



4th meeting, Chișinău, 23 October 2018

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 as well as endorse declarations outlining progress made and addressing issues of concern.

The fourth meeting of the CSP was held on 23 October 2018 in Chișinău. The members of the CSP discussed the state of play regarding the implementation of the Association Agreement, and focused attention in particular on the state of democracy, human rights and the rule of law in the Republic of Moldova.

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

1. take note of the statements following the fourth Association Council meeting between the EU and the Republic of Moldova¹, the sixth meeting of the EU-Moldova Parliamentary Association Committee² and the declaration of Foreign Affairs MEPs³ with regard to EU association efforts on the part of Moldova and Georgia;
2. recall the Joint Declaration adopted at the third CSP meeting⁴ and are deeply concerned about the limited progress that has been achieved by the Moldovan authorities towards implementing its recommendations;
3. support the appeal made by the Moldovan Platform of the Eastern Partnership (EaP) Civil Society Forum⁵ at the ninth Eastern Partnership Meeting of Foreign Ministers;
4. regret to note that there has been little substantial progress in the implementation of the Association Agreement since the last meeting of the EU-Moldova CSP⁶. In the first half of 2018, despite moderate progress in the implementation of the Deep and Comprehensive Free Trade Area (DCFTA) regarding economic and sectoral cooperation with the EU, there has been a qualitative decline mainly due to the lack of improvement in the reform of the judiciary and backlogs in the democratic environment that led to the suspension of EU macro-financial assistance;

¹<https://www.consilium.europa.eu/en/press/press-releases/2018/05/03/joint-press-statement-following-the-fourth-association-council-meeting-between-the-eu-and-the-republic-of-moldova/pdf>

²http://www.europarl.europa.eu/cmsdata/141500/1150543-5_VE.pdf

³<http://www.europarl.europa.eu/news/ro/press-room/20181009IPR15403/eu-association-efforts-meps-praise-georgia-and-criticise-moldova>

⁴https://www.eesc.europa.eu/sites/default/files/files/final_declaration_3rd_eu_moldova_civil_society_platform_en.pdf

⁵<http://eap-csf.eu/wp-content/uploads/Original-Appeal-of-the-Moldovan-NP-to-the-Ninth-EaP-Meeting-of-Foreign-Ministers-1-2.pdf>

⁶<http://ipre.md/2018/09/11/al-iii-lea-raport-alternativ-privind-implementarea-acordului-de-asociere-cu-ue-trimestrul-i-2018/?lang=en>

5. are of the opinion that liberalised access to the European market was one of the key factors that allowed the Moldovan economy to grow and diversify, despite the climate and internal economic stress factors⁷;
6. condemn the adoption of the new law on the voluntary declaration of property and assets. The presentation of this measure as an element of a comprehensive tax reform without a mandatory impact assessment raises serious concerns;
7. find it disconcerting that although the Moldovan authorities developed a strategy for recovery of funds misappropriated from the banking system, progress in recovering stolen assets from three banks is slow and dispiriting;

With regard to the 2018 and 2019 elections, the CSP members:

8. draw attention to their previously expressed disagreement with the motivation and arguments used by the judges to invalidate the vote of more than 240 000 citizens from Chişinău, representing around 40% of the voters who elected the mayor of the municipality on 20 May 2018 (first round) and on 3 June 2018 (second round);
9. are disappointed that the Government did not endorse Draft Law No. 217 of 26 June 2018 (special rights for diaspora voters) – an initiative that aims to regulate certain practices that have been previously applied during elections in Moldova, and to transpose the 2017 Venice Commission recommendations, in order to guarantee an inclusive electoral process for diaspora citizens. Call on the Parliament to take into account the opinion put forward by the Civil Society Organisations and make the necessary legal adjustments;
10. consider it essential that the state authorities react promptly to, condemn and sanction any instances of hate speech and discriminatory discourse especially before and during electoral processes;

With regard to the state of human rights in Moldova, the CSP members:

11. are concerned about the violation of the fundamental right of citizens to elect their representatives, as this leads to the erosion of democracy in the Republic of Moldova;
12. are deeply concerned with the increasing number of attacks and restrictions imposed by political figures on the media and decry the state of the independent media in Moldova;
13. note the recent adoption of the Code on audiovisual media services by the Parliament, which differs from the draft law on which the media CSOs and experts were consulted, in particular in the aspects related to the national audiovisual company's funding, the production of original media by local companies and the establishment of the media ratings;

⁷ Between 2015 and 2017, the export losses on the CIS market, caused by Russian trade restrictions and by the conflict in Ukraine, were fully offset by the increase in exports to the EU market. The evolution of Moldovan foreign trade in recent years debunked all the myths about the destructive impact of EU trade liberalisation under the DCFTA – on the contrary, there has been a marked upswing in exports to the, and European imports have not 'invaded' the country as many feared (in fact, the trade balance between Moldova and the EU has improved during the implementation of the DCFTA).

14. consider the detention and expulsion of seven Turkish citizens from Moldova a matter of deep concern;
15. call upon the Moldovan authorities to ensure that all citizens and residents of Moldova fully enjoy their right to freedom of assembly, and are concerned by the limits imposed on the expression of such rights by the law enforcement authorities, namely the extensive use of force to evacuate and close civic and political protests as well as the closure to traffic of extensive areas;
16. urge the Moldovan Parliament to adopt, by the end of the current parliamentary session, the law on Civil Society Organisations in accordance with relevant international human rights standards;
17. encourage the Moldovan Parliament to adopt legal amendments in order to strengthen the mandate and institutional capacity of the Council for Preventing and Eliminating Discrimination and Ensuring Equality;

With regard to the state of the independence of justice and integrity, the CSP members:

18. consider that the authorities should approve constitutional amendments to enforce judicial reform with the aim of enhancing the independence, impartiality and transparency of the Moldovan judiciary system and excluding any interference in the activity of prosecutors and judges;
19. reiterate their call on the authorities to enhance access by the mass media and civil society to information related to court hearings in cases of high public interest;
20. voice the imperative need for the National Integrity Authority to ensure that the remaining 39 integrity investigators are hired in a transparent, merit-based and timely manner;
21. consider it crucial for judges who examine politically sensitive cases independently and according to national and international legislation to be protected from harassment, dismissal or unfounded criminal charges;

With regard to the transboundary water management of Dniester River, the CSP members:

22. reiterate the importance of the protection and sustainable development of water resources in the hydrographical basin of the Dniester river to assure environmental security and the equal access of all users to water in sufficient quantities and of good quality;
23. call on the authorities of Moldova to take into account during the process of negotiating the Agreement on the functioning of the Dniester hydropower complex the related EU legislation, noted in the MD-EU and UA-EU Association Agreements, including the Energy Community Treaty and relevant environmental directives, as well as measures which match ecosystem needs and mitigate the negative impacts of the hydropower plant (HPP) on the river (simulation of natural water discharges, establishing of minimal discharge during the year, etc.).

24. call upon the authorities of Moldova to postpone negotiations with the Cabinet of Ministers of Ukraine on the Agreement on the functioning of the Dniester hydropower complex until the Environmental and Social Impact Assessment, which is being conducted by the UNDP with the financial support of the Swedish Government, is finalised⁸;
25. insist on respect for the internationally recognised principles of cooperation on transboundary waters, including the "polluter pays principle", the equal access of different water users to water resources, and the use of transboundary waters in a sustainable, reasonable and equitable way.

With regard to labour relations, the CSP members:

26. note concerns about the level of compliance with regard to the transposition of the 27 EU directives in the field of labour law, occupational safety and health, and the fight against discrimination and equal opportunities for women and men;
27. emphasise the importance of Article 371 of the EU-Moldova Association Agreement⁹ when legislation regarding labour and social protection is adopted;
28. call on the Moldovan Parliament to adopt without delay the law on the unitary pay system in the budgetary sector and to speed up provisions for a mechanism for establishing fair and decent wages in the public sector;
29. call for the resumption of collective consultations and negotiations on labour and socio-economic issues within the National Commission for Collective Bargaining and Consultation and its specialised councils and tripartite working groups set up under the aegis of the Ministry of Health, Labour and Social Protection and comprising representatives of the social partners (Government, Employers and Trade Unions);
30. call for the principle of occupational risk prevention to be fully implemented in accordance with the provisions of Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work.

⁸ The project started in September 2018 and will be terminated in September 2019.

⁹ According to which the parties recognize that it is inappropriate to encourage trade or investment by reducing the levels of protection provided by the national legislation on environment or labor.