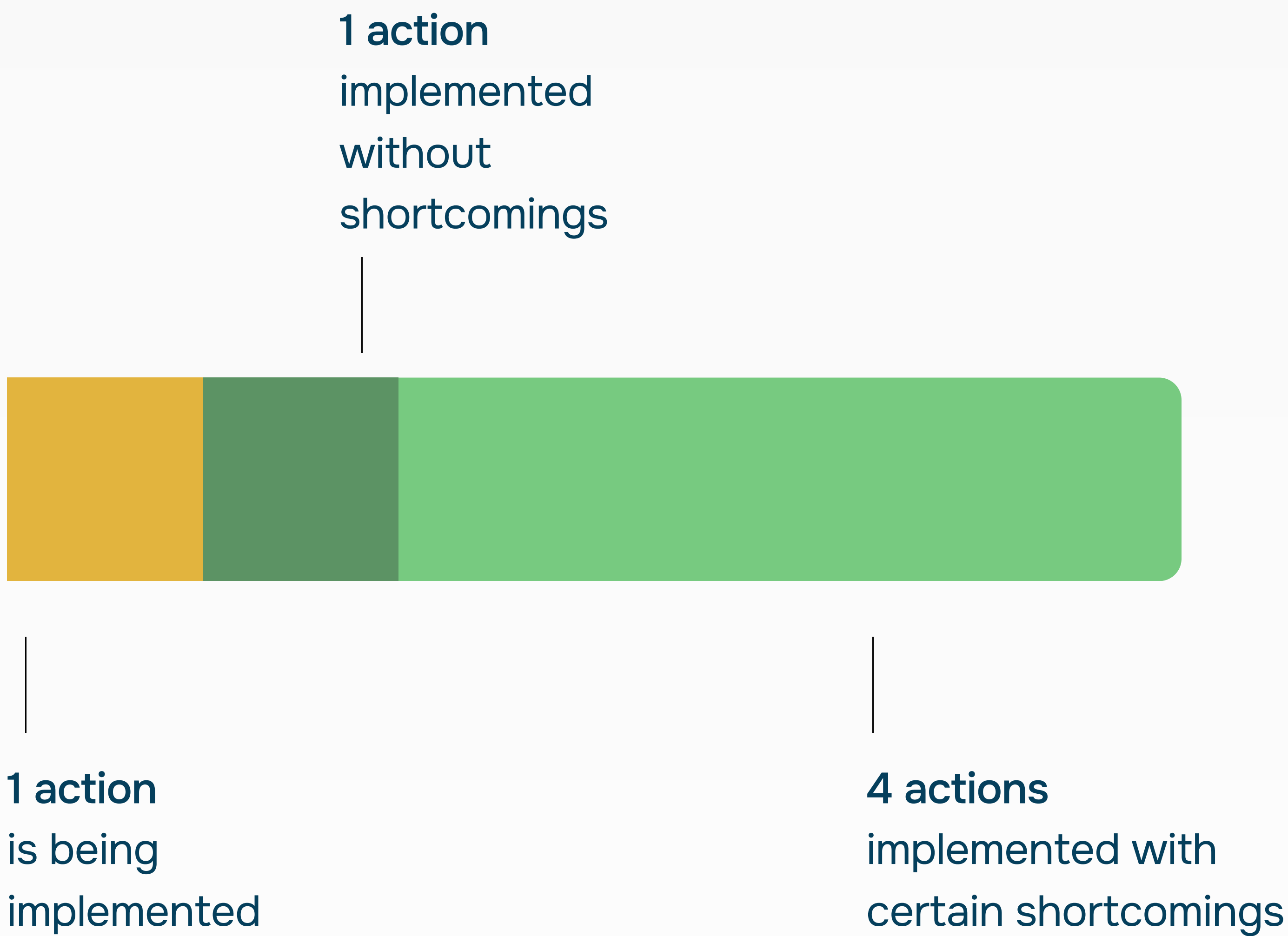
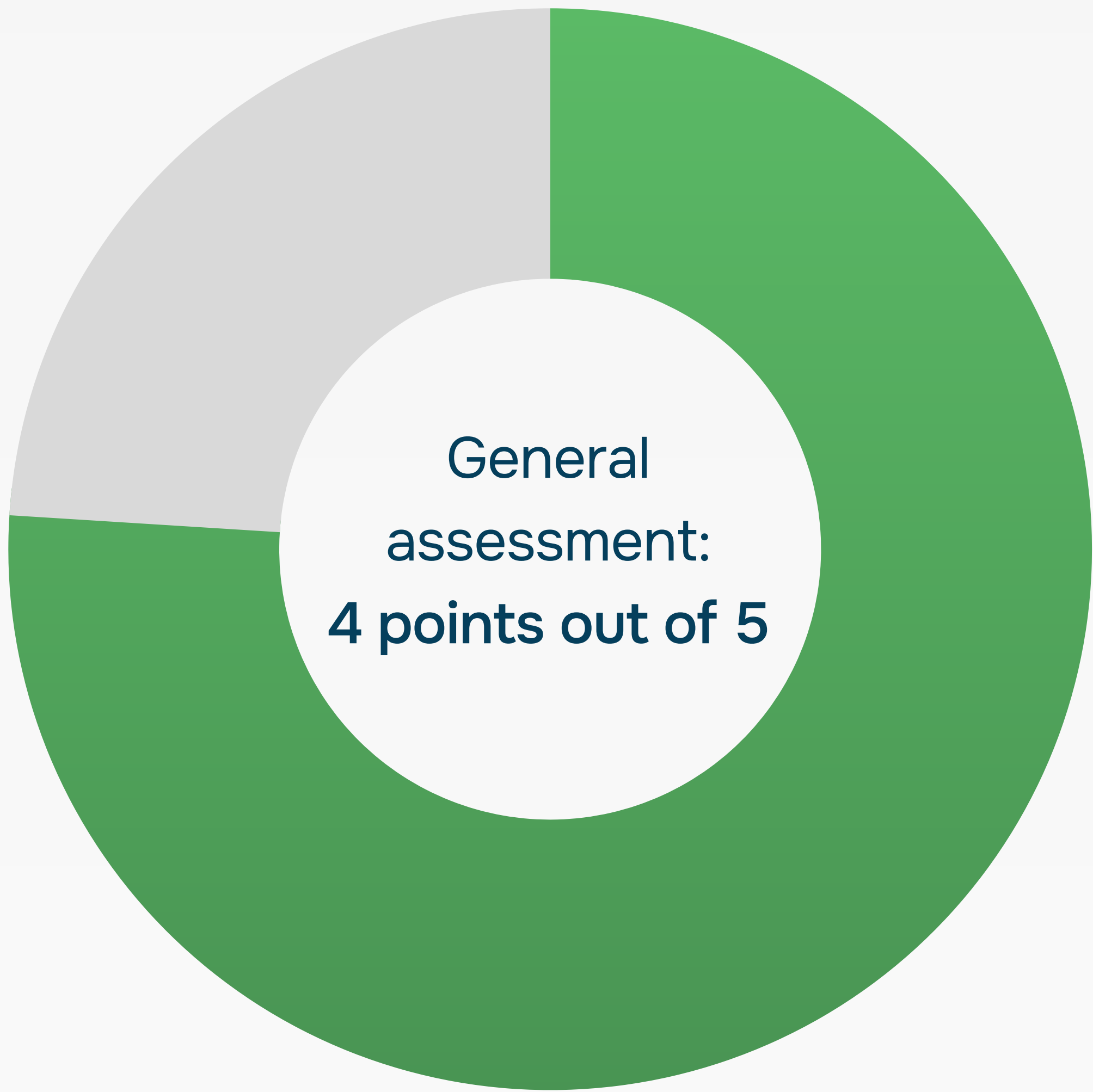
01	Justice sector reform	4,0
02	Implementation of the OSCE/ODIHR and Venice Commission's recommendations	4,0
03	Combating corruption	3,77
04	De-oligarchization	3,7
05	Fighting organized crime	4,35
06	Public Administration Reform	4,0
07	Public Finance Management	5,0
08	Cooperation with civil society	4,6
09	Protection of human rights	4,75

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Commitment 1: Justice Reform

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The main constraints in this field relate to exceeding the deadline for evaluating candidates for the Supreme Council of Magistracy (CSM) and the Superior Council of Prosecutors (CSP), which was initially set for December 2022 and extended until June 2023. This is due to several factors, including less efficient procedures applied by the Pre-Vetting Commission.



Priorities

- › Completing the extraordinary evaluation procedures for all candidates for the SCM and SCP;
- › Improving the Law on Prosecution by implementing all the recommendations of the Venice Commission;
- › Introduction of a verification mechanism by the of the assets and interest declarations submitted by the candidates for the NIJ;
- › Modifying the legal framework to provide greater autonomy to the Judicial Inspection.

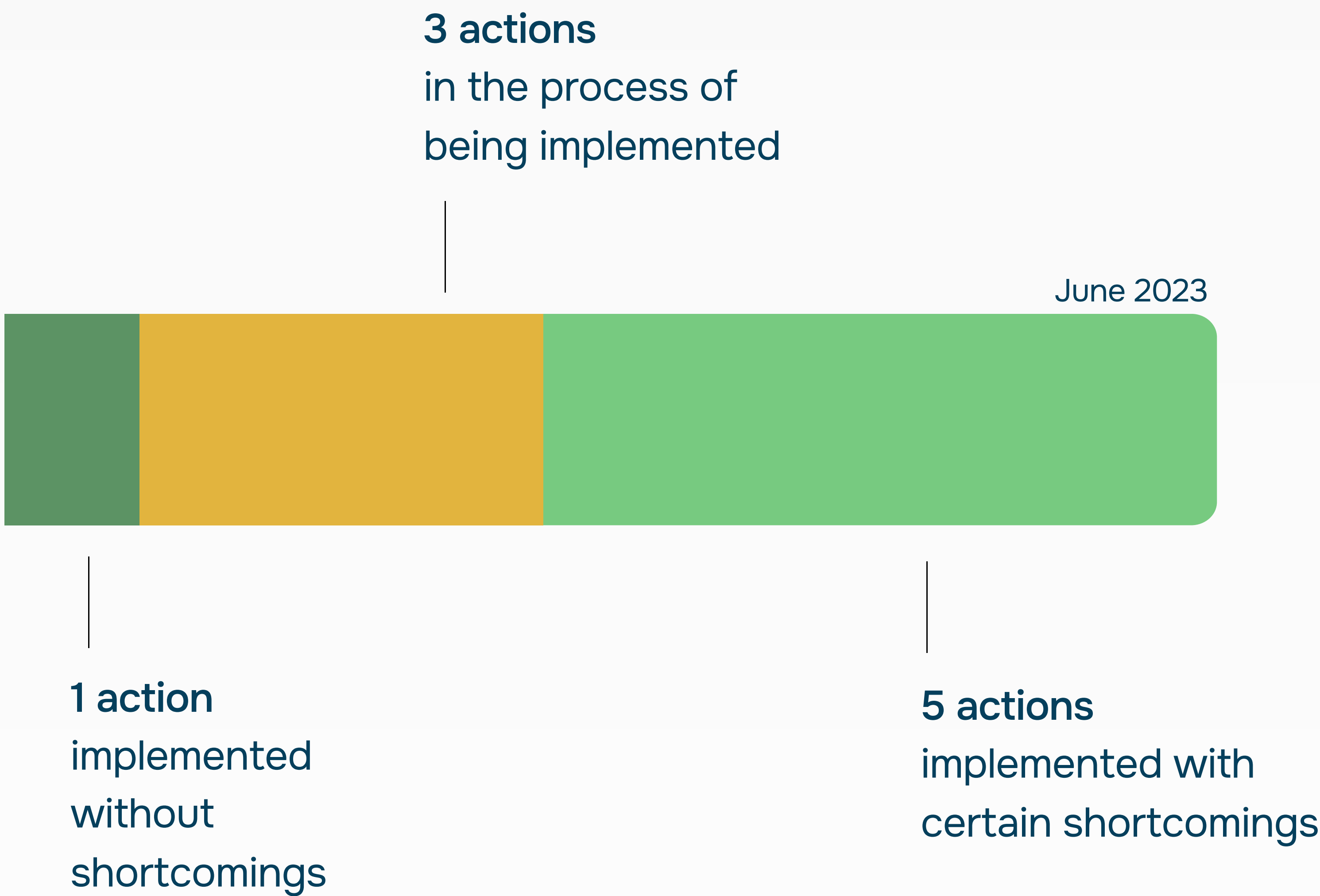
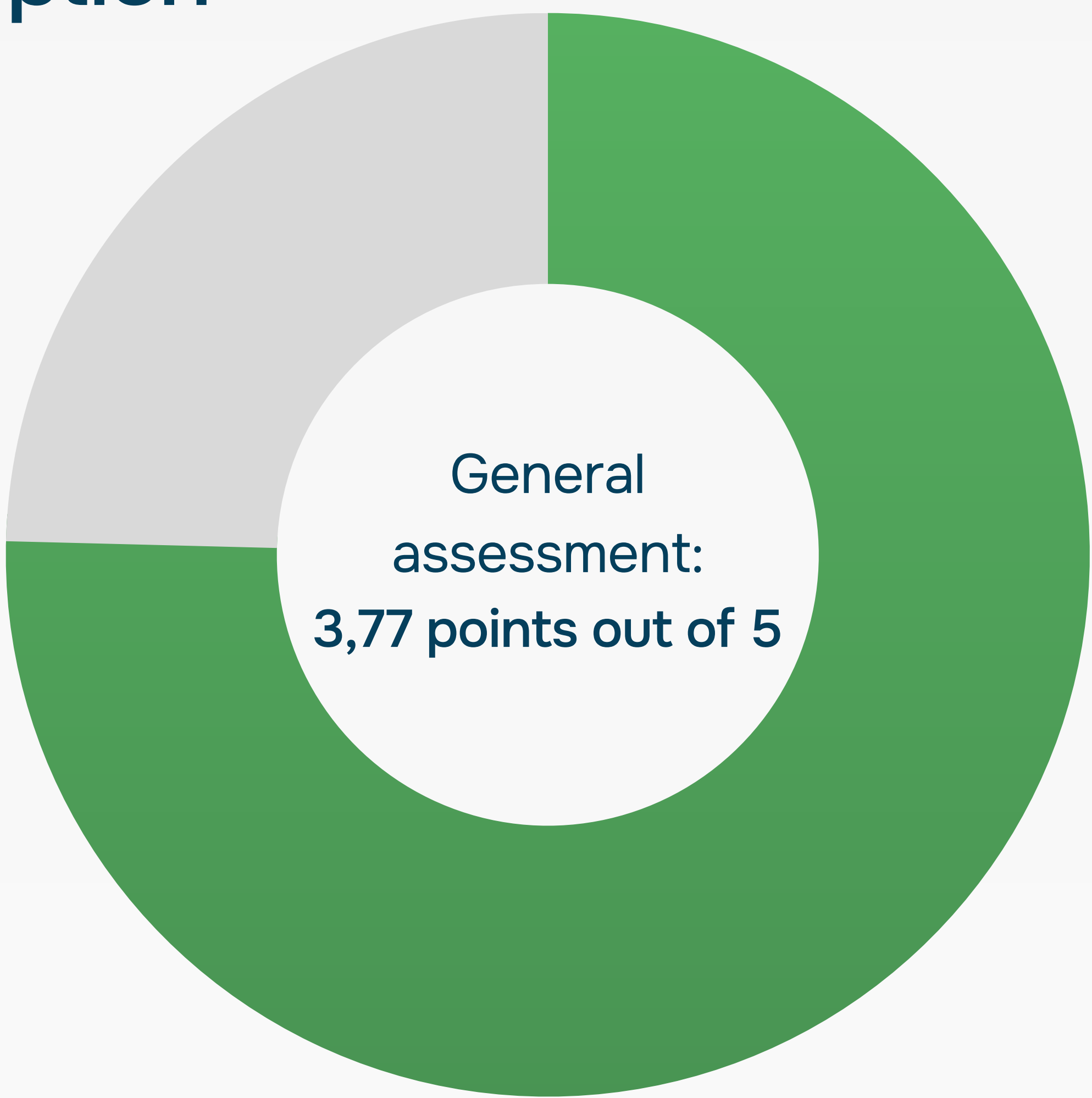
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Commitment 3: Combatting corruption

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The main constraints in this field relate to the decrease in the share of cases finalised and sent to court by APO prosecutors in the first half of 2023. In addition, during the reporting period there is an increase in the non-implementation of NAC recommendations on the elimination of corruption risks, from 12% in the 1st half of 2022 to 21% in the same period of 2023.



Priorities

- › Clear separation of the competences of NAC and APO on investigation of corruption and strengthen APO’s capacities to investigate high profile corruption cases;
- › Adopt the legislative and administrative measures to enhance the efficiency of investigation and prosecution of high-profile corruption cases;
- › Adoption of amendments to the Criminal Procedure Code and Law no. 59/2012 for improving and increasing the efficiency of the application of special investigative measures;
- › Publication of the Strategic Analysis report of NAC convictions adopted during 2022 in corruption cases, related acts, and corruption acts.

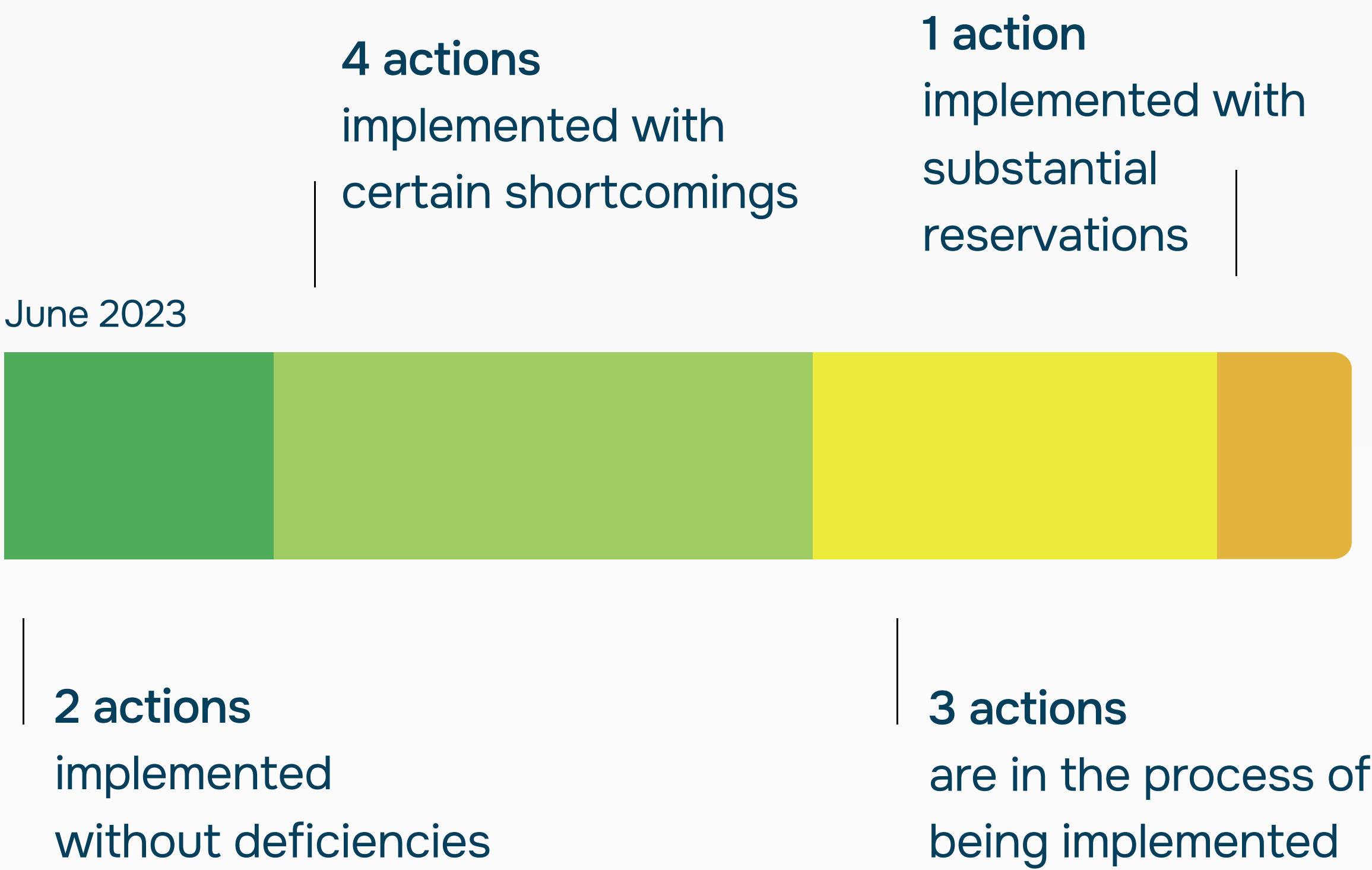
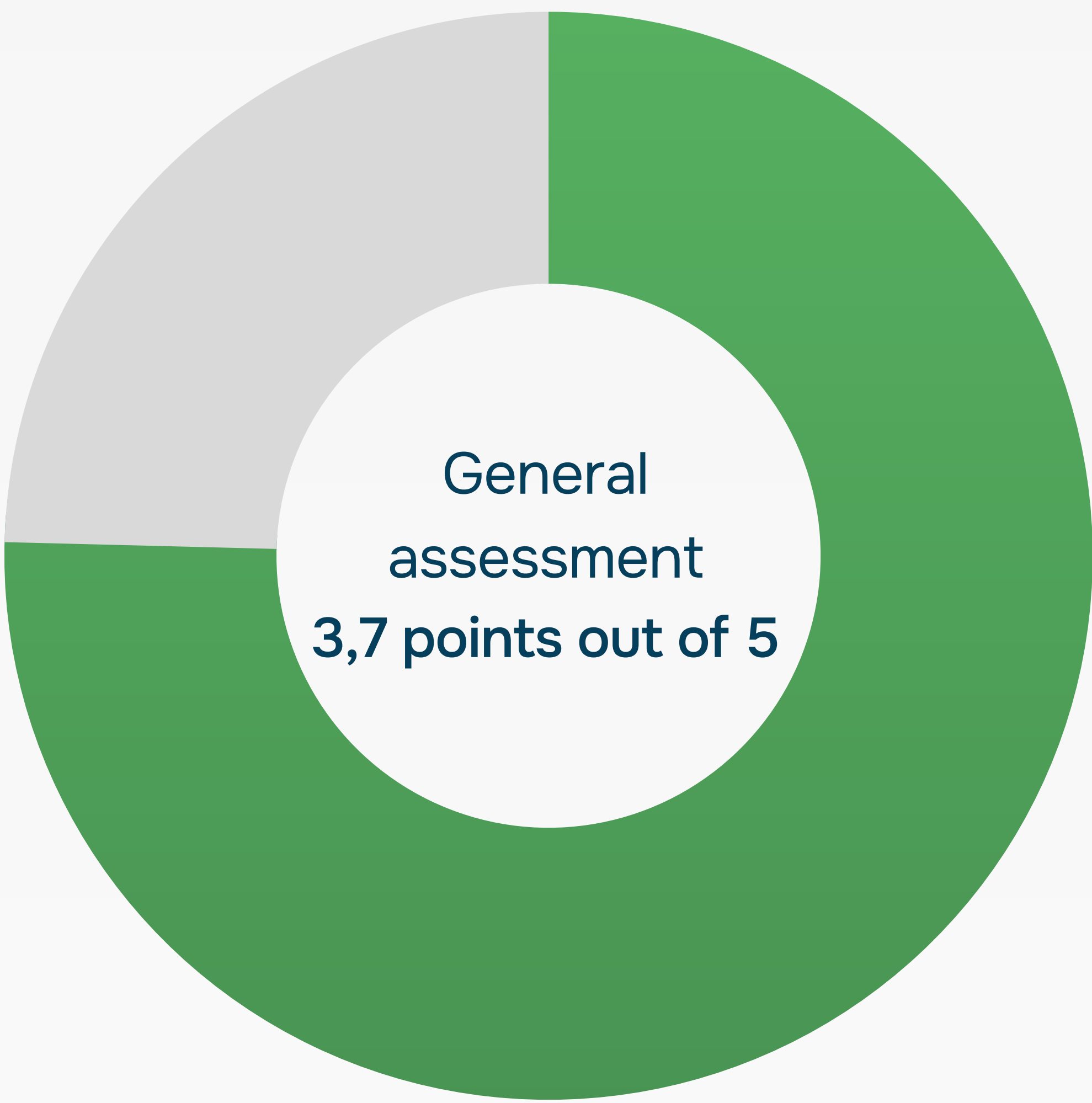
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Commitment 4: Deoligarchization

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The Venice Commission welcomed the change of mind of the national authorities to drop the draft law on de-oligarchization and the inclusion of the systemic approach to the de-oligarchization issue. The Commission also welcomed the inclusive process of involving many public authorities as well as civil society representatives in the development of the plan and the priorities outlined in the plan.



The Competition Council

has initiated a process of analysis of relevant international practices, which may be time and resource intensive. The principles set out in the State Ownership Strategy are being violated and the implementation of the actions set out in it is lagging behind. Although the Council has made considerable progress in reviewing and updating the legislation, the process is still ongoing.

Priorities

- **Strengthen** rules on political party and campaign financing;
- **Consolidation** of the measures carried out by the CA approving, rejecting, and/or sanctioning TV and radio stations;
- **Clarify** the conditions for the remuneration of board members;
- **Approval** of the regulation on the evaluation of SoE board members;
- **Prioritize** the implementation of a Government Resource Planning (GRP) information system within the PPA;
- **Finalize** the operationalization of audit committees and commissions for all SoEs.

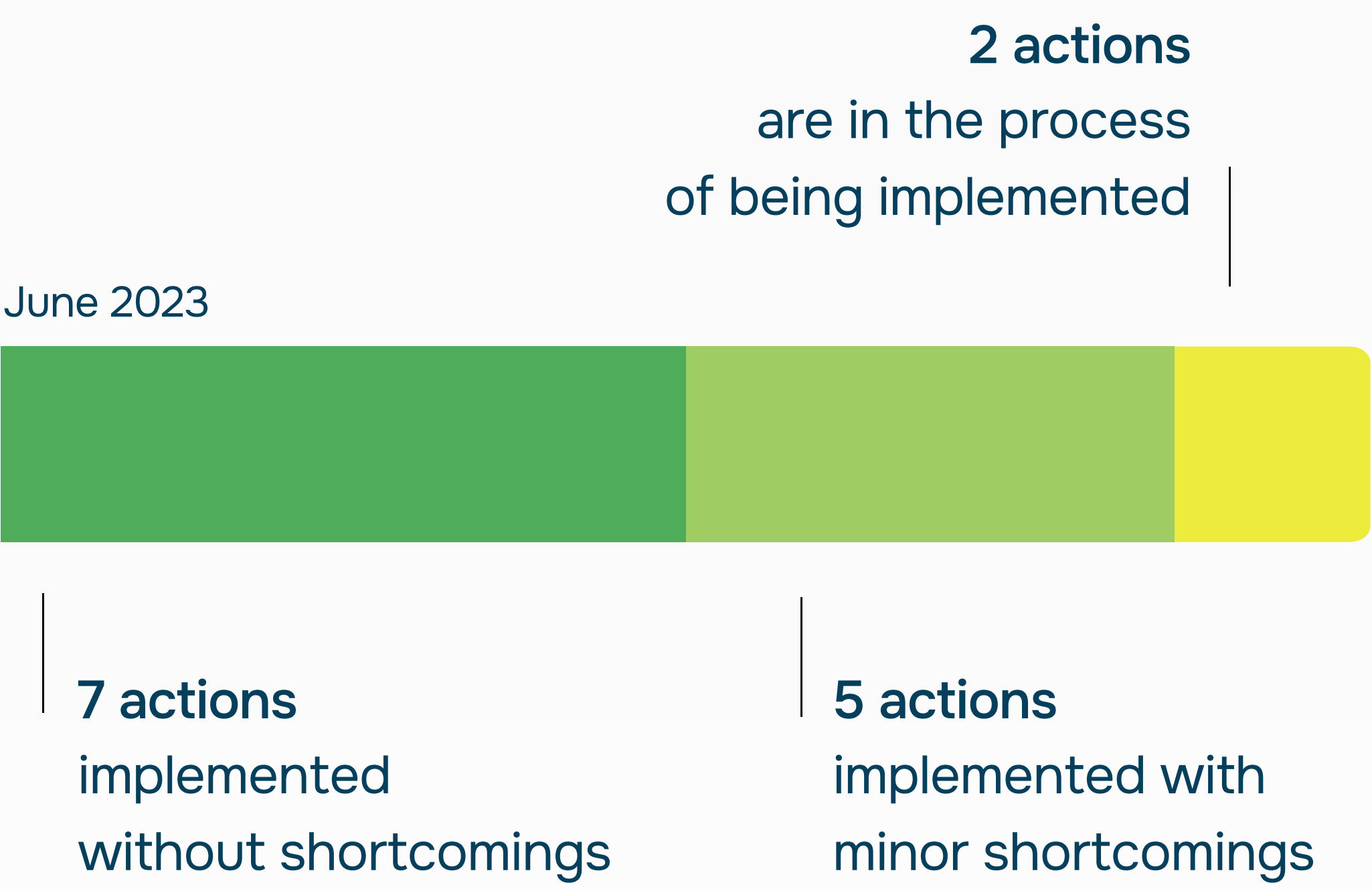
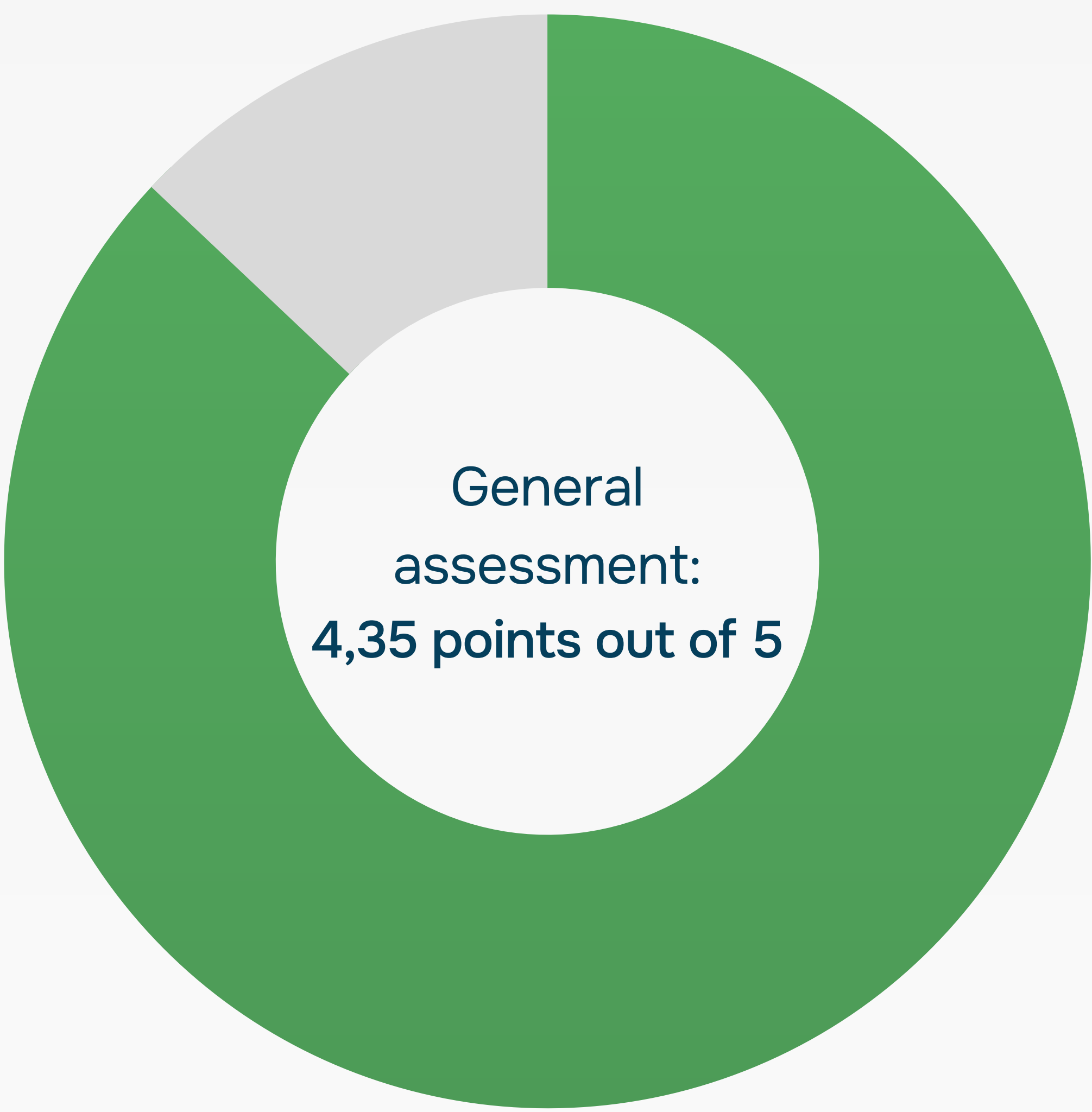
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Commitment 5: Fighting organized crime

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Among the most important developments are: the adoption of the Strategy for the Development of Home Affairs for the years 2022-2030, the adoption of the six sectoral programmes for the operationalization of the Strategy for 2022-2025, and adoption of changes to the regulatory framework governing the prevention and combating of money laundering and terrorist financing.



Priorities

- Drafting and approval of secondary legislation in order to implement the provisions of the amended Law on prevention and combating of money laundering and the financing of terrorism and related legislation;
- Amending legislation to implement the civil confiscation mechanism.

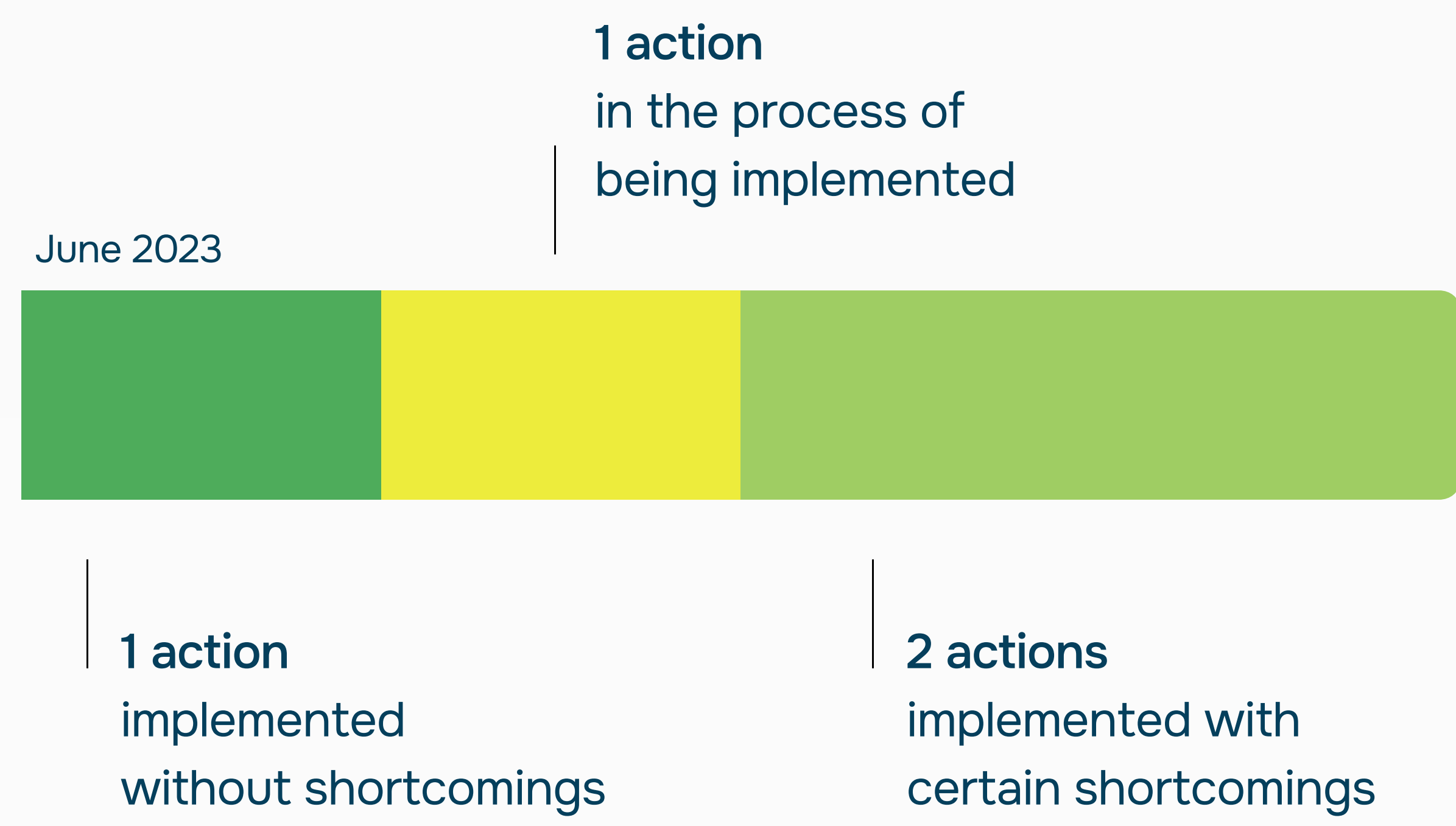
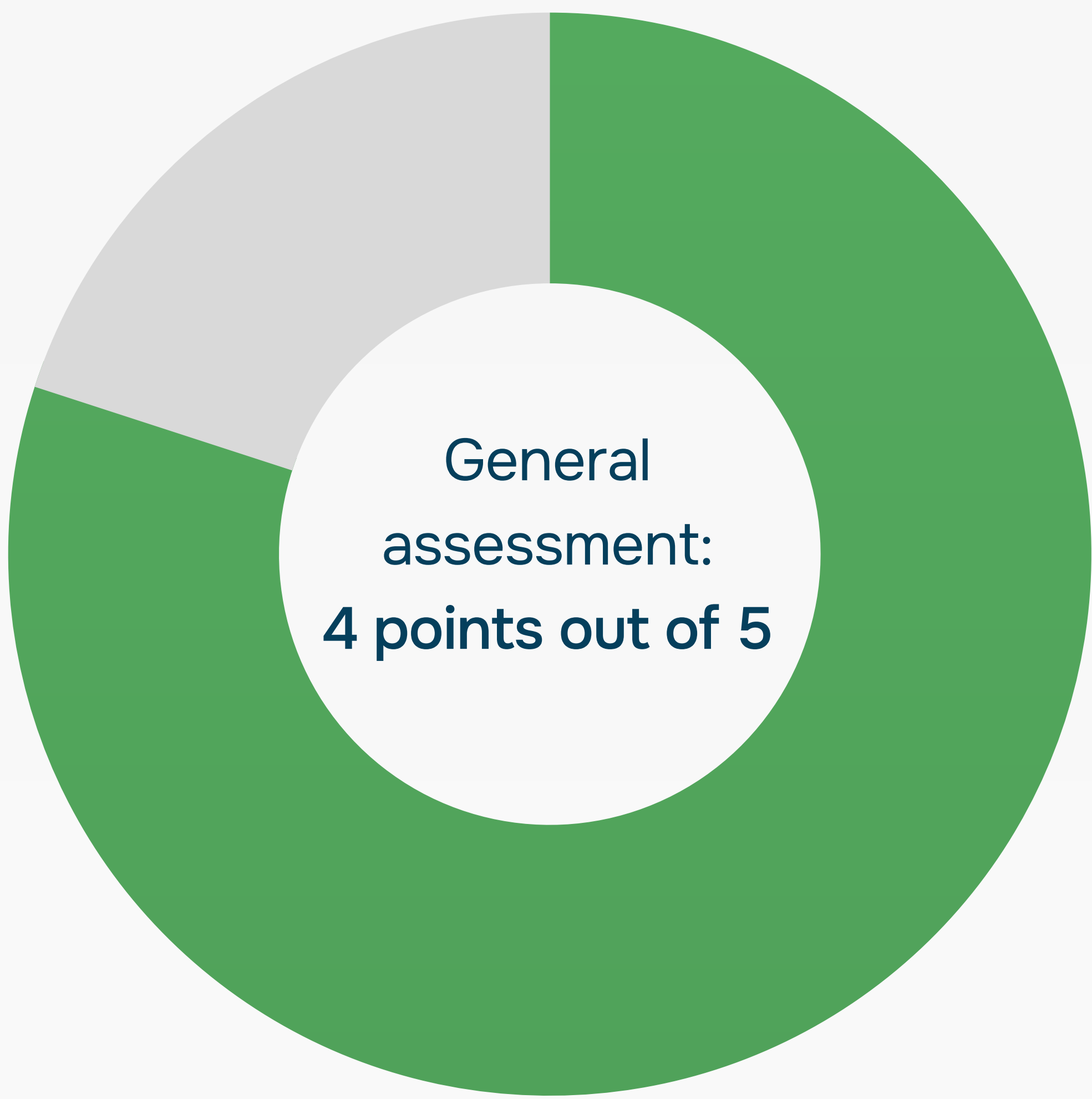
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Commitment 6: Public Administration Reform

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The Government approved the Strategy for Public Administration Reform in the Republic of Moldova for the years 2023-2030, and on June 7th, 2023, the Government approved the Programme for the implementation of the Public Administration Reform Strategy.



Main constraints

in this field relate to limiting the public administration wage reform only to ministerial employees, as well as carrying out the State Chancellery reorganization separately from the reform of the other CPA authorities. Moreover, the full operationalization of all 63 Unified Centers for Public Service Provision (CUPS) has been delayed.

Priorities

- **Strengthening the capacities** of the central public administration authorities through a comprehensive wage reform;
- **Completion and publication** of the public administration functional analysis results;
- **The reform of the legislation** on local referendums for the recall of mayors and of the legislation on the position of mayor;
- **Clear delineation** of the roles of public authorities at all levels;
- **Acceleration of the operationalization** of the 63 Unified Centres for Public Service Provision (CUPS);
- **Acceleration of the implementation** of the State Program for the delimitation of public immovable property.

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Commitment 7: Public finance management

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Apart from some insignificant delays, also linked to government reshuffles, **progress in fulfilling commitment 7 can be assessed as positive.** All three actions have been implemented according to the monitoring indicators and the procedures for legislative creation and the provisions of the Law on Transparency in decision-making have been respected.



Key developments

Low-value public procurement contracts

The Regulation on low-value public procurement was developed and approved, in force since 01.07.2023, which requires contracting authorities to ensure the transparency, objectivity and impartiality of the public procurement process.

Public finance management

The 2023-2023 Public Finance Management Development Strategy was developed and approved by the Government, and entered into force on 07.03.2023. The "Medium-term government debt management 2023-2025" programme was approved.

Public capital investment projects

The Regulation on public capital investment projects was developed and approved by the Government and entered into force on 21.10.2022. It establishes a formal procedure for identifying eligible public investment projects to be included in the draft Medium-Term Budgetary Framework/ State Budget Law.

Priorities

- **Approval, by the end of 2023, of the National Program for the Development of the Public Procurement System 2023-2026 and the Program for the Development of Internal Public Financial Control 2023-2026, for the operationalization of the Public Finance Management Development Strategy 2023-2030.**
- **Practical implementation of the new Regulation on Low Value Public Procurement and the Regulation on Public Capital Investment Projects;**

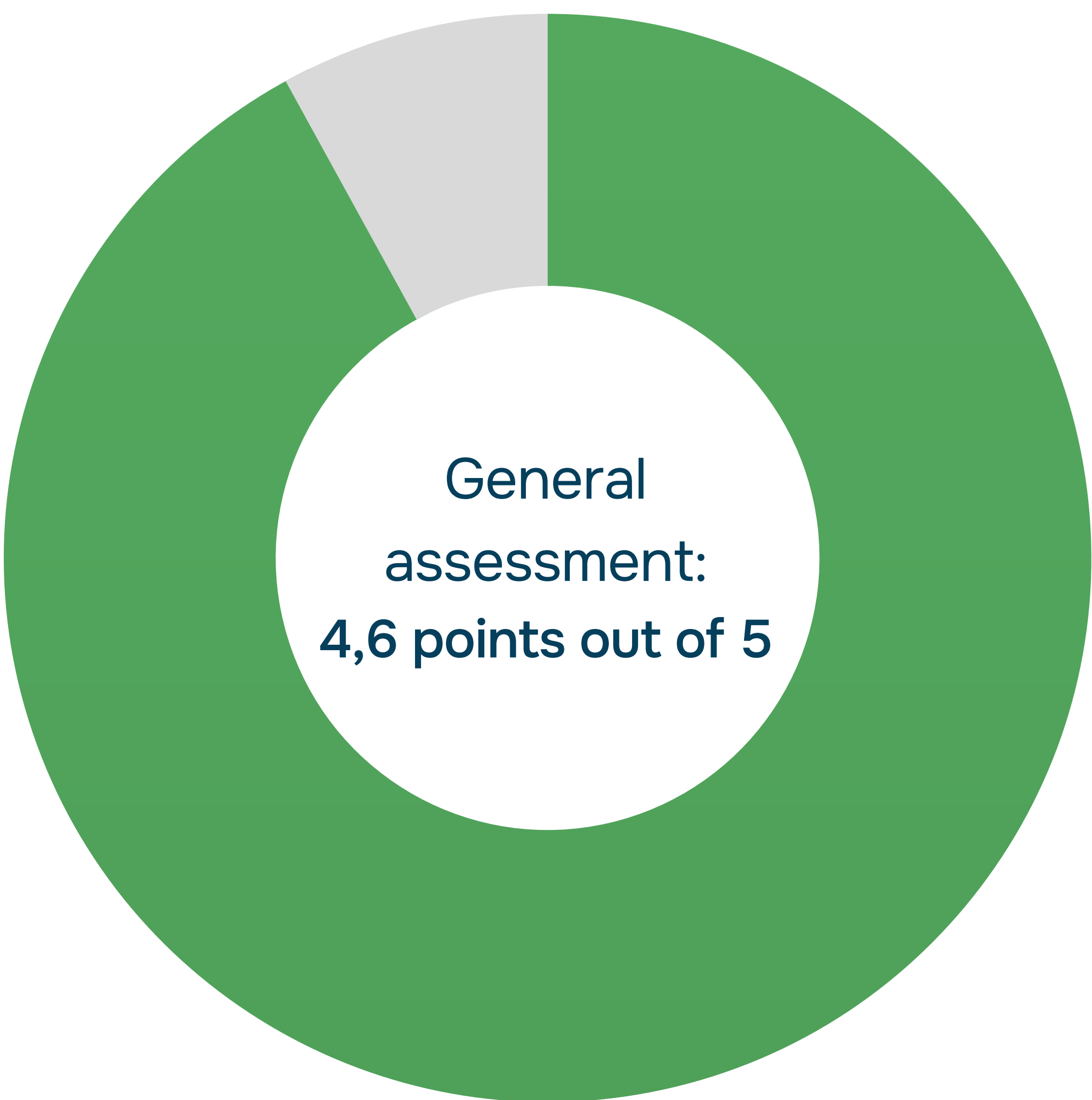
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Commitment 8: Cooperation with civil society

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The Parliament must ensure compliance with all the requirements for the decision-making transparency in the process of promoting and adopting normative acts. The decision-making transparency of the draft laws examined by the Parliament in the autumn session of 2022 was affected by an average of 69%.



Key developments

The Framework Regulation on the non-reimbursable financing mechanism for the projects of non-commercial organisations was approved. The approval of the document was preceded by a broad public consultation process and creates a favourable environment for direct funding of non-commercial organisations.

The Parliament approved in the final reading the draft law on public interest information. According to the final and transitional provisions, the law will enter into force six months from the day of publication in the Official Gazette.

An improvement has been observed both in the process of drafting policy documents and the quality of documents developed by ministries. Authorities have started organising more events with the physical participation of stakeholders to obtain higher-quality feedback.

Premises were created for strengthening cooperation between the Parliament and civil society, after the Platform for dialogue and civic participation in the decision-making process of the Parliament was approved on June 15, 2023.

Priorities

- Broad consultation of civil society in the process of developing and promoting the project of the Program for the Development of Civil Society Organisations for the period 2024-2027;
- Compliance with the principles of transparency and good governance in the decision-making process;
- The practical implementation of the provisions of the Regulation regarding the non-reimbursable financing mechanism of projects of non-commercial organisations;
- Improving the ex-post evaluation mechanism of legislation.

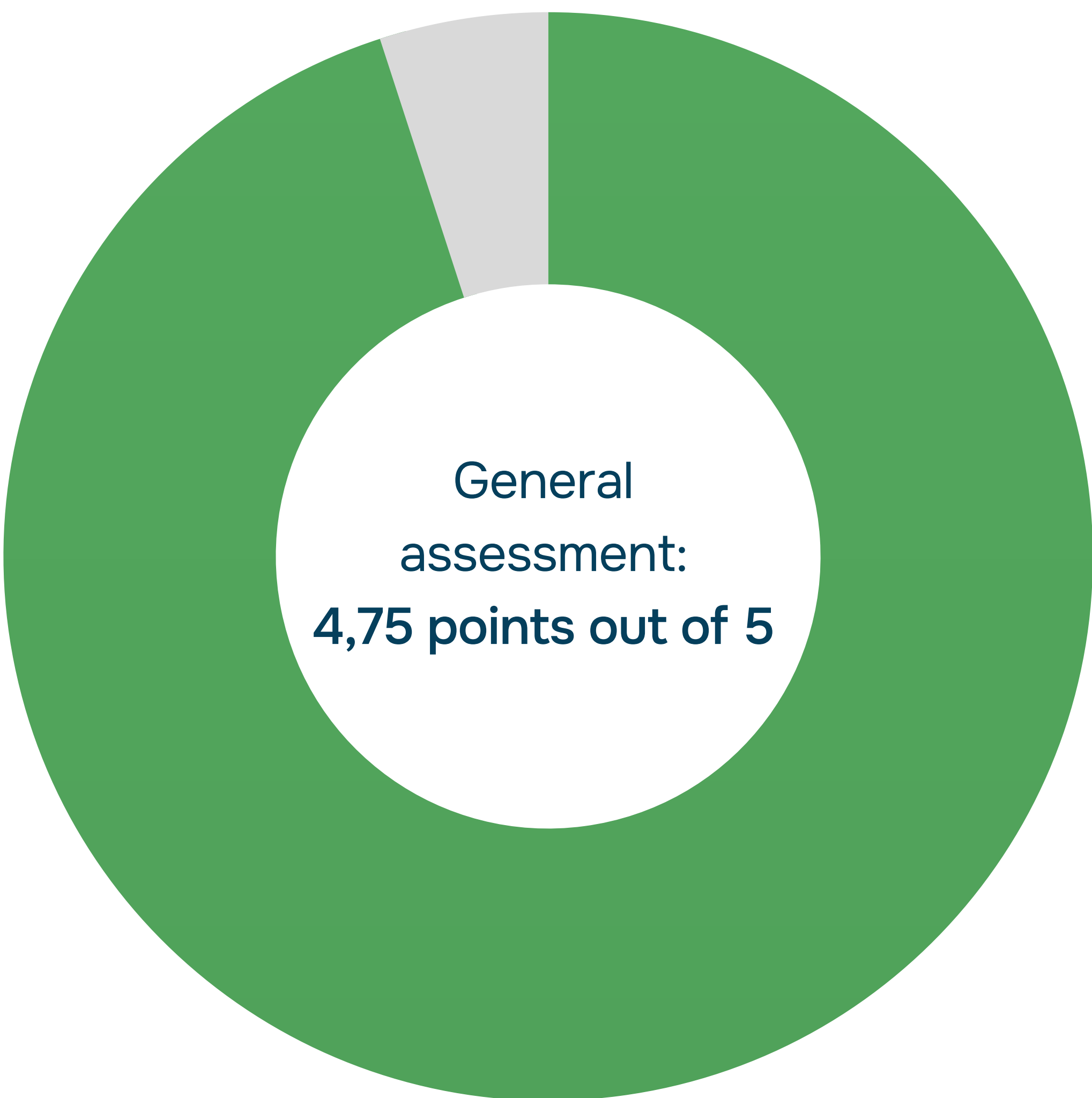
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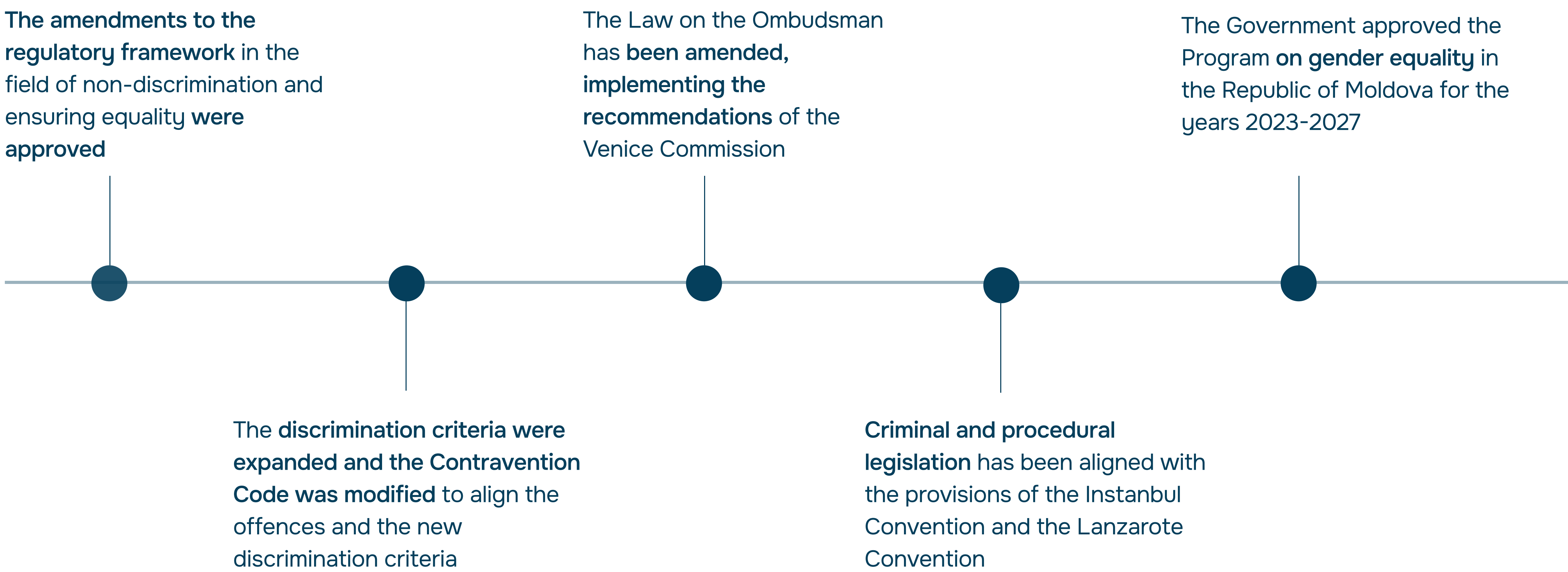
Commitment 9: Protection of human rights

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Main challenges in this field have been identified in the implementation process of the Program for supporting the Roma population for the years 2022-2025. Although the Interethnic Relations Agency is the administrative authority mandated to implement the state policy in the field of interethnic relations, the institution only monitors and evaluates a single indicator (out of the 5 that were established).



Key developments



Priorities

- Improving inter-institutional dialogue and cooperation between the Ministry of Education and Research and the Agency for Inter-Ethnic Relations;
- Development of the annual progress report on the implementation of the Program to support the Roma population for the years 2022-2025;
- Budgeting financial resources for implementing the actions outlined in the approved policy documents;
- Revision of the legislation to clarify and separate the responsibilities for identifying cases of incitement to discrimination.

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