

LCRM – Legal Resources Centre from Moldova

PUBLIC CALL The civil society organizations call the Parliament to pass Draft Law No. 109 on Noncommercial Organizations in its final reading without amendments that could hinder the NGOs' work

Gribincea Vladislav · Tuesday, March 3rd, 2020

In March 2016, the Ministry of Justice started the work on a new Law on Noncommercial Organizations. The draft law was part of the [National Action Plan](#) for the implementation of the Association Agreement with the European Union for 2017 – 2019. The draft law was prepared by a working group-which also included civil society representatives-set up by the Ministry of Justice.

The new draft law transposes the [best practice and standards concerning freedom of association](#), recommended by the Venice Commission and OSCE/ODIHR. The draft law limits the possibilities for authorities to exert pressure on noncommercial organizations and excludes unjustified limitations on setting up nonprofits by persons from certain categories. In addition, the draft law simplifies the registration of noncommercial organizations and their rigid internal organizational structure imposed by current laws. The draft law does not require the repeated registration of noncommercial organizations and does not restrict foreign funding for them. As for political activities, the draft law completely prohibits noncommercial organizations from supporting election candidates and sets clear limits on the relationship between noncommercial organizations and political parties. The draft law also establishes the legal framework concerning the government financing or support for noncommercial organizations —a field that has been insufficiently regulated by current laws. The Ministry of Justice put the draft law to repeated [public consultation](#) and improved it based on the received feedback.

The draft law passed its first reading in [Parliament](#) on 3 May 2018. Since then, the draft law has garnered all required endorsements, including from the National Anticorruption Centre (NAC) and the relevant specialized committees. Although the enactment of the draft law in the final reading should have been a natural follow-up, the Parliament has been putting off the final reading for 22 months now.

The lack of a new legal framework on noncommercial organizations has perpetuated issues with the application of the legislation on noncommercial organizations. The March 2019 amendments intended [to bring the Civil Code up to date](#) and supposed to be voted along with the draft Law on Noncommercial Organizations added other difficulties, including the impossibility to set up the association form “the union of legal entities”. All these changes are provided for in the draft law in question. The failure to pass the new law also causes financial difficulties for noncommercial

organizations. Currently, the Public Services Agency levies the same taxes on NGOs for certain types of services as on commercial legal entities, which is unreasonable.

The signatory organizations call the Parliament and all parliamentary groups:

- To pass draft Law on Noncommercial Organizations No. 109 in the final reading as soon as possible but not later than by the end of March 2020;
- To reject the amendments that can hinder the work of noncommercial organizations, especially those that limit freedom of expression or the noncommercial organizations' possibility to advocate for public policies or to access foreign funds. Such limitations are incompatible with a genuinely democratic society and with [the standards of the Council of Europe](#);
- To consult civil society organizations about any proposed amendment to the draft law in a transparent and inclusive way. Since the draft law was prepared in collaboration with representatives of the civil society sector, we request that they be involved in the discussions related to the completion of the draft law for the second reading.

Signatory organizations:

1. Legal Resources Centre of Moldova (LRCM)
2. Amnesty International Moldova (AIM)
3. Association of Independent Press (API)
4. Expert-Grup
5. Institute for European Policies and Reforms (IPRE)
6. The Community WatchDog.MD
7. Contact Center
8. The Association for Participatory Democracy "ADEPT"
9. East Europe Foundation (EEF)
10. Promo-LEX Association
11. The Center "Partnership for Development"
12. Independent Journalism Center (IJC)
13. Association for Efficient and Responsible Governance (AGER)
14. Center for Investigative Journalism (CIJ)
15. International Center "La Strada"
16. Institute for Public Policy (IPP)
17. IDIS Viitorul
18. CPR-Moldova
19. Soros Foundation -Moldova
20. Institutum Virtutes Civilis
21. Rehabilitation Centre for Torture Victims "Memoria"
22. Center for Training and Organizational Consulting (CICO)

The document in English is available here:

The document in Romanian is available here:

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