



**Fifth meeting, Brussels, 23 May 2019**

## **JOINT DECLARATION**

The EU-Moldova Civil Society Platform<sup>1</sup> (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 fifth meeting of the CSP was held on 23 May 2019 in Brussels. 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, public integrity, 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 2018 **reports on the implementation of the Association Agreement** drafted by the Government of the Republic of Moldova<sup>2</sup>, the independent evaluations conducted by the Moldovan CSOs<sup>3</sup> and the European Parliament Resolution on the implementation of the EU Association Agreement with the Republic of Moldova<sup>4</sup>;
2. regret that there have been no major developments, with **reduced progress in the implementation of the Association Agreement** since the last meeting of the EU–Moldova CSP<sup>5</sup>. A qualitative decline in the political dialogue has been observed since the suspension of the EU’s financial assistance due to democratic backsliding in the rule of law and judicial system;
3. note the **lack of progress in the area of financial assistance** as a result of the EU’s decision to suspend macro-financial assistance and direct budget support. They welcome the European Commission's decision to adjust the financial assistance to the Republic of Moldova and redirect it towards supporting projects which will have a direct and positive impact on the citizens of the Republic of Moldova, including civil society, independent media, responsible local authorities and SMEs;

<sup>1</sup> The EU-Moldova Civil Society Platform’s documents are available at <https://www.eesc.europa.eu/en/sections-other-bodies/other/eu-moldova-civil-society-platform/events>.

<sup>2</sup> Ministry of Foreign Affairs and European Integration, Annual Report on the implementation of NAPPIAA 2017-2019, available at [http://mfa.sites.mfa.gov.md/img/docs/Raport-impl-PNAAA-2017-2019-an-2018.pdf?fbclid=IwAR0Im0aHmF-cW3s9D2gylvJ\\_T8iYkQaVunL\\_GGbEnhL7XV3\\_equ8\\_-d6Zm0](http://mfa.sites.mfa.gov.md/img/docs/Raport-impl-PNAAA-2017-2019-an-2018.pdf?fbclid=IwAR0Im0aHmF-cW3s9D2gylvJ_T8iYkQaVunL_GGbEnhL7XV3_equ8_-d6Zm0)

<sup>3</sup> Institute for European Policies and Reforms, 4th Shadow Report on the implementation of the Association Agreement, March 2019, available at <http://ipre.md/2019/03/12/7874/?lang=en>.

<sup>4</sup> European Parliament, Resolution on the implementation of the EU Association Agreement with Moldova, November 2018, available at [http://www.europarl.europa.eu/doceo/document/TA-8-2018-0458\\_EN.html](http://www.europarl.europa.eu/doceo/document/TA-8-2018-0458_EN.html).

<sup>5</sup> EU-Moldova Civil Society Platform, the Joint Declaration following the 4th meeting, held on 23 October 2018, available at [https://www.eesc.europa.eu/sites/default/files/files/joint\\_declaration\\_0.pdf](https://www.eesc.europa.eu/sites/default/files/files/joint_declaration_0.pdf).

4. call on the Moldovan authorities to **improve the transparency of the legislative process in the Parliament** in order to allow adequate public scrutiny of its activity. A number of controversial bills have been promoted by MPs in a rushed procedure, including the bill on the trade of fuel in duty-free shops, the law on capital amnesty and the legislation on citizenship by investment;
5. call for **the initial five-year term of appointment of judges to be abolished** and the composition of the Supreme Council of Magistracy (SCM) to be changed. The initial appointment of judges for a short term of office should be excluded, as the Council of Europe and International Commission of Jurists recommended<sup>6</sup>. Judges should be appointed for a term which lasts until they reach the age-limit from the very beginning;
6. call for **merit-based selection and promotion of judges**. According to a report by the Moldovan Legal Resources Centre<sup>7</sup>, in 2013-2017 most of the SCM's decisions on selection and promotion of judges (six out of ten judges) were not based on merit. The SCM generally disregarded the results of the contests and appointed/promoted lower-scoring candidates. In 2018, the legislation was amended to limit the discretion of the SCM in selecting and promoting judges and to bring more transparency into the process;
7. call for **greater transparency in the judiciary**. Poor transparency in the judiciary is one of the reasons for lower public trust in courts. The SCM takes its decisions and holds its most important discussions behind closed doors and the grounds for its decisions are not sufficiently convincing. At the same time, without any meaningful justification, the key high profile cases were heard in the courts in closed hearings (Filat, Platon, Shor);
8. point out that the Civic Coalition for Free and Fair Elections assessed<sup>8</sup> **the parliamentary elections of 24 February 2019 as unfair and partially free**, noting multiple violations of the Electoral Code such as: widespread use of administrative resources, intimidation of candidates and CSOs monitoring the election process, corruption of voters. The fairness of the elections was undermined by politically controlled mass-media, limitation of the right to vote and of appeals from Moldovan citizens living abroad, and the fact that women, young people, people with disabilities and Roma people continue to be underrepresented;
9. reiterate their calls for **the Electoral Code to be reviewed and amended, including abolishing the mixed electoral system**. On 20 July 2017, the Moldovan parliament voted to change the proportional system for parliamentary elections for a mixed voting (parallel) system. This modification took place despite the recommendation of the Venice Commission and EU institutions to refrain from changing the electoral system without having a broad national consensus on this issue and to ensure a multi-party system. The parliamentary elections that took place in February 2019 confirmed the concerns expressed by international institutions and local CSOs;

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<sup>6</sup> International Commission of Jurists, A Mission Report «Only an Empty Shell». The Undelivered Promise of an Independent Judiciary in Moldova, March 2019, available at [https://crjm.org/wp-content/uploads/2019/03/2019-ICJ-Rep-Moldova-Judiciary\\_ENG.pdf](https://crjm.org/wp-content/uploads/2019/03/2019-ICJ-Rep-Moldova-Judiciary_ENG.pdf).

<sup>7</sup> Legal Resources Centre from Moldova, Policy document: Selection and promotion of judges in the Republic of Moldova - challenges and needs, July 2017, available at <https://crjm.org/wp-content/uploads/2017/12/CRJM-Selectia-si-cariera-jud-2017-ENG.pdf>.

<sup>8</sup> Declaration of the Civic Coalition for Free and Fair Election on the findings before the parliamentary elections of February 2019, available at [http://eef.md/media/files/files/civic-coalition-declaration-bef-2019-parl-elections\\_5025205.pdf](http://eef.md/media/files/files/civic-coalition-declaration-bef-2019-parl-elections_5025205.pdf).

10. call for **the threshold for donations to political parties to be reduced** and for donations from Moldovan citizens living abroad to be allowed. Under the current law, the yearly threshold for donations from individuals and legal entities is equivalent to 200 and 400 nationwide average monthly salaries (USD 70 000 and USD 140 000 respectively). For the poorest nation in Europe this threshold is very high. GRECO recommended lowering the threshold for donations to political parties;
11. note the **positive impact of the visa-free travel regime** to the EU introduced and welcome the fact that over 2.1 million Moldovan citizens have travelled to the EU without visas, with the majority of travellers being young (26-35 – 502 609 people) and more senior members of Moldovan society (46+ – 462,588 people), followed by middle-aged people (36-46 years – 364 032 people) and children under the age of 17 – 363 960 people<sup>9</sup>;
12. note that the Republic of Moldova continues to **generally respect the requirement for visa-free travel to the EU**. Cooperation with Moldova on readmission and return is functioning well and should be continued. According to FRONTEX data, the number of refused entries to the EU is low - a rate of 0.3% - while the figure for illegal stays was around 0.5%<sup>10</sup>. The number of Moldovan asylum seekers remained low (i.e. 1 610 applications in 2018) and the asylum recognition rate stayed in the range of 1.35% in 2017<sup>11</sup>;
13. in the light of the European Commission 2018 Report on Visa Suspension Mechanism, urge the Moldovan Government to **take action to effectively implement the Law on the Prevention and Fight Against Money Laundering**, including the declaration of wealth and interests, the fight against corruption and the effective recovery of proceeds of crime, and to review the conditions of tax incentives and “citizenship by investment” introduced in the 2018 legislation in a non-transparent manner;
14. reiterate the need to review the impact of **the “citizenship by investment” initiative** launched in 2018 and **cancel it**, because it is in conflict with the declared efforts to fight money laundering. Moreover, the procedure of offering citizenship is completely opaque, excluding any scrutiny or prevention of citizenship issued to individuals involved in corrupt or other illegal actions in foreign jurisdictions;
15. reiterate their calls to the Moldovan authorities to **step up investigation of banking fraud** according to the commitments laid down in the strategy for the recovery of financial assets, as in 2018 there was no visible progress in the investigation of banking fraud. The investigations and prosecution against all those involved in banking fraud have still not been brought to a conclusion. The case of Ilan Shor, who was sentenced in the first level court but still made it to the Moldovan parliament, is clear evidence of this;
16. point to the urgent **need for EU business-oriented projects to emphasise** the component of knowledge building about the benefits of operating with EU standards and technical regulations.

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<sup>9</sup> Border Police General Inspectorate, Press-Release, 5 years of visa-free travel to the EU, April 2019, available at: <http://www.border.gov.md/index.php/ro/4670-cinci-ani-de-la-liberalizarea-regimului-de-vize-cu-ue>.

<sup>10</sup> European Commission, Second Report under the visa suspension mechanism, *COM(2018) 856*, December 2018, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20181219\\_com-2018-856-report\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20181219_com-2018-856-report_en.pdf).

<sup>11</sup> Ibid.

The business-to-state agencies dialogue still needs more articulation and stronger interaction in the field of standardisation, in particular when it comes to the withdrawal of the GOST standards;

17. acknowledge the **significant progress achieved in terms of bilateral trade** with the EU thanks to the AA/DCFTA, whereas approximately 70% of all Moldovan goods are exported to the EU market. However, much remains to be done as we observe that there are untapped opportunities. In this regard, we recommend a thorough assessment of the tariff quotas, anti-circumvention and entry price policies on the EU's side in order to ease the conditions for Moldovan exporters;
18. urge the EU, along with the development partners, to **assess the implementation of the sanitary and phytosanitary strategy by the Moldovan authorities**, and draft actions in order to strengthen institutional capacity and enforcement of policy in areas that are of vital importance for the country's food production and export potential, such as dairy and poultry production;
19. note the **positive trends in aligning the EU's quality infrastructure** as per the commitments under the AA/DCFTA, whereas 87% of European standards are reflected in national standards. However, their implementation is encountering difficulties due to delayed adoption of the secondary legislation and the professionalisation of the staff in the state ministries and agencies. In addition, the environmental technical regulations require the most attention. Continuous support should be offered for the implementation of aspects of the DCFTA in the Transnistrian region, following positive practices such as the established institutional cooperation between Chisinau and Tiraspol in the area of SPS;
20. call on the European Commission to **provide funds and technical resources to complete and optimise interconnection infrastructure** for road, rail and air transport systems, energy/electricity transport and ICT systems with the EU Member States in the neighbourhood of countries with which the EU has Association Agreements;
21. welcome the start of **the constructions of the Ungheni-Chisinau natural gas pipeline** and call on the Moldovan government to ensure that the contract obligations of Transgaz Romania are executed to ensure that the new pipeline is operational by 2020;
22. consider that **roaming tariffs between EU Member States and Eastern Partnership countries** that have signed the Association Agreements with the EU should be removed in the shortest possible time. Moldova, Ukraine and Georgia should consider the elimination of roaming tariffs among them;
23. urge the EU to work together with the Energy Community and the Member States to **resolve the negative effects that crypto-currency production in Transnistrian region** has on gas debts that the Moldovan gas operator (MoldovaGaz) owes to Gazprom, amounting to over USD 6 billion, of which more than 90% belongs to the Transnistrian region;
24. point to the need to **strengthen the political independence and professionalisation of the administrative body of the energy regulator** by improving the appointment procedures. In parallel, they underline the vitality of the "unbundling process" in the gas sector, which should be implemented together with gas interconnection with Romania;

25. call on the EU to **develop and implement education and training programmes** for representatives of public administrations and state-owned companies, including through exchanges of experience in the EU Member States;
26. reiterate their calls to the Moldovan authorities to **adopt at the final reading the new Law on non-commercial organisations, without amendments that could shrink space for civil society**. The draft law was adopted by the parliament in May 2018. The bill is in line with the best international standards and practices and limits the state's possibility of interfering in the affairs of NGOs and creating preconditions for sustainable development of the NGO sector. It also clearly regulates the interaction between NGOs and political parties and restricts the possibilities for abusive closure of NGOs;
27. call on the EU and the Republic of Moldova to provide a **financing mechanism for projects** proposed by the civil society organisations of the Republic of Moldova. Beneficiary organisations must operate and act according to European principles, thus contributing to supporting the Moldova's efforts in the area of European integration;
28. consider **investments and a financing mechanism for projects** consolidating the independent mass media in the Republic of Moldova to ensure the creation and communication of objective information on the European Union, ensuring that media content is provided in languages widely spoken in Moldova;
29. urge the Moldovan parliament to **adopt at the final reading the new Law on advertising** without major amendments. Advertising is one of the most important sources of revenue for independent media outlets. A new draft law on advertising was drawn up by independent experts and adopted by the parliament at the first reading on 11 October 2018. The new parliament has to adopt the new Law on advertising without major amendments. Fifty-two votes are required in the parliament for the bill to be adopted at final reading;
30. urge the Moldovan parliament to **adopt pending amendments to the law on ensuring equality** in order to strengthen the institutional mandate of the Equality Council with regard to application of sanctions, staff and the right to address complaints and requests to the Constitutional Court.

***With regard to public integrity and anti-corruption in Moldova, the CSP members:***

31. stress the need to ensure that the controls on asset declarations launched during a calendar year reach the **target of 40% of high public officials** and ensure the **interoperability of the e-declaration system** with the public and private registers;
32. **call for the requirement for integrity of certificates for candidates in elections to be abolished**. In 2017, the Electoral Code was amended, introducing the requirement for candidates in elections to obtain a clean integrity certificate. This certificate contains data on previous convictions or decisions to ban a person from holding public positions. The integrity certificate, as provided for by the current Moldovan legislation, does not bring any added value to the fight against corruption. During a pre-electoral period of November 2018 - January 2019, the NIA issued 1 595 integrity certificates for the potential candidates in the February 2019 parliamentary elections. For the local elections to be held around July 2019, it is estimated that the NIA has to issue more than 60 000 integrity certificates for potential candidates at local level;

33. call on the authorities **to restore adequate remuneration for integrity inspectors** to the level before the adoption of Law 270 on the unitary pay system in the budgetary sector of 23 November 2018. Integrity inspectors' salaries were reduced by 59%<sup>12</sup>. Integrity inspectors' salaries are one of the mechanisms for ensuring that all integrity inspector vacancies are filled;
34. call on the authorities to amend the legislation to **ensure an effective protection mechanism for whistleblowers** in line with the European Directive on whistleblowers of 16 April 2019, as well as organising a public awareness campaign to encourage reporting of illegal activities;
35. **call for the mandate of the Anticorruption Prosecution Office (APO)** to be reduced so that it covers exclusively the fight against high-level corruption, thus allowing APO prosecutors to focus on cases of high-level corruption. In practice, a substantial part of the APO's efforts are directed towards dealing (leading investigations) with petty corruption cases, investigated by the National Anticorruption Cases (NAC). According to official statistics<sup>13</sup>, of 1 171 cases dealt with by the APO in 2017, 722 (62%) were petty corruption cases.

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

36. **reiterate the importance of protection and sustainable development of water resources** in the Dniester River Basin in order to ensure the functioning of ecosystems and fair access to qualitative water in sufficient volume for all water users in the Basin;
37. welcome the **establishment and operation of the bilateral Moldovan-Ukrainian Commission** on the protection and sustainable use of the Dniester River as an important tool for implementing the principles of water resource management promoted by the EU Framework Directive. It is necessary to strengthen the capacities of the bilateral Moldovan-Ukrainian Commission and take into account the recommendations adopted in its meetings;
38. call on the authorities of the Republic of Moldova to request that the Ukrainian authorities **comply with the provisions of the Convention on Environmental Impact Assessment** (Espoo Convention) for the planned extension of the Dniester hydropower complex to include three more turbines. In this context, they appeal to the authorities of the Republic of Moldova to request that the Ukrainian authorities submit all the **documentation related to the construction and expansion of the Dniester hydropower complex** (HPP-1, HPP-2, Dniester Pumped Storage Power Station), which was developed before its construction and subsequently during its construction and extension in recent years, as stated at the second meeting of the Dniester Commission in Kiev (4-5 April 2019);
39. call on the authorities of the Republic of Moldova to **provide all the assistance and information available for the drafting of the social and environmental impact assessment study** currently carried out by the UNDP Moldova project with the financial support of the Swedish government;

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<sup>12</sup> The National Integrity Authority, Press release (available only in Romanian), April 2019, available at <http://cni.md/ro/node/732>.

<sup>13</sup> Legal Resources Centre from Moldova, Position paper: The Anti-Corruption Prosecution Office should investigate only high-level corruption, November 2018, available at [https://crjm.org/wp-content/uploads/2019/01/2018-11-Nota-Competentele-PA-fin\\_eng.pdf](https://crjm.org/wp-content/uploads/2019/01/2018-11-Nota-Competentele-PA-fin_eng.pdf).

40. appeal to the authorities of the Republic of Moldova to **postpone the negotiations on the Agreement on ensuring the operation of the Dniester Hydropower Complex** with the Cabinet of Ministers of Ukraine until the completion of the social and environmental impact assessment study currently being carried out by UNDP Moldova with the support of the Swedish government<sup>14</sup>;
41. call on the authorities of the Republic of Moldova to take into account, during the negotiation process for the above-mentioned Agreement, the relevant EU legislation mentioned in the MD-EU and UA-EU Association Agreements, including the Energy Community Treaty and the relevant EU environmental directives, in order to **adjust to the needs of the Dniester ecosystem, minimising the negative impact of hydropower plant on water**;
42. call for the inclusion in the Dniester Hydropower Complex Agreement of the internationally recognised core principles in the field of cross-border water cooperation, including the polluter pays principle, equal access of water users to water resources and the use of cross-border waters in a sustainable, reasonable and equitable manner;
43. call on the authorities of the Republic of Moldova to step up all efforts, including financial efforts, in order to **eliminate sources of pollution of the Dniester river** situated on Moldovan territory, by building wastewater treatment plant for the towns of Soroca, Rezina and Criuleni.

*With regard to labour rights, the CSP members:*

44. call on the authorities to ensure **continuous improvement of the pay conditions** for employees in the budgetary sector and financial provision for the salary standards laid down by Law 270 of 23 November 2018 on the unitary pay system in the budgetary sector;
45. reiterate the need to improve the legal framework in the field of pay to **ensure transparency and equal pay for equal work** by women and men;
46. call on the authorities to consider the opportunity of **establishing a single minimum wage in the country** on the basis of negotiations between the social partners amounting to 50-60% of the average salary within the country, in accordance with the recommendations of the revised European Social Charter;
47. call for a **National Strategy to be defined and adopted to combat undeclared work and envelope wages**, which should be monitored by the Prime Minister's office;
48. call for an **early retirement** mechanism to be developed for both men and women, and for the mechanism for setting pensions for work under special conditions to be improved;
49. call for the process of **improving the Labour Code** in force to be continued and for it to be brought into line with international labour standards (EU directives, ILO conventions);

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<sup>14</sup> Legal Resources Centre from Moldova, Position paper: The Anti-Corruption Prosecution Office should investigate only high-level corruption, November 2018, available at [https://crjm.org/wp-content/uploads/2019/01/2018-11-Nota-Competentele-PA-fin\\_eng.pdf](https://crjm.org/wp-content/uploads/2019/01/2018-11-Nota-Competentele-PA-fin_eng.pdf).

50. call on the authorities to respect the provisions of Article 371 of the EU-Moldova Association Agreement in the process of drafting and improving labour legislation and in other areas, according to which the parties recognise that **it is inappropriate to encourage trade or investments by reducing the levels of protection** provided by national legislation for the environment or labour;
51. call on the authorities to amend Law No 131 of 8 June 2012 on state monitoring of entrepreneurial activity and Law No 140 of 10 May 2001 on the State Labour Inspectorate to bring them into line with the provisions of ILO Convention 81 on labour inspection in industry and ILO Convention 129 on trade and labour inspection in agriculture;
52. call for a **return to an integrated system of labour inspection** (labour relations and safety and health at work) and for the institutional capacities of the State Labour Inspectorate (human resources, information systems, etc.) to be strengthened;
53. call on the authorities to develop a **national programme in the field of safety and health at work** and an action plan for its implementation;
54. reiterate the need to promote the draft Law amending and supplementing Law No 245 of 21 July 2006 on the organisation and functioning of **the National Commission for Collective Bargaining and Consultation** and of the consultations and collective bargaining committees at branch and regional level, in order to ensure that the presidency of the National Commission rotates to include each social partner.

*With regard to employers associations, the CSP members:*

55. call on the authorities to **implement efficient measures to counteract abusive trading**, which considerably impedes the development of the national economy, by preventing and penalising both active and passive corruption;
56. call for Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on **public procurement** and repealing Directive 2004/18/EC to be transposed;
57. call for **fair competition to be ensured between private and public enterprises** through fair tax policy that does not privilege any of the economic agents;
58. call on the authorities to **restructure and refinance the foreign currency loans and liabilities** of economic agents and individuals secured by National Bank resources, giving them the opportunity to repay foreign currency loans at the MDL exchange rate at the start of the loan;
59. call on the authorities **to set penalties for speculative and questionable currency transactions** by creating a currency board with the active participation of representatives of civil society, including the Republic of Moldova's business community;
60. point to the urgent need for a **transparent and fair public procurement system** to be developed and implemented, including via an operational and accessible instrument. A new deadline for its entry into force (1 January 2021) should be established for a number of articles related to the use of SIA RSAP (MTender) and electronic means for the procurement of medicinal products and medical devices by the central procurement authority;



61. call on the authorities to **promote ICT tools in the field of health care**, including the adoption of an eHealth strategy addressing the regulation of telemedicine services, integrated information systems for all healthcare providers and an electronic patient registration system (EPR);
62. point to the urgent need to **improve governance and management of health funds** and allocate funding by developing and collecting performance indicators and quality indicators for health service providers. Systematisation and online access to data on national indicators based on a single information system are needed.