

EU-Moldova Civil  
Society Platform



Platforma societății civile  
UE-Moldova

**2nd meeting, Chisinau, 22 May 2017**

### **JOINT DECLARATION**

The EU-Moldova Civil Society Platform (CSP) is one of the bodies set up within the framework of the Association Agreement between the European Union and the Republic of Moldova (hereinafter "Association Agreement"). It enables civil society organisations from both sides to monitor the implementation process and prepare its recommendations to the relevant authorities.

The second meeting of the CSP was held on 22 May 2017 in Chisinau alongside the EU-Moldova Parliamentary Association Committee. The members of the CSP discussed the state of play regarding the implementation of the Association Agreement, held a debate and adopted reports on the impact of DCFTA implementation on the economic development of the Republic of Moldova.

With regard to the **implementation** of the Association Agreement, the CSP members:

1. Take note of the implementation reports issued by the Moldovan Government<sup>1</sup> and the European Commission<sup>2</sup>, as well as of the alternative independent evaluations<sup>3</sup> on the implementation of the Association Agreement.
2. Note the **Joint statement following the third Association Council meeting between the European Union and the Republic of Moldova**<sup>4</sup> that underlined the importance of Moldova's living up to its commitments under the Association Agreement/DCFTA, proceeding with their implementation in a faithful and practical manner and further advancing reform processes in line with the recommendations of international partners and in consultation with civil society.
3. Welcome the **continuous support offered by the EU** in the implementation of the AA/DCFTA and related areas on internal reforms aiming to increase the resilience of the Republic of Moldova as regards internal and external challenges. From this perspective, it is crucial that the EU continue to apply targeted conditionality linked with the reforms in the area of the rule of law and respect for the basic principles of democracy while granting financial assistance to the Republic of Moldova.

<sup>1</sup> [http://www.mfa.gov.md/img/docs/Raport-privind-implementarea-AA-2014\\_2016.pdf](http://www.mfa.gov.md/img/docs/Raport-privind-implementarea-AA-2014_2016.pdf).

<sup>2</sup> [https://eeas.europa.eu/sites/eeas/files/association\\_implementation\\_report\\_on\\_the\\_republic\\_of\\_moldova\\_2017\\_03\\_10\\_final.pdf](https://eeas.europa.eu/sites/eeas/files/association_implementation_report_on_the_republic_of_moldova_2017_03_10_final.pdf).

<sup>3</sup> <http://ipre.md/2017/03/24/5175/?lang=en>

<sup>4</sup> <http://www.consilium.europa.eu/en/press/press-releases/2017/03/31-statement-eu-moldova/>

4. Note that although the Moldovan authorities have carried out **important legislative measures** in a number of areas stipulated by the Association Agreement since the first CSP meeting, a series of the reforms adopted were implemented either with delays or partially, and thus limited progress was achieved in delivering tangible results in key reform areas, such as: ensuring an independent and accountable judiciary; fighting systemic cross-party corruption at all levels; addressing the politicisation of state institutions; ensuring transparency, accountability, resilience and good governance, including in the management of public finances; improving the competitiveness of Moldovan goods and promoting active labour policies for productive and decent work for all, as well as outstanding issues related to the reform of the electoral system.
5. Underline that any legislative initiatives to reform the electoral system in the Republic of Moldova should be in line with core principles of democracy and the rule of law, including the **Venice Commission Recommendations** and the Code of good practices on electoral matters.
6. Call on the Parliament of the Republic of Moldova to duly amend electoral legislation in accordance with **Constitutional Court Judgement No. 34 of 13 December 2016**<sup>5</sup> which pointed out certain shortcomings in the election and, for the first time, issued six references for amending electoral legislation to the Parliament, with regard to: (i) examination of complaints about the **organisation and conduct of elections**; (ii) **system for voting abroad** and the inclusion of additional criteria for establishing the number and geographic distribution of ballots abroad, including by providing polling stations abroad with a reserve number of ballots; (iii) **criminalisation of vote buying** during presidential elections; (iv) enactment of a system that allows prompt and immediate punishment, including by criminal proceedings, of any attempts by **religious organisations to interfere in election** campaigns; (v) institution of effective tools allowing the relevant authorities to apply dissuasive and immediately enforceable sanctions (such as suspending broadcasting rights for the entire period of the election campaign) to those media outlets that violate their obligation to be **impartial during the electoral period**.
7. Call on the Moldovan authorities to **ensure the implementation of an efficient parliamentary oversight** mechanism with the participation of civil society, aiming to enforce the key laws and reforms adopted.
8. Recommend that the Moldovan authorities review **the legislation on the financing of political parties** to avoid the incomplete or unsatisfactory enforcement of the restrictions on the sources of financing, specifically by means of: (i) significant reduction of financing thresholds in the form of donations for political parties by both legal entities and natural persons; (ii) exclusion of financing of political parties by legal entities or natural persons who benefited from the award of public procurement contracts; (iii) inclusion of the obligation of party donors to provide the origin of funds, including the requirement that donated funds should belong to the donor personally (no borrowed or otherwise obtained funds should be accepted from the donors); (iv) effective control of the political parties' assets, periodic auditing of the assets used by the political parties both for and outside electoral campaigns; (v) revision of the mechanism for financing political parties from the state budget, clarifying the status of electoral blocks and of independent candidates as beneficiaries of support funds for political activity from the state budget.

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<sup>5</sup><http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=368347>

9. Welcome the adoption of the **Public Administration Reform Strategy 2016-2020** and its Action Plan. Call upon the Moldovan Government to ensure the transparent implementation of the new PAR Strategy. Thus, an integrated approach should be taken with regard to the central public administration reform, local public administration reform and the administrative-territorial reform, since all three reforms focus on the optimisation and increased efficiency of public authorities, quicker and more efficient interaction with the general public and entrepreneurs, and bringing authorities closer to the general public through the services they provide.
10. Call on the Moldovan authorities to ensure the **depoliticisation and independence of regulatory and law enforcement bodies**, initially by ensuring that the heads of these authorities are appointed by means of a transparent, independent and merit-based selection process.
11. Express concern regarding attempts by the Moldovan authorities to swiftly **adopt high-impact legislation in a clear breach of transparency rules and norms**. In particular, the CSP members note the attempts by the Moldovan Parliament to promote a draft law on capital liberalisation and fiscal amnesty that was subsequently abandoned due to public pressure by civil society organisations and the recommendations of development partners. Further examples are the current legislative initiative to change the electoral system and the promotion of the pension reform.
12. Note that **recent legislative amendments to the Audiovisual Code** (that limits the number of media institutions per owner) will have little impact on reducing effective media concentration. CSP members stress the need for Moldovan authorities to: (i) ensure that legal provisions on personal data will not be abused in order to limit access to information relevant to the general public and undermine independent media investigations and (ii) engage with Mass-Media Forum participants in order to discuss effective ways to implement the Roadmap for mass-media development in the Republic of Moldova<sup>6</sup>. Call upon the Moldovan authorities to draft, in close cooperation with Moldovan civil society organisations, and adopt a Mass-Media Development Strategy in Moldova for 2017-2020.
13. Stress the need to have a functional **National Integrity Authority as soon as possible and without any unjustified delay**, by ensuring the transparent, merit-based selection of the NIA leadership and the provision of all financial, material and logistical resources necessary for a fully operational, independent and efficient NIA. The authorities must respect the legal deadline and their commitments to the EU and, by the end of 2017, must ensure that: (i) integrity inspectors are selected in a transparent and fair way, (ii) the E-integrity system for electronic submission and verification of assets and interest declarations is fully operational.
14. Express concern regarding the **modest results achieved in fighting systemic corruption**. In 2016, the Moldovan Parliament adopted key legislation to combat corruption. However, this is not

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<sup>6</sup> The Roadmap for mass-media development in the Republic of Moldova was developed and adopted during the first Mass-Media Forum in the Republic of Moldova (27-28 October 2015), and added to during the second Forum (2-3 December 2016), with the participation of over 240 experts, opinion leaders, managers, publishers, and journalists from various mass-media institutions in the country. The document was sent to competent state authorities/institutions following the second Mass-Media Forum on 2-3 December 2016, with the recommendation that they examine it and implement the required measures. <http://mediaforum.md/upload/roadmap-for-media-development-in-rm-engpdf-58aaf12fa9a84.pdf>.

sufficient to ensure that corruption is effectively prosecuted in Moldova. It is recommended that the Republic of Moldova increase the funding for the Anticorruption Prosecutors' Office and step up its efforts to eradicate high-level corruption within law enforcement and judiciary authorities, ensure a transparent, merit-based and objective selection process for the SCP (Supreme Council of Prosecution) members representing civil society, consolidate the role of the prosecutors' inspection body as the institution responsible for overseeing the work of prosecutors, and exclude petty corruption cases from the remit of the Anticorruption Prosecutors' Office.

15. The leadership of **the prosecution service** must be appointed **based on merit and in a transparent manner**. The legislation must also be amended to exclude petty corruption cases from the remit of the Anticorruption Prosecutors' Office which must be appropriately staffed.
16. Stress the lack of **transparency of justice** and abusive usage of anonymisation of data in court judgments. At the beginning of 2017, the websites of the courts (except the Supreme Court of Justice) made it impossible to search for judgments by the names of the parties. Altogether, these trends raise a number of questions, given that lately more and more criminal cases are being brought against officials and public servants; such cases are of considerable public interest and are more difficult to monitor due to these limitations. According to the law, judgments are public. CSP members recommend that all judgments be published, until new provisions on the balance between public interest, personal data and privacy are approved.
17. Call on the Moldovan authorities to ensure both the implementation of the remaining measures under the **National Human Rights Action Plan (NHRAP)** for 2011-2014 and the timely adoption and implementation of a new NHRAP for 2017-2020. Furthermore, call on these authorities to promote the establishment of a parliamentary oversight mechanism to enforce the ECHR rulings issued against Moldova.
18. Stress the lack of progress in ensuring an **independent and accountable judiciary**. Firstly, the selection and promotion of judges has raised concerns in the past three years, due to the disregarding of procedures, selective approaches and issues with candidate integrity. Secondly, issues with the lack of transparency and poor decision making by the Superior Council of Magistracy (SCM) have come to the fore. Thirdly, there are worrying trends regarding the use of criminal justice against some judges and the reduced transparency of courts. Unfounded criminal cases against judges are used to intimidate, with potentially damaging consequences for judicial independence in Moldova in the future. Closed hearings in high-profile cases set a dangerous precedent and pre-conditions for selective justice can significantly reduce the judiciary's accountability. Lastly, the absence of reforms in the judiciary will undermine all other reforms, particularly economic and anti-corruption reforms.
19. Stress the need for the Moldovan authorities to: (i) amend Law No. 178 on judges' disciplinary responsibility to provide more powers to the Judicial Inspection body as regards investigating and presenting disciplinary cases, (ii) repeal the amendments to Law No. 122 of 2 June 2016 that limited the judges' discretion in declaring closed hearings, (iii) provide substantive reasoning for every decision on judges' careers when the SCM ignores the points awarded by the Judges Selection and Career Board and/or when allegations of a lack of integrity and other incompatibility issues are raised either in credible media investigations or in the President's refusal regarding a

particular candidate; (iv) abandon the practice of adopting SCM decisions behind closed doors, except when the circumstances of the case justify it.

20. Express concern with regard to the reform of the government's structure and subordinate institutions, namely a possible **merging of the Ministry of the Environment and the Ministry of Agriculture**, domains in which there are conflicts of interest arising from issues such as the management of chemical substances, protection versus exploitation of water and soil resources, and management of waste from the livestock sector. If real progress is to be made, the long-awaited reform of the sector achieved and the provisions of the Association Agreement implemented, the Ministry of the Environment must become a solid institution, headed by a minister working to improve the environment and not arguing for the irresponsible exploitation of natural resources in order to obtain short-term benefits, leaving no future for the people of the Republic of Moldova.
21. Encourage Moldova's Government to **cooperate closely with the social partners** and to develop a comprehensive policy to reduce the informal economy through effective incentives for workers and employers to declare work, dissuasive sanctions for businesses that practice envelope payments, and a stronger labour inspection arm of law enforcement. The mechanism establishing the minimum guaranteed average salary must be reinforced by means of negotiations between the social partners, based on the standards provided in the revised European Social Charter.
22. Call on the authorities to establish **additional financing mechanisms** for small and medium-sized enterprises and/or to develop other non-bank financing opportunities for businesses so as to reduce the negative impact of the banking crisis on the business environment.
23. Encourage the authorities to **stop differential treatment** of enterprises or institutions based on capital, statute or other criteria.
24. The CSP members emphasise the importance of **interconnecting and modernising infrastructure** (transport, energy, utilities and ICT) **and communication** (such as roaming) in the Republic of Moldova so as to reach quality standards similar to those in the European Union. Citizens of the Republic of Moldova must feel the positive impact of the measures adopted in the context of the country's European integration and this must also be reflected in the improved quality and accessibility of the essential services provided by the proper infrastructure.
25. While noting progress in the area of **cooperation with civil society** with the adoption of the law allowing natural persons to donate 2% of their income taxes to non-governmental organisations, express concern regarding worrisome trends in the relationship between the Moldovan authorities and civil society organisations. Thus, CSP members reiterate that in a state based on the rule of law, civil society organisations play a key role in increasing the transparency and accountability of public institutions. It is particularly important that all civil society organisations and media be guided by and uphold the principles of transparency, fairness, professionalism and professional ethics. Call on public opinion and the development partners to monitor more closely, prevent and condemn all measures undermining freedom of association and freedom of opinion and expression in the Republic of Moldova. Urge the Moldovan public authorities to hold an open, non-discriminatory and honest dialogue on issues of public interest, involving representatives of all non-governmental organisations and media, irrespective of their expressed opinions.

With regard to **DCFTA implementation and other economic issues**, the CSP members:

1. Acknowledge **the impact of the DCFTA on Moldovan terms of trade**, especially Moldovan exports of agricultural products which (with a 63% share of exports to the EU) increased by 25% on a year by year basis. If DCFTA is to deliver the expected benefits, the Moldovan authorities must speed up the reform process.
2. Recognise that **significant reforms were undertaken in the financial sector in the framework of the Moldova/IMF agreement**. However challenges persist, especially related to bank ownership, lack of any potential credible investors in the sector, decreasing competitiveness of the banking sector, increase of nonperforming loans in the overall credit portfolio and an unclear banking resolution framework.
3. Are encouraged by the positive steps undertaken in 2016 by the Moldovan authorities with regard to the adoption of the **law on electricity and the law on natural gas** which transpose relevant provisions from the third energy package and review electricity tariffs. CSP members acknowledge the active role of the Energy Community and development partners in supporting this process and call on the Moldovan authorities to ensure that the national energy regulator is fully independent and transparent in its decisions and to speed up the implementation of interconnection projects so as to ensure improved energy independence for Moldova.
4. Welcome the long-awaited adoption of the laws **transposing the EU's third energy package** in the area of electricity and natural gas, in line with Moldova's commitments under the Energy Community Treaty. However, the real effects of the new energy legislation will be visible only once it has been properly implemented. The reform of the national energy regulator is still delayed, as its independent functioning is another issue which has yet to be settled. Thus, Moldovan authorities will speed up the adoption of the new Energy Law in line with the recommendations of the Energy Community Treaty Secretariat. In view of the objective of concluding the new energy interconnection infrastructure between Moldova and Romania by 2020, the Moldovan Government should accelerate the design stage and start construction work as soon as possible.