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FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

REPUBLIC OF MOLDOVA



Adopted by GRECO
at its 95th Plenary Meeting (Strasbourg, 27 November –1 December 2023)



Group of States against Corruption
Groupe d'États contre la corruption

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I. EXECUTIVE SUMMARY

1. This report evaluates the effectiveness of the framework in place in the Republic of Moldova to prevent corruption amongst persons with top executive functions (the President, the Prime Minister, Deputy Prime Ministers, Ministers, Secretaries of State, State Secretaries of the Government, the Secretary General of the President's Office, the Secretary General of the Government, Presidential Advisers and Ministerial Advisers, hereafter "PTEFs") and members of two law enforcement agencies (LEAs), presently the Police and the Border Police. It aims at supporting the ongoing efforts of the country in building a solid foundation to prevent corruption through strengthening transparency, integrity and accountability in public life.

2. The Republic of Moldova has a National Integrity and Anticorruption Strategy (SNIA) for the period 2017-2023 in place. It has developed an integrity institutional framework, applicable to both PTEFs and LEAs, consisting of the National Anti-corruption Centre (CNA), responsible for, amongst other things, investigating corruption contraventions (misdemeanours) and criminal offences and carrying out the institutional integrity assessment; the National Integrity Authority (ANI), in charge of verifying declarations of assets and personal interests as well as ensuring compliance with the regime of conflicts of interest, incompatibilities, restrictions and limitations; and the Anti-corruption Prosecutor's Office (APO), a specialised prosecutor's office dealing with the criminal investigation and prosecution of certain corruption and corruption-related offences committed by certain categories of high-level officials, including PTEFs. Its integrity legal framework comprises several laws regulating the assessment of institutional integrity, the management of institutional corruption risks, the declaration and verification of assets and personal interests, to mention but a few.

3. As regards PTEFs, improvement is needed in several areas. Integrity checks must be carried out as part of the recruitment process of PTEFs. Codes of conduct for PTEFs need to be adopted to cover all relevant integrity matters, accompanied by practical guidance and a credible and effective monitoring and enforcement mechanism. Dedicated awareness-raising trainings and confidential counselling should be made available to PTEFs. Lobbying is not regulated *per se*. The system for managing conflicts of interest needs to be strengthened further. There is no effective oversight of post-employment restrictions in respect of PTEFs. ANI's in-depth control of PTEFs' declarations of assets and personal interests requires significant improvement, and an internal oversight mechanism should be established to ensure consistency of decisions of ANI's integrity inspectors as well as an equal and fair distribution of the workload amongst them. APO's existing mandate and its inadequate resources have impeded the effective prosecution of high-level corruption. Lastly, the implementation of a new law on access to information, which comes into force in January 2024, will have to be kept under review to ensure its effective implementation by the authorities.

4. Further progress on the corruption prevention front is also warranted in respect of LEAs. Dedicated (separate or joint) code(s) of conduct need to be developed for the Police and the Border Police, to be complemented by practical guidance in respect of each LEA and an enforcement mechanism. Confidential counselling on ethical and integrity matters should be made available to law enforcement officers (LEOs). The preparation and finalisation of consolidated risk registers for the Police and the Border Police calls for regular trainings on risk management. Regular vetting of integrity, throughout the career of LEOs, is missing. The

practice of promotions to *ad interim* managerial positions ought to be limited and decisions regarding career promotion should be transparent and objective. The low level of remuneration in the Police and the Border Police is regarded as an obstacle to attract new recruits and has incited LEOs to engage in unauthorised paid outside activities in the informal economy, especially when on annual leave and mainly abroad. A new Law on Whistleblowers calls for new impetus to raise awareness of LEOs to report misconduct and, very importantly, to ensure that robust internal reporting channels are in place within the respective LEAs to effectively enable LEOs to speak up in a safe manner and to protect them from retaliation.

II. INTRODUCTION AND METHODOLOGY

5. The Republic of Moldova joined GRECO in 2001 and has been evaluated in the framework of GRECO's First (in October 2002), Second (April 2006), Third (in November 2010) and Fourth (in November 2014) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017¹.

6. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of the Republic of Moldova to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of the Republic of Moldova, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, the Republic of Moldova shall report back on the action taken in response to GRECO's recommendations.

7. In preparation for the present report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to the Republic of Moldova from 15 to 19 May 2023. Reference was made to the responses by the Republic of Moldova to the Evaluation Questionnaire (Greco(2016)19), as well as other information received, including from civil society. The GET was composed of Mr Dražen JELENIĆ, Deputy State Attorney General (Croatia), Mr Mikko HELKIÖ, Senior Adviser for Internal Audit, Prime Minister's Office (Finland), Ms Anca JURMA, Counsellor of the Chief Prosecutor, National Anti-corruption Directorate, Prosecutor's Office attached to the High Court of Cassation and Justice (Romania), and Ms Vita HABJAN BARBORIČ, Head of the Corruption Prevention Bureau, Commission for the Prevention of Corruption (Slovenia). The GET was supported by Mr Ylli PECO from GRECO's Secretariat.

8. The GET had meetings with representatives of the President's Office, the Prime Minister's Office, the State Chancellery, the Ministry of Justice, the National Anti-corruption Centre (CNA), the National Integrity Authority (ANI), the General Prosecutor's Office (GPO), the Anti-corruption Prosecutor's Office (APO), the Ministry of Internal Affairs (MAI), MAI's Internal Protection and Anti-corruption Service (SPIA), MAI's Police Academy *Ștefan cel Mare*, the General Inspectorate of Police (IGP), the General Inspectorate of Border Police (IGPF), the Court of Accounts, the Ministry of Finance's Financial Inspection and the Ombudsman's Office (People's Advocate). It also spoke with representatives of the European Union delegation and met representatives of the Supreme Security Council, the Independent Anticorruption Advisory Committee, the Moldovan Bar Association, academia, media outlets, civil society organisations and trade unions from the Police and the Border Police.

¹ More information on the methodology is contained in the Evaluation Questionnaire, which is available on GRECO's [website](http://www.coe.int/greco).

III. CONTEXT

9. The Republic of Moldova has been a member of GRECO since 2001 and has undergone four evaluation rounds focusing on different topics related to the prevention of and fight against corruption. In summary, 93% of recommendations were implemented in the First Evaluation Round, 67% in the Second Evaluation Round, and 88% in the Third Evaluation Round. In the Fourth Evaluation Round, dealing with corruption prevention in respect of parliamentarians, judges and prosecutors, only 33% of all recommendations have been fully implemented to date. In the last publicly available Compliance Report, GRECO concluded that the low level of compliance with the recommendations was “globally unsatisfactory.”

10. Since the election of a new President in 2020², the fight against corruption has featured high on the Government’s programme of activity and political agenda. In this connection, an Independent Anti-corruption Advisory Committee³ (CCIA) was established in June 2021, comprising international and national experts. A strategy for ensuring the independence and integrity of the justice sector for 2022-2025 and an action plan for its implementation were adopted. In the implementation of that strategy, several significant legislative initiatives have been taken, such as constitutional amendments relating to the composition of the self-governing body of judges (i.e. the Superior Council of Magistracy), the establishment of a framework for the external integrity assessment (vetting) of judges and prosecutors, the adoption of a new law on the Supreme Court of Justice, amendments to the criminal procedure law relating to the effectiveness of criminal proceedings, including the trial *in absentia*, the delineation of competences of APO and CNA, enhancing the application of special investigative measures, etc. A draft law on setting up specialised anti-corruption courts, which has benefited from an opinion by the Venice Commission, is going through the law-making process. In addition, work is underway to produce a new National Integrity and Anti-corruption Programme for the period 2024-2028.

11. The Republic of Moldova ranked 91st out of 180 countries, with a score of 39 out of 100 (where 0 means highly corrupt and 100 very clean), in Transparency International’s Corruption Perceptions Index 2022⁴, showing a steady increase compared to the previous two years (a score of 36, ranking 105th, in 2021 and a score of 34, ranking 115th, in 2020). That said, in 2022 an OECD report⁵ stated that “the notion of high-level corruption appears to be not clearly understood by Moldova’s law enforcement institutions. There is no indication that the authorities analyse such cases separately from other crimes or use lessons learned from the convictions in high-level corruption for the formulation of anti-corruption policy or legislation”.

12. Challenges in investigating and prosecuting high-level corruption became visible in the banking fraud and Russian laundromat cases, which led to other fraud and money laundering schemes in the Republic of Moldova’s banking, financial and insurance sectors (in which one billion US dollars were stolen) and, in the words of CCIA, “allowed systemic and endemic corruption to metastasize among state bodies”, resulting in what is called a “captured state”⁶.

² <https://www.irishtimes.com/news/world/europe/moldova-s-incoming-president-pledges-to-fight-corruption-and-build-the-economy-1.4410927>

³ <https://ccia.md/en/about-us/>

⁴ <https://www.transparency.org/en/cpi/2022/index/mda>

⁵ <https://read.oecd.org/10.1787/9bb0367e-en?format=pdf>

⁶ <https://ccia.md/en/reports/the-offshore-republic/>

In this connection, in 2016 a former prime minister was convicted, but was conditionally released on parole in December 2019⁷. Also, indictments have been filed against 17 persons for their role in the banking fraud case. The newly released European Commission 2023 report⁸ on the Republic of Moldova states that there was no significant progress in the prosecution of high-level corruption cases and long-standing criminal cases, though the track record of high-level corruption convictions increased slightly. A fugitive oligarch (tycoon) was convicted *in absentia*. The Moldovan authorities have also adopted a plan of measures to limit the excessive influence of private interests on economic, political and public life (de-oligarchisation Action Plan⁹), which is currently being revised and updated with other relevant measures.

13. In the context of Russia's war of aggression against Ukraine, in March 2022 the Republic of Moldova submitted its application to join the European Union. In response, the European leaders recognised the country's European perspective and granted it EU candidate country status. The European Commission's opinion¹⁰ presented nine steps that the Republic of Moldova needs to address to further progress on the enlargement path, amongst which is "to complete ... the comprehensive justice system reform, ... including through efficient use of asset verification", "to fight corruption at all levels by taking decisive steps towards proactive and efficient investigations, and a credible track record of prosecutions and convictions" and "to enhance the involvement of civil society in decision-making processes at all levels". On 8 November 2023 the European Commission recommended opening accession negotiations with the Republic of Moldova in view of 'important progress' made on meeting the nine steps¹¹.

⁷ <https://www.rferl.org/a/former-moldovan-pm-convicted-of-bribery-released-from-prison/30306678.html#:~:text=Former%20Moldovan%20Prime%20Minister%20Vlad%20Filat%20was%20released,and%20corruption.%20%22This%20decision%20took%20me%20by%20surprise.>

⁸ https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

⁹ https://presedinte.md/app/webroot/uploaded/plan_CNIE_en_08.06.2023.pdf

¹⁰ https://neighbourhood-enlargement.ec.europa.eu/document/download/0e2c1ba2-a821-439a-b697-101014d372c7_en?filename=Republic%20of%20Moldova%20Opinion%20and%20Annex.pdf

¹¹ https://neighbourhood-enlargement.ec.europa.eu/news/commission-adopts-2023-enlargement-package-recommends-open-negotiations-ukraine-and-moldova-grant-2023-11-08_en

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

14. According to Article 1 of the Constitution¹², the Republic of Moldova is a unitary and indivisible state. The form of government of the State is the republic.

System of government

15. Article 96 of the Constitution provides that the Government ensures the carrying out of the State's internal and external policy and exercises the general management of the public administration. In the exercise of its prerogatives, the Government is guided by its programme of activity endorsed by Parliament.

The President of the Republic

16. Under Article 77 of the Constitution, the President of the Republic of Moldova is the Head of State. S/he represents the State and is the guarantor of national sovereignty, independence, unity and territorial integrity of the State. According to Article 80 of the Constitution, the President is elected by majority of freely expressed, universal, equal, direct, and secret suffrage, for a four-year term, renewable only once.

17. According to Article 98 of the Constitution, the President of the Republic, following consultations with parliamentary factions, designates a candidate for the office of the Prime Minister. Upon designation, the candidate requests a vote of confidence by Parliament over the programme of activity and the entire list of the members of Government. Based on the vote of confidence granted by Parliament, the President will appoint the Government on the day its members have taken the oath of office. In case of Government reshuffle or vacancy of office, the President of the Republic appoints and revokes new Members of the Government, at the proposal of the Prime Minister.

18. According to Article 73 of the Constitution, the President of the Republic is attributed the right to legislative initiative. Under Article 74 (4) of the Constitution, s/he promulgates the legislation enacted by Parliament. The President of the Republic may reject an enacted law once and, in case of a repeated vote by Parliament, s/he must sign the law into force. In addition, Article 85 of the Constitution bestows on the President powers in the field of foreign policy, namely to hold official negotiations, conclude international treaties on behalf of the Republic of Moldova and to submit them, in the manner and term established by law, to Parliament for ratification. Upon proposal of the Government, the President accredits and recalls diplomatic representatives of the Republic of Moldova. Furthermore, Article 86 of the Constitution provides for the President's powers in the field of national defence. The President of the Republic is the Commander-in-Chief of the armed forces, and s/he presides over the Supreme Security Council. Other powers bestowed on the President include, amongst other things, the award of decorations and titles of honours, the award of military ranks, the granting of political asylum, the appointment of certain public officials (e.g. judges, the Prosecutor General, the Director and Deputy Director of the State Protection and Guard

¹² https://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf

Service, the President and Vice President of the National Integrity Authority), the granting of individual pardon, the call for a referendum and the suspension of acts adopted by the Government until the delivery of a final decision by the Constitutional Court.

19. As agreed by GRECO, a Head of State would be covered in the 5th evaluation round under “central governments (top executive functions)” when s/he actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions.

20. The GET notes that the President is directly elected by popular vote. S/he has a decisive role in nominating the candidate for the Prime Minister, and seemingly only if the candidate enjoys the confidence of the majority in Parliament. However, in 2021, the President nominated the same candidate as Prime Minister, for a second time, after Parliament had already voted to reject the nomination¹³, a decision which was declared unconstitutional by the Constitutional Court in February 2021. Following early parliamentary elections in July 2021, that were won by the Party of Action and Solidarity which the President had founded and led prior to being elected to the post, the President re-proposed the same candidate for the position of Prime Minister in August 2021¹⁴, who was appointed following the vote of confidence by the parliamentary majority. On proposal of the Prime Minister, the President approves or rejects the appointment of new members of the Government in case of a vacancy of office or reshuffling of the Government. Prior consultations with the Prime Minister may occur before the appointment of the Government's members. Non-governmental interlocutors met on-site asserted that the current Prime Minister, who used to be adviser to the President and Secretary of the Supreme Security Council, had held prior consultations with the President about the reshuffling of the Government's members.

21. The GET further notes that the President has the right to initiate legislation. When doing so, the President's office is actively involved in providing explanations and support to the approval process of the draft legislation by Parliament. Between 2021 and 2023, the right to legislative initiative has been used seven times¹⁵. Some major draft laws initiated by the President concerned draft amendments to the Enforcement Code (in 2021) and to the Criminal Code (2022). The most recent initiative pertains to a draft law on the anti-corruption system, which aims at establishing specialised anti-corruption courts, and in respect of which the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe have adopted a joint opinion¹⁶. Turning to the justice sector strategy, the President has been an outspoken supporter of its adoption and implementation¹⁷. In February

¹³ <https://www.aljazeera.com/news/2021/2/23/moldova-court-rules-against-presidential-decree-on-new-government>

¹⁴ <https://emerging-europe.com/news/maia-sandu-is-about-to-become-the-most-powerful-leader-in-moldovas-history/> and <https://www.reuters.com/world/europe/moldovan-parliament-confirms-gavrilita-presidents-choice-new-pm-2021-08-06/>

¹⁵ <https://presedinte.md/rom/proiecte-de-decizii>

¹⁶ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)032-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)032-e)

¹⁷ https://www.ipn.md/en/maia-sandu-corrupt-persons-from-system-are-biggest-obstacle-to-7967_1092232.html

2021, the President rejected its prior version, which had been adopted by Parliament¹⁸, on account of lack of certain key elements (e.g. the establishment of a mechanism for the external integrity assessment (vetting) of judges and prosecutors) and returned it to Parliament. The current justice sector strategy, which was adopted by Parliament and promulgated by the President, provides for such a vetting process (see also paragraph 10 above).

22. In order to contribute to a better understanding of the phenomenon of high-level corruption, the President enabled the establishment of the Independent Anti-corruption Advisory Committee (CCIA), which consists of international and national experts and operates independently. CCIA's analytical reports contain findings and recommendations addressed to various authorities, together with a timeline. CCIA monitors the implementation of said recommendations and publishes progress reports. CCIA's first progress report is accessible online¹⁹.

23. The President influences government policy in the area of foreign policy, noting – as set out in the Constitutional Court's decision no. 96 of 6 August 2020²⁰ – that the President is bound to cooperate with Parliament and the Government given their constitutional powers and role in the field of foreign policy. Also, s/he represents the State in the relations with other countries at the highest level, in accordance with the constitutional provisions. In fact, the President appears to be the main interlocutor of foreign dignitaries to discuss international relations and domestic matters, and she appears to occupy the headlines of major domestic and international news outlets. Thus, in July 2021, the President presented the priorities of the presidency's foreign policy to the Moldovan diplomatic corps²¹. In March 2022, the President, together with the Speaker of Parliament and the Prime Minister, signed the formal application of the Republic of Moldova to join the European Union²². In this connection, the President presides over the National Commission for European Integration²³, which is a coordination mechanism for European integration. In May 2023, the President represented the Republic of Moldova in the Council of Europe's Fourth Summit of the Heads of State in Reykjavik, Iceland. In June 2023, the President hosted the European Political Community Summit²⁴, a meeting of leaders from across the continent, in the Republic of Moldova.

24. Under the Constitution, the President may also call a referendum (a prerogative which has been used twice, in 1999 and 2017), and may suspend acts of Government which are contrary to legislation until the delivery of a final decision by the Constitutional Court (a right which has been used four times, in 2004, 2009, 2010 and 2017). In the field of defence, the President is the Commander-in-Chief of the armed forces, and initiates the process for developing national defence strategies, which are subsequently endorsed by Parliament. Thus, in November 2022, the President set up a commission to draft the National Security

¹⁸ https://www.ipn.md/en/strategy-for-ensuring-independence-of-justice-sector-returned-to-parliament-7965_1079772.html and <http://www.infotag.md/politics-en/290427/>

¹⁹ <https://ccia.md/en/reports/the-offshore-republic-progress-report-no-1/>

²⁰ <https://www.constcourt.md/ccdocview.php?tip=decizii&docid=846&l=ro>

²¹ <https://www.moldpres.md/en/news/2021/07/16/21005149>

²² <https://www.reuters.com/world/europe/moldovan-president-says-moldova-applies-eu-membership-2022-03-03/>

²³ https://www.legis.md/cautare/getResults?doc_id=139020&lang=ro

²⁴ <https://www.epcsummit2023.md/president-maia-sandus-message-regards-organisation-epc-summit> and <https://presedinte.md/eng/discursuri/discursul-presedintei-republicii-moldova-maia-sandu-la-deschiderea-summitului-comunitatii-politice-europene>

Strategy, which the President submitted for parliamentary approval in October 2023²⁵. In addition, the President chairs the Supreme Security Council, which analyses and drafts policy proposals for addressing the threats and risks to national security and defence, formulates proposals for the President of the Republic of Moldova, in order to optimise the system of ensuring national security and defence, and presents proposals and recommendations on issues related to national security and defence to the central public authorities.

25. The above reasons, taken cumulatively, suffice to consider the President of the Republic of Moldova a person with top executive functions (PTEF) for the purpose of this report. The GET was told by all non-governmental interlocutors on-site that the President wields a great deal of power and is regarded as the main political actor in the country, as opposed to the views expressed by representatives of the President's office met on-site.

26. The Regulation of the President's Office, adopted by the President's decree no. 1090/2019²⁶, provides that the Office of the President is headed by a Secretary General, who is a person holding a position of public dignity, within the meaning of Law no. 199/2010²⁷ on the status of persons occupying positions of public dignity, as amended. The Secretary General is appointed and dismissed by the President of the Republic. In addition, the President of the Republic, as a person occupying a position of public dignity in accordance with Law no. 199/2010, is assisted by a cabinet of advisers and assistants, whose activity is managed by the Head of the Cabinet (hereafter referred to as "Presidential Advisers"). They are appointed based on personal trust, by decree of the President, on the strength of individual employment contracts, in accordance with Law no. 80/2010²⁸ on the status of staff in the cabinet of persons holding positions of public dignity. According to Article 16 of the Regulation of the President's Office, Presidential Advisers are responsible for, amongst other tasks, providing advice and assistance to the President, preparing analysis of legislation received for promulgation and making, if necessary, proposals to send them back to Parliament for re-examination and providing assistance to the President regarding his/her cooperation with other public authorities, media and civil society. The President may also hire temporary experts or consultants (non-tenured advisers) to provide technical or specialised advice on a particular matter. As a result of their involvement in directly giving advice to the President of the Republic and decisively influencing the development of policies or decision-making, the GET, in accordance with GRECO's practice, regards the Secretary General of the President's Office, Presidential Advisers and experts or consultants (non-tenured advisers) as PTEFs for the purpose of this report.

27. Other than the above, there is a Deputy Secretary General of the President's Office, who is a senior civil servant and appointed on the basis of a competitive selection procedure, thus falling outside the scope of this report. The President's office currently employs 96 staff

²⁵ <https://presedinte.md/eng/presa/presedinta-maia-sandu-a-prezenta-proiectul-strategiei-securitatii-nationale>

²⁶ https://www.legis.md/cautare/getResults?doc_id=113292&lang=ro

²⁷ https://www.legis.md/cautare/getResults?doc_id=135516&lang=ro, as amended by Law no. 310/2023. For the purpose of this report, the Annex to Law no. 199/2010 lists, amongst others, the President of the Republic, the Prime Minister, the First Deputy Prime Minister, Deputy Prime Ministers, Ministers, the Secretary General of the Office of the President of the Republic, the Secretary General of the Government, State Secretaries of the Government and Secretaries of State, as persons occupying positions of public dignity, i.e. a public office which is occupied by a mandate directly, following elections, or indirectly, by appointment under the law.

²⁸ https://www.legis.md/cautare/getResults?doc_id=136579&lang=ro

members (out of a total of 150), including Presidential Advisers, civil servants and technical/support staff.

The Government

28. Under Article 97 of the Constitution, the Government consists of a Prime Minister, a First Deputy Prime Minister, Deputy Prime Ministers, Ministers and other members, as determined by an organic law. The current Government is composed of 16 members, three of whom are women²⁹. There appear to be no standards or rules promoting gender equality in the composition of the Government. Therefore, the GET draws the attention of the Moldovan authorities to the Council of Europe's [Recommendation Rec \(2003\)3 of the Committee of Ministers on balanced participation of women and men in political and public decision-making](#) according to which the representation of either women or men in any decision-making body in political or public life should not fall below 40%.

29. Article 101 of the Constitution provides that the Prime Minister exercises the leadership of the Government and coordinates the activity of its members, who, in turn, lead the ministry entrusted to them and represent it in relations with other authorities, individuals and entities. The organisation, functioning, competences, termination of the mandate of the Government or its members, as well as the frequency of its meetings are governed by Law no. 136/2017³⁰ on the Government. Its agendas are published online³¹ and its meetings are broadcast online³². The Government may adopt decisions, ordinances and regulations.

30. The State Chancellery is the public authority that ensures the organisation of the Government's activity, establishes the general framework for defining the priorities of the Government, provides methodological, organisational and coordination support for the planning, elaboration and implementation of public policies at the level of ministries and other central administrative authorities, monitors the implementation of the Government's activity programme, presents analytical and informational materials, prepares draft decisions, ordinances and verifies their execution. It is headed by the Secretary General of the Government, who is considered a person holding a public dignity position for the purpose of Law no. 199/2010. The Secretary General of the Government is appointed and dismissed from office by the Government and is directly accountable to the Prime Minister. His/her responsibilities involve, amongst others, the selection and proposal of items for inclusion on the agenda of the Government's meeting and their submission to the Prime Minister and the preparation of reports on draft legislation and other documents, with necessary proposals, to be discussed by the Government. S/he may be assisted by one or more State Secretaries of the Government, who have the status of persons holding a public dignity position for the purposes of Law no. 199/2010 and are appointed to and dismissed from office by the Government. The State Secretary of the Government may, amongst other tasks, participate in the development of programmes and activity plans and propose the initiation of draft legislation.

²⁹ <https://gov.md/en/profiles/team>

³⁰ https://www.legis.md/cautare/getResults?doc_id=133423&lang=ro

³¹ <https://gov.md/ro/advanced-page-type/sedinte-guvern>

³² <https://gov.md/ro/content/live> and <https://www.privesc.eu/> for live streaming as well as <https://gov.md/ro/advanced-page-type/sedinte-guvern> for recorded meetings.

31. In addition, Members of the Government may delegate certain tasks permanently or temporarily to, amongst others, Secretaries of State. Article 10 (2) of Law no. 136/2017 on the Government provides that, *de jure* members of the Government will also be considered other members, as determined by law. As confirmed by the authorities during the on-site visit, the GET therefore takes the view that Members of the Government (i.e. the Prime Minister, the First Deputy Prime Ministers, Deputy Prime Ministers, Ministers, State Secretaries of the Government and Secretaries of State) are to be regarded as persons with top executive functions (PTEFs) in the sense of this report. Also, owing to the tasks, role, manner of appointment and dismissal, the Secretary General of the Government is also to be considered a PTEF. Deputy Secretaries General of the Government as well as Ministries' Secretaries General and their Deputy Secretaries General have the status of senior civil servants³³, are appointed based on professionalism, in accordance with Law no. 158/2008 on the civil service and the status of civil servants, and thus fall outside the scope of this report.

32. Because of their status as persons holding positions of public dignity under Law no. 199/2010, each of the Prime Minister, the First Deputy Prime Minister, the Deputy Prime Ministers, Ministers and the Secretary General of the Government are assisted by advisers, whose activity is managed by the Head of Cabinet (jointly referred to as "Ministerial Advisers"). Their appointment, status, tasks and termination of employment is governed by Law no. 80/2010, which has been described in paragraph 26 above in respect of Presidential Advisers. PTEFs can also hire other persons in their cabinet to act as experts and consultants (non-tenured advisers) in different areas of activity/expertise in order to provide technical or specialised advice or support on a technical matter. Thus, the Prime Minister's Office is a separate subdivision of the State Chancellery, consisting of advisers and having the mission to provide assistance and support to the Prime Minister. In addition, the newly established Office for Coordination of Implementation of Government Priorities³⁴, which is a structure without legal personality, organised within the State Chancellery and is directly subordinated to the Prime Minister, will be comprised of employees having the status of staff in the cabinet of persons holding positions of public dignity and will also be jointly referred to as 'Ministerial Advisers'. The GET therefore considers that, whilst Ministerial Advisers, including experts and consultants (non-tenured advisers), may not be vested with executive powers *stricto sensu*, they do have executive functions as they provide direct advice and support to PTEFs and participate or have a decisive influence in the decision-making process. Thus, in accordance with GRECO's practice, Ministerial Advisers as well as temporary experts and consultants (non-tenured advisers), ought to be regarded as PTEFs in the sense of this report.

Status and remuneration of persons with top executive functions

33. As stated in paragraph 16 above, the President of the Republic is elected by popular vote, for a four-year term, renewable only once.

34. Article 16 of Law no. 136/2017 on the Government lays down eligibility requirements which should be cumulatively met by a person to become a member of the Government, the most relevant of which, for the purpose of this report, is that s/he should have an irreproachable reputation. A person is not deemed to have an irreproachable reputation and may not be appointed as a member of the Government if: s/he has been convicted by a court

³³ See, also, Articles 13 and 13¹ of Law no. 98/2012 on central specialised public administration (https://www.legis.md/cautare/getResults?doc_id=139821&lang=ro#).

³⁴ See Law no. 310/2013 (https://www.legis.md/cautare/getResults?doc_id=139658&lang=ro).

of law for committing a criminal offence and has not had the criminal record expunged; s/he has a criminal record, including expunged, or has been released from criminal liability or punishment, including by an act of amnesty or pardon, for committing one or more serious, particularly serious or exceptionally serious crimes or for committing one or more offences against the proper conduct of activity in the public sphere, corruption in the private sector or against public authorities and state security; s/he has, in the criminal record on professional integrity for the last five years, records regarding the negative result of the professional integrity test for the violation of the obligations provided by the legislation on the assessment of institutional integrity; s/he has been deprived of the right to occupy certain positions or to exercise certain activities, as a result of a punishment or ancillary penalty imposed by a final court decision; in respect of him/her it has been established, by a final act, a violation of the legal regime of conflicts of interest, incompatibilities or restrictions; in respect of him/her there is a final court decision ordering the confiscation of unjustified wealth; and in respect of him/her there is a prohibition to occupy a public office or hold a position of public dignity, which derives from an act of finding made by the National Integrity Authority.

35. In addition, Law no. 271/2008³⁵ on the verification of holders of, and candidates for, public office requires holders of and candidates for positions of public dignity³⁶ to be subject to a verification³⁷ (i.e. security checks) which is carried out by the Intelligence and Security Service (ISS). The verification is carried out with the person's written consent, on the basis of a template declaration. ISS collects the required information from databases, registries and other sources of public authorities, and requests information from legal entities, including copies of the candidates' records from previous employment, bank records, etc. In the event of an unfavourable advisory opinion drawn up by ISS, the public authority will decide on the (in)compatibility with the public office after holding a hearing.

36. The GET learned on-site that that PTEFs undergo background security checks, which are carried out by the intelligence service, to have access to sensitive and confidential information. They may submit declarations of assets and personal interests in accordance with the applicable legislation, though they are not subject to integrity vetting prior to or immediately after appointment. The emphasis of verifying the existence of 'irreproachable reputation' for Members of the Government appears to be placed on checking criminal records. Presidential Advisers and Ministerial Advisers, including experts and consultants (non-tenured advisers), are appointed based on trust. Integrity certificates are obtained, upon employment, in respect of advisers who are engaged in the public sector, while no integrity checks are carried out for advisers coming from the private sector. The authorities did not provide any information about the conduct of integrity checks during the on-site visit, in response to questions put by GET. The GET recognises that rules on the conduct of integrity vetting prior to appointment would serve the purpose of managing possible conflicts of interest beforehand or organising for certain areas under the responsibility of a PTEF to be dealt with by another PTEF in case of potential conflicts of interest. In addition, the

³⁵ https://www.legis.md/cautare/getResults?doc_id=106593&lang=ro

³⁶ See footnote 27 above.

³⁷ Verification is performed in order to: prevent and combat corruption in public authorities; prevent the employment of public offices by persons who pose a threat to the interests of national security; determine the degree of fulfilment by holders and candidates of the qualification requirements and the degree of compliance with the restrictions established by law; prevent, identify and exclude risk factors; establish the authenticity of the information communicated by the holders and candidates for public offices in the documents submitted for their occupation; carry out the measures provided by the law, aimed at excluding the facts that may constitute a threat to the interests of national security.

appointment of Secretaries of State and State Secretaries of the Government is not governed by clear criteria or made subject to integrity vetting. Lastly, the GET welcomes that the majority of the Presidential Advisers' names, positions and resumes have been published online³⁸. However, the same disclosure is not consistent for all Presidential Advisers, let alone for Ministerial Advisers whose details have not been made publicly accessible. The publication would contribute to increasing transparency and trust towards the public. Therefore, **GRECO recommends that (i) clear rules on integrity checks be adopted so that persons with top executive functions undergo integrity checks as part of their recruitment in order to identify, avoid and manage potential and existing conflicts of interest; (ii) rules be laid down setting out the criteria for the appointment of Secretaries of State and State Secretaries of the Government; and (iii) the names, functions (responsibilities), salary and information on ancillary activities in respect of Presidential Advisers, Ministerial Advisers and experts or consultants (non-tenured advisers) be made public.**

37. The salaries of PTEFs are established in accordance with Law no. 270/2018 on the unitary salary system in the State-funded sector and are shown in the table below.

Position	Gross monthly salary in Moldovan Lei (MDL)
President	21,000 (approx. EUR 1,050)
Prime Minister	21,000 (approx. EUR 1,050)
Deputy Prime Minister	50,190 (approx. EUR 2,593)
Minister	50,190 (approx. EUR 2,593)
Secretary of State, State Secretary of the Government	40,110 (approx. EUR 2,072)
Secretary General of the President's Office	27,790 (approx. EUR 1,400)
Secretary General of the Government	50,190 (approx. EUR 2,593)
Head of Cabinet of the President's Office	26,710 (approx. EUR 1,357)
Head of Cabinet of the Prime Minister's office	40,110 (approx. EUR 2,072)
Head of Minister's cabinet	23,790 (approx. EUR 1,227)
Adviser to the President	24,660 (approx. EUR 1,269)
Adviser to the Prime Minister	36,870 (approx. EUR 1,900)
Adviser to the Minister	20,550 (approx. EUR 1,060)

38. During the exercise of the mandate, the President of the Republic is entitled to certain benefits in accordance with Law no. 1111/1997 on ensuring the activity of the President of the Republic. In case of expiry of the mandate, resignation, impossibility to perform his/her functions, the former President benefits from a pension and medical insurance for life.

39. As of 1 January 2023, PTEFs are entitled to receive an additional monthly subsidy of MDL 1300 (approx. EUR 67) accounting for the increase of inflation. They may be granted awards on the occasion of birthday jubilees, professional holidays and non-working holidays. At the end of the mandate, in the case of resignation, revocation or release from office, the person holding a position of public dignity benefits from a single allowance equal to two basic salaries, provided that the special law that regulates the activity of this person does not provide for another amount of the allowance. However, the allowance is not granted if the official has been active in the respective position for less than two years, s/he has been

³⁸ <https://www.presedinte.md/rom/structura>

revoked or released from office for reasons attributable to her/him, as indicated in the administrative act of revocation or release from office.

Anti-corruption and integrity policy, regulatory and institutional framework

Anti-corruption policy

40. The current National Integrity and Anticorruption Strategy (SNIA) was initially approved by Parliament³⁹ in 2017 for the period 2017-2020. Since only 66 of its 127 measures had been implemented by mid-2020, it was extended until 2023⁴⁰. It builds on eight integrity pillars (relating to Parliament; the Government, public sector and local administration; justice and anti-corruption authorities; the Central Electoral Commission and political parties; the Court of Accounts; Ombudsman; private sector; civil society and the media), and action plans have been prepared for each pillar. Its monitoring and evaluation are ensured by a dedicated unit of the National Anti-corruption Centre (CNA)⁴¹, through three monitoring groups, and the progress reports are published online.

41. The GET learned on-site that the authorities have embarked on the process of preparing and developing a new anti-corruption policy document. It has been subsequently confirmed that, drawing from the achievements and shortcomings in the implementation of SNIA, the drafting of a new National Integrity and Anti-corruption Programme for the period of 2024-2028 has started. The GET therefore invites the authorities to adopt a new national anti-corruption policy document, which would reflect the present-day realities and address high-level corruption and high corruption risk areas. The GET expects that it be subject to a broad and transparent public consultation process with relevant public institutions, civil society and the media, and be accompanied by a dedicated action plan for its implementation and monitoring.

Integrity policy and legal framework

42. Law no. 325/2013⁴² on the assessment of institutional integrity regulates the carrying out of institutional integrity assessments in public entities. It is performed by CNA, through four stages (i.e. identification of corruption risks within the public entity, (optional) professional integrity testing⁴³ of public entities' employees, description and analysis of corruption risks, and adoption of recommendations to improve the integrity environment), at the end of which a report is drawn up. In response, the public entity is required to adopt an integrity plan, which will be subject to monitoring by CNA until its full implementation. CNA selects the public entity according to, at least, two of the following criteria: activities

³⁹ See Parliament's decision no. 56/2017 at https://www.legis.md/cautare/getResults?doc_id=129679&lang=ro

⁴⁰ Parliament's decision no. 241/2021 at https://www.legis.md/cautare/getResults?doc_id=129663&lang=ro

⁴¹ <https://cna.md/tabview.php?l=ro&idc=64&t=/Strategia-nationala-anticoruptie/Strategia-nationala-anticoruptie>

⁴² https://www.legis.md/cautare/getResults?doc_id=133183&lang=ro

⁴³ Professional integrity testing of public entities' employees consists of simulated situations, like the ones encountered in the exercise of their duties, materialised through concealed operations, in order to passively monitor and establish the reaction and behaviour of the tested individual. Authorisation to initiate the professional integrity testing is made by a specialised judge of the Chisinau Court, and the time-limit for carrying it out is six months. The methods and means used for carrying out the professional integrity test do not constitute special investigative techniques under domestic law. Results and materials of the professional integrity test may not be used as evidence in a criminal investigations/prosecutions or trial against the tested individual.

vulnerable to corruption risks, statistical information regarding the public perception of corruption, frequency of contacts with citizens and failure to ensure a climate of institutional integrity.

43. In addition, Law no. 82/2017⁴⁴ on integrity aims at ensuring a climate of integrity in the public sector, at the political, institutional and professional levels, by regulating the responsibilities of public entities, anti-corruption authorities and other competent bodies as well as sanctioning public agents⁴⁵ and heads of public entities⁴⁶. Article 27 provides for the management of institutional corruption risks, which is to be documented in a special register containing the following: description of the vulnerable activity/specific activity objective of the public entity; the risk of corruption that prevents the achievement of the specific activity/objective; the ranking of the risk (severity/importance); reaction to risk and action of the public entity; the person in charge of the action; and the period for the implementation of the action.

44. The GET notes that an integrity plan is approved by a public entity only in response to the findings of an institutional integrity assessment. During the on-site visit, it became apparent that there was no integrity plan in place in respect of PTEFs. The National Anti-corruption Centre (CNA) has confirmed that the targets of institutional integrity assessments have been public institutions subordinate to central Ministries. Further, in implementation of Law no. 82/2017 on integrity, CNA has developed a methodological guide on the implementation of fraud and corruption risk management in public entities, which has been made available online⁴⁷. The President's Office has provided the GET with the approved register of fraud and corruption risks, which has not been made public. Having reviewed it, the GET notes that in relation to the identification of risks concerning the President's Office, no risks have been specifically listed in respect of the President and/or Presidential Advisers (they target civil servants working for the President's Office). Also, certain Ministries have set up, or are in the process of setting up, registers of institutional corruption risks, none of which has been transmitted to the GET for review. The GET takes the view that, in the absence of an integrity plan targeting PTEFs, the registers of institutional corruption risks should pay attention to PTEFs and the specific corruption risks to which they may be exposed, including the identification of mitigating actions. The review of the progress of their implementation ought to be made public in order to increase transparency and accountability. Therefore, **GRECO recommends that (i) the adoption and/or review, as appropriate, of registers of institutional corruption risks be broadened to cover more specifically persons with top executive functions and the registers be updated regularly, and (ii) periodic progress reports on their implementation be made public.**

45. Law no. 133/2016⁴⁸ on the declaration of assets and personal interests regulates the obligation and the way to declare assets and personal interests by declarants and their family

⁴⁴ https://www.legis.md/cautare/getResults?doc_id=120706&lang=ro

⁴⁵ A public agent has been defined by the Law as a person employed in a public entity, who holds a public office, a public office with special status, a position of public dignity, is employed in the office of a person holding a position of public dignity or provides services of public interest as well as a local elected official.

⁴⁶ Head of a public entity has been defined by the Law as a person or a collegiate body responsible for ensuring institutional integrity measures as well as disciplinary sanctions, within the limits of competences, for integrity incidents.

⁴⁷ https://cna.md/public/files/Ghid_metodologic.pdf

⁴⁸ https://www.legis.md/cautare/getResults?doc_id=134895&lang=ro

members as well as the mechanism for checking the declarations. Detailed information about the provisions of this Law is given in relevant sections of this report below.

Institutional framework

46. CNA is a specialised, independent and apolitical body. Its main responsibility is to prevent, detect and investigate corruption contraventions (misdemeanours) and corruption offences, as determined by the Code of Criminal Procedure. It also performs special investigative measures. In addition, CNA conducts the anticorruption review (corruption proofing) of draft legislation; carries out the institutional integrity assessment, monitors the implementation of integrity plans and assesses the progress made; carries out professional integrity tests; identifies and recovers proceeds of crime through the Criminal Asset Recovery Agency.

47. The National Integrity Authority (ANI) was established by Law no. 132/2016⁴⁹ as an independent public authority, responsible for verifying declarations of assets and personal interests as well as ensuring compliance with the regime of conflicts of interests, incompatibilities, restrictions and limitations. Under Law no. 82/2017, upon requests by heads of public entities, ANI issues certificates of integrity in respect of individuals who intend to apply for employment to eligible public functions. The integrity certificate includes information in respect of an individual on the findings of ANI or court decisions, which are still in force for the last three years. They do not include information about a criminal record, violations found by ANI which have expired or other court decisions given more than three years before the date of the integrity certificate.

48. The Anti-Corruption Prosecutor's Office (APO) is a specialised prosecutor's office, with the mandate to prosecute certain corruption and corruption-related offences committed by certain categories of high-level officials, including PTEFs, and to represent cases sent to courts. More details about APO are given in paragraphs 94-96 below.

Ethical principles/rules of conduct

49. The authorities have affirmed that there is no code of conduct applicable to PTEFs. The GET considers it important that codes of conduct applying to persons with top executive functions be developed. Such codes should be the reference document for ethical standards for PTEFs and should cover all pertinent issues (conflict of interest, incompatibilities, gifts, contacts with lobbyists and third parties seeking to influence the decision-making process, post-employment restrictions, asset declarations, confidential information, etc.). They should be accompanied by detailed guidance containing explanations of the ethical principles, including illustrations and/or examples, in order to facilitate their understanding and application in practice. Moreover, in order to ensure their effective implementation, sanctions incurred in case of breach should be specified. Finally, such codes should be made known to the public in order to show what standards PTEFs are expected to respect and be held accountable for. Consequently, **GRECO recommends that (i) code(s) of conduct for persons with top executive functions, covering all relevant integrity matters (conflicts of interest, incompatibilities, gifts, contacts with lobbyists and third parties, post-employment restrictions, asset declarations, the handling of confidential information and ancillary**

⁴⁹ https://www.legis.md/cautare/getResults?doc_id=136391&lang=ro

activities), be adopted and made public, together with practical guidance, and (ii) the code(s) of conduct be coupled with a credible and effective mechanism for supervision and enforcement, including appropriate sanctions.

Awareness

50. During the on-site visit, the GET became aware that, other than trainings provided by CNA to civil servants and the public at large, no dedicated training has been provided to PTEFs on ethical principles. No formal counselling system is in place to which they may address individual integrity dilemmas, other than sporadically obtaining advice from advisers or the human resources department. The GET stresses that awareness-raising activities, as well as confidential counselling to PTEFs, are important tools to strengthen their integrity in decision-making and inform PTEFs on how to deal with ethical dilemmas in their daily activities and functions, all the more so when new codes of conduct will have been adopted. **GRECO recommends that (i) dedicated awareness-raising trainings or briefings of persons with top executive functions on integrity related matters be systematically provided, when taking up their positions and at regular intervals thereafter, and (ii) confidential counselling on integrity related issues be made available to and documented upon.**

Transparency and oversight of executive activities of central government

Access to information

51. The right of access to information is enshrined in Article 34 of the Constitution, which provides that the right to have access to any kind of information of public interest will not be curtailed. This is further reinforced by Law no. 148/2023⁵⁰ on access to information of public interest, the entry into force of which, on 8 January 2024, will repeal the current Law no. 982/2000⁵¹. This section of the report will therefore describe Law no. 148/2023.

52. Information of public interest is all information held by information providers (e.g. public authorities, public institutions, state of municipal enterprises, etc.), regardless of the storage medium (i.e. paper, electronic or any other format). Access to information will be ensured through proactive transparency (i.e. *ex officio* dissemination of information of public interest, by publishing it on the official website of information providers) and the disclosure of information of public interest upon request.

53. As regards proactive transparency, Article 10 of Law no. 148/2023 sets out a list of sixteen items that information providers should publish and update on their official website (e.g. data on the organisational structure and budget of the public authority, details of the management of the public authority, normative acts regulating the organisation and functioning of the public authority, public procurement data and plan, the annual report on the activity of the public authority, information relating to petitions and requests for access to information of public interest, etc.).

54. As regards the disclosure of information upon request, any individual or legal entity has the right to make a request to obtain information of public interest orally, in electronic form, in writing or by post, without giving reasons or justifications for the request. Information

⁵⁰ https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro

⁵¹ https://www.legis.md/cautare/getResults?doc_id=136300&lang=ro

providers should disclose the information of public interest within ten days, which may be extended by a maximum of seven days if the request is complex or a large amount of information has been requested. Disclosure of information may be refused, in whole or in part, based on one of the grounds prescribed by law (e.g. to protect public security, international relations, the prevention or detection of criminal offences, the conduct of criminal, administrative or judicial proceedings, personal data, intellectual property rights, trade secrets, etc.). An action in court may be lodged against the authorities' refusal to disclose information, which will be examined in accordance with the provisions of the Administrative Code. The monitoring and control of implementation of Law no. 148/2023 will be exercised by the Ombudsman, whose mandate includes, amongst other things, ensuring respect for and compliance with the constitutional right of access to information. The State Chancellery has been entrusted with the preparation of a statistical report reflecting generalised data drawn from the registers of requests for access to information (the report will be submitted to, amongst other bodies, the Ombudsman).

55. The Council of Europe's Convention on Access to Official Documents entered into force in respect of the Republic of Moldova on 1 December 2020⁵².

56. The GET welcomes the passage of Law no. 148/2023, which will come into force in January 2024 and will introduce certain improvements compared to the outdated Law no. 982/2000. Thus, Law no. 148/2023 will introduce the notion of 'information of public interest'; define the list of information providers which are obliged to disclose information of public interest; expand the catalogue of information to be disseminated *ex officio* as part of efforts to ensure proactive transparency; provide for various ways to make requests for information of public interest; lay down an exhaustive list of legitimate grounds for limiting access to information; and introduce the obligation on information providers to create a separate register of requests regarding access to information, to mention but a few. Also, the GET notes that Law no. 148/2023 has empowered the Ombudsman to monitor and control its implementation and ensure respect for the right of access to information of public interest. The GET understands that the Ombudsman's mandate is broader than, and not exclusively devoted to, the protection of the right of access to information (see also paragraph 67 below). While it would have found beneficial to establish a single dedicated and independent body empowered to ensure the monitoring, implementation and systemic review of Law no. 148/2023, it expects that the Ombudsman will be provided with adequate resources and powers to perform its monitoring functions effectively.

57. That said, the GET heard on-site that the authorities often reclassified a request for access to information as 'a petition', which requires a longer period to be examined (30 working days for a petition v. 10 days for a request for access to information). Concerns were also expressed about the excessively long delays in the authorities' response to requests for access to information, the authorities' frequent use of the legitimate grounds of limitations, in particular the protection of personal data, to withhold information or to partially disclose information, the need for training of public officials handling requests for information, the authorities' failure to publish public interest information on their website, as required by law, the lack of a specific body empowered to supervise compliance with the law on access to public interest information and the excessive length of judicial administrative proceedings against the authorities' refusal to disclose public interest information, by the end

⁵² <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=205>

of which the relevance and importance of disclosure of information may have been lost. Consequently, **GRECO recommends that (i) effective measures be taken to ensure compliance with the obligations stemming from the statutory provisions of the freedom of information legislation as regards proactive transparency, the creation of a register of requests for public interest information, the handling of requests for public interest information within the statutory time-limit, and the proportionate application of the legitimate grounds for limitations of access to public interest information, and (ii) regular awareness-raising training on the freedom of information legislation be provided to persons exercising top executive functions and those responsible for its implementation at the Government level.**

Transparency of the law-making process

58. As stated in paragraph 18 above, the President has the right to legislative initiative. Depending on the proposed draft legislation, and once it is published on the President's website, the public consultation process may be managed either by the President's Office or Parliament. The transparency of the law-making process by Parliament was the subject of the Fourth Round Evaluation Report⁵³ and does not fall within the scope of this report. This section will subsequently examine the transparency of the law-making process by the President and the Government.

59. In addition to the Government's right to initiate draft laws, as attributed by Article 73 of the Constitution and which are ultimately passed by Parliament, the Government may itself adopt decisions and ordinances, all of which are referred to as 'normative acts' under national law. According to Law no. 100/2017, a draft normative act is elaborated by the responsible authority empowered to initiate it. To ensure transparency of the law-making activity, all versions of a draft normative act, created at different stages of its elaboration, are to be published in the e-Legislation Information System (e-Legislation), the functioning and use of which are determined by the Government. Depending on the importance and complexity of the respective draft normative act or on whether a draft normative act provides regulations with an impact on the budget and/or provides for reorganisation and structural or institutional reforms, certain draft normative acts may be preceded by an *ex-ante* analysis⁵⁴. An information note to the draft normative act will be drawn up. The draft normative act, accompanied by the information note, will be submitted for public consultation. Ahead of the adoption of this report, the authorities have further provided that efforts are underway to amend Law No 100/2017 in order to improve the mechanism on carrying out, preparing and endorsing various types of expertise (i.e. compatibility, anti-corruption, legal and alignments with relevant EU legislation expertise) and enhance the consultation mechanisms.

60. Transparency in the decision-making process is further regulated by Law no. 239/2008⁵⁵ and by Government decision no. 967/2016⁵⁶ on the consultation mechanism with civil society in the decision-making process. The authority responsible for elaborating a draft normative act will place a notice expressing the intention to initiate the process of

⁵³ <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168075bb45>

⁵⁴ According to Article 26 of Law no. 100/2017, the *ex-ante* analysis will define the problem, establish the objective and scope of legal intervention, identify options and means necessary to resolve the problem and or achieve the objective, compare the existing options and select the best option for achieving the objective.

⁵⁵ https://www.legis.md/cautare/getResults?doc_id=106638&lang=ro

⁵⁶ https://www.legis.md/cautare/getResults?doc_id=137925&lang=ro

preparing the draft normative act on its official website, specifically in a webpage devoted to decision-making transparency, as well as on <https://particip.gov.md/>, for 15 days. The notice on the intention to initiate a draft normative act will also be sent to interested parties. The public authority will initiate public consultation on the draft normative act to receive comments, proposals or recommendations from interested parties. The notice on the organisation of public consultation and related materials will be made public at least 15 working days prior to the initiating public authority endorsing the draft normative act. The notice on the organisation of public consultation will be accompanied by the draft normative act and supporting materials (e.g. the information note, *ex-ante* analysis, etc.). The time-limit for submission of comments/recommendations will be at least ten working days. Recommendations will be examined by the public authority responsible for initiating the draft normative act, which will decide on the acceptance or rejection of recommendations. Reasons will be given in case of rejection. The summary of recommendations received will be placed on the public authority's official website. The public authority may also hold public meetings (hearings), the organisation of which is announced three days prior to their taking place. The draft normative act, as endorsed by the initiating public authority, is submitted to the State Chancellery for approval by the General State Secretaries of Ministries. Once approved under the official inter-service consultations, it is put on the Government's agenda, which is published three days prior to the Government's meeting.

61. The GET heard on-site concerns from non-governmental interlocutors that they have not been regularly solicited to provide comments on draft normative acts which are relevant to their work. When asked to do so, the time-limits for public consultation are short, their comments and recommendations have been rejected by the authorities without giving adequate reasons, and the final version of the draft normative act, sent for approval to the Government, is often not shared with them. In their view, this renders the public consultation process meaningless. According to non-governmental interlocutors, certain draft normative acts have not even been supported by information documents⁵⁷. The GET received information from the authorities that the ten-day time-limit for submission of comments/recommendations is usually respected and exceeded, and that all draft normative acts are supported by an information note. A summary of recommendations, including their assessment and conclusion, is published on the website of the initiating authority, which is bound to prepare annual reports about the public consultation process.

62. Be that as it may, the GET considers that the current statutory ten-working-day period for making comments and recommendations is insufficient to have broad and meaningful public consultation with concerned individuals and organisations. The GET recognises that emergency draft legislation may be approved in exceptional and duly justified circumstances and ought to be subject to adequate timeframes for public consultation. As asserted by the authorities, no study/analysis has been carried out to assess the level and quality of transparency and public consultations regarding the legislative proposals initiated by the Government. The GET is of the view that such a study/analysis would provide appropriate responses to improve the transparency of draft legislation and to ensure an effective consultation process, for example by providing a legislative footprint tracking all external interventions from the beginning of the legislative process, by informing the public of the consideration of proposals and recommendations of citizens/entities as well as of the

⁵⁷ See, also, the newly released European Commission 2023 report on the Republic of Moldova, which states that "draft legislative acts lack accompanying information and explanatory documents and do not provide a full overview of the decision-making cycle".

adoption of the draft normative act, etc. Lastly, the GET notes that the whole process of public consultation is shared amongst three websites/portals⁵⁸, which renders the process of providing comments rather difficult. Instead, the creation of a single/unified website/portal documenting the elaboration of draft normative acts from the beginning of the process, including the provision of public comments, recommendations and proposals as well as the authorities' responses thereto, and the final draft normative acts submitted for approval to the Government, may be a more suitable approach in order to enhance the transparency of draft legislation originating from the President's Office and the Government and ensure a broad level of public consultation in respect of the Government's draft normative acts. Consequently, **GRECO recommends that (i) a study be undertaken to assess the effectiveness and quality of public consultation and, in the light of its findings, remedial measures be taken; (ii) the minimum statutory timelines for public consultation be increased; and (iii) a unified portal documenting the entire process of drafting a normative act, the conduct of public consultation and the decision-making by the Government be put in place.**

Third parties and lobbyists

63. Lobbying is not regulated *per se*. There are no rules or procedures regulating disclosure of contacts between PTEFs and third parties or lobbyists seeking to influence the decision-making process. The GET wishes to stress the importance of regulating lobbying activities for avoiding any influence over PTEFs. While PTEFs may sometimes consider that their contacts with third parties is purely private, GRECO has consistently called for proper guidance to be provided to PTEFs so as to clearly differentiate what qualifies as strictly private exchanges from meetings that may influence, or may be seen as seeking to influence, the decision-making process. The latter should be duly reported and accessible to the public. Therefore, **GRECO recommends that (i) rules on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's decision-making processes, decisions and other activities be introduced, and (ii) sufficient information about the purpose of these contacts be disclosed such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.**

Control mechanisms

64. Under Article 104 of the Constitution and Article 2 (6) of Law no. 136/2017 on the Government, the Government is responsible for its work before Parliament and will provide information and documents requested by Parliament, its committees and members. The attendance of the members of Government to parliamentary sessions is mandatory if so requested. Parliament exercises its oversight in, at least, four ways: motions (in order to formulate a position regarding a domestic or foreign matter after the conduct of an interpellation or to express a vote of no confidence), interpellations (in order to request explanations regarding a specific domestic or foreign policy activity), questions (which are put to Government members on a weekly basis) and reports (regarding the activity of Government members). Also, Parliament approves the financial resources for the President's office, which are included in the State budget.

⁵⁸ The e-Legislation portal has been mandated by Law no. 107/2017. The website www.particip.gov.md has been set up pursuant to Law no. 239/2008 and the Government decision no. 967/2016. The initiating authority also publishes information on its own website.

65. An external audit is carried out by the Court of Accounts (also known as Court of Auditors), which has audited several Ministries and the President's Office between 2018 and 2022. It transpires from the document made available to the GET that a recurring finding made by the Court of Accounts concerns deficiencies or gaps in the proper organisation and functioning of the internal managerial control system, in particular the low or reduced staffing and operation of the internal audit services due to a high turnover of employees and a moratorium by the Government on filling vacant positions. According to the Court of Accounts, this has affected the carrying out of audit activities, the identification and management of risks as well as the veracity and completeness of reports produced. The GET considers it important to have in place a fully staffed and functional internal audit service in Ministries and the President's Office, as that would assist towards the prevention and detection of integrity breaches and other irregularities, including those which may involve persons entrusted with top executive functions. Consequently, **GRECO recommends that the internal audit service of the President's Office and all Ministries, including the State Chancellery, become fully staffed and fully operational.**

66. Financial Inspection, which is subordinated to the Ministry of Finance and the activity of which has been regulated by Government decision no. 1026/2010⁵⁹, may carry out financial inspection of operations and transactions regarding compliance with the regulatory framework in the budgetary and economic-financial fields. In the performance of its function, if the Financial Inspection detects irregularities and/or damages, it transmits the materials of financial inspections (controls) and the references on the damage caused to law enforcement authorities.

67. The Advocate of the People (Ombudsperson) examines requests regarding the violation of human rights and fundamental freedoms and submits to the authorities and/or responsible persons proposals and recommendations on the reinstatement of the rights of the persons in respect of whom the violation of human rights and fundamental freedoms has been found. S/he also examines applications for the protection of whistle-blowers against retaliation and contributes to their defence. The Ombudsperson may also act *ex officio* if s/he has information on the violation of human rights and fundamental freedoms, in cases of particular social importance or if it is necessary to defend the interests of persons who cannot independently use the legal means of defence.

Conflicts of interest

68. Law no. 133/2016 on the declaration of assets and personal interest, which applies to PTEFs by virtue of Article 3, has defined conflict of interest as a situation in which an individual has a personal interest that influences, or could influence, the impartial and objective exercise of the obligations and responsibilities incumbent on him/her, according to the law. A 'personal interest' is defined as "any material or immaterial interest of the subject of the declaration resulting from his/her activities as a private person, from his/her relations with those close to him/her or with legal entities, regardless of the property type, from his/her relations or affiliations with non-commercial organisations or international organisations, as well as those resulting from the person's preferences or commitments".

⁵⁹ https://www.legis.md/cautare/getResults?doc_id=128909&lang=ro

69. Article 12 of Law no. 133/2016 provides for the following categories of conflicts of interest: potential conflict of interest⁶⁰, real conflict of interest⁶¹ and consumed conflict of interest⁶². In case of a potential conflict of interest, the immediate supervisor will provide advice in order to avoid the occurrence of a real conflict of interest. In case of a real conflict of interest, the person is obliged to inform the hierarchical superior or body immediately, but not later than three days from the date of finding out about the conflict of interest in which s/he finds himself/herself, and to not take any action whatsoever until the resolution of the conflict of interest, save for abstention. The act of declaring a real conflict of interest is registered in the register of declarations of conflicts of interest. The competent body is obliged to address the real conflict of interest, within three days of it being informed, by taking one of the following measures: to restrict the access of the subject of the declaration, affected by a conflict of interest, to certain information or restricting his/her participation in the examination of situations related to his/her personal interest; to transfer the subject of the declaration to another position, with his/her written consent; to redistribute the tasks and duties of the subject of the declaration or delegate the responsibility for issuing/adopting the administrative act, concluding the legal act, participating in the decision-making or taking the decision to another person with decision-making powers, including where the real conflict of interest can be repeated; to order the issuance/adoption of the administrative act, the conclusion of the legal act, the participation in decision-making or decision-making, if the other measures cannot be applied. The subject of the declaration is obliged to comply with the decision resolving the real conflict of interest. The President of the Republic, the Prime Minister and members of the Government are obliged to inform the National Integrity Authority (ANI) immediately, but not later than three days from the date of finding out about the existence of a real conflict of interest. However, if ANI has not resolved the conflicts of interest within the period provided for by law, the President, the Prime Minister and members of the Government may not be sanctioned for breaches of the legal regime of conflicts of interest.

70. During the on-site visit, concerns were expressed about PTEFs' lack of understanding regarding situations of conflict of interest. The GET considers that PTEF's awareness may be addressed through efforts that the authorities will undertake to implement GRECO's recommendation made in paragraph 50 above. The GET also heard that registers of declaration of conflicts of interest are not systematically made public. The President's Office confirmed that the register of conflicts of interest is blank.

71. The GET considers it important that, for the sake of transparency, the public should be informed about situations of conflict of interest and their proposed solutions. As regards potential conflicts of interest, the GET is concerned that the Law does not provide for the

⁶⁰ A potential conflict of interest represents a situation in which the personal interests of the subject of the declaration could result in the occurrence of a real conflict of interest, which shall be declared (in accordance with the Law).

⁶¹ A real conflict of interest occurs if the subject of the declaration is requested to deal with a request/claim, to issue an administrative document, to conclude directly or through a third person a legal act, to take a decision or to participate when taking a decision in which s/he has personal interests or which targets persons close to him/her, natural persons and legal entities with whom s/he has patrimonial relations and who influence or may influence the impartial and objective exercise of the mandate, public office or public dignity.

⁶² A consumed conflict of interest represents the act of the subject of the declaration on resolution of a request/a claim, on issuing an administrative act, on concluding a legal document either directly or by a third party, on taking or participating in the decision-making process in the exercise of her/his mandate, public office or public dignity in violation of the provisions (governing a real conflict of interest).

scope of direct actions or instructions to be taken by the immediate supervisor; neither does the Law refer to a general procedure for the resolution of such a situation, such as the procedure for the resolution of a real conflict of interest. Furthermore, the Law does not provide for the definition, declaration and resolution of a perceived (apparent) conflict of interest, which, in the context of PTEFs, is bound to exclude any claims that a reasonable person may make that a PTEF's decision could be unduly influenced by a private interest – whether or not this is in fact the case, i.e. even if the PTEF is confident of his/her own objectivity⁶³. Lastly, it should be noted that the GET finds it problematic that the legislation allows the President, the Prime Minister and members of the Government to participate in the decision-making, if ANI has not yet resolved a situation of conflict of interest of which it has become aware. The GET considers it necessary that all PTEFs, without exception, be required to abstain or withdraw from the decision-making process if they find themselves in or have declared a potential (perceived) or real conflict of interest. The law should provide for alternative ways of a decision being taken even when a situation of potential (perceived) or real conflict of interest remains unaddressed or has been belatedly addressed by the competent body, for example by enhancing the competencies of other positions. Consequently, **GRECO recommends that the system for managing conflicts of interest of persons with top executive functions be strengthened by (i) providing a clear definition of perceived (apparent) conflict of interest; (ii) ensuring that persons with top executive functions step aside from the decision-making process in the case of a potential, perceived (apparent) or real conflict of interest, and (iii) publishing registers of declaration of conflicts of interest.**

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

72. Article 81 of the Constitution provides that the position of the President of the Republic is incompatible with the holding of any other remunerated position. Under Article 99 of the Constitution and Article 20 of Law no. 136/2017 (on the Government), the office of the members of Government is incompatible with: the holding of any other remunerated position; the entrepreneurial activity carried out personally or with the holding of any management position within the companies; the exercise of the activity, including in the management bodies, within the legal entities of private law.

73. According to Article 12 of Law no. 199/2010 (on the status of persons with positions of public dignity), the dignitary, as set out in footnote 27 above, is not entitled to carry out any other remunerated activity, save for didactic and scientific activities. By way of derogation, the person holding the position of Secretary of State may have the right to exercise remunerated activity within the board of directors of the State enterprise and within the board of the public joint-stock company in which the State holds a share of the capital.

74. Article 18 of Law no. 80/2010 (on the status of staff in the cabinet of persons holding positions of public dignity) provides that cabinet advisers may not exercise public functions or hold position of a contractual nature within the public authorities. They may not perform other remunerated activities through an individual employment contract or through another

⁶³ See, also, the 2022 OECD report, referred to in footnote 5 above, which, under Benchmark 2.1.3, states, amongst others, that “the law covers both actual (“real”) and potential conflict of interest but not apparent conflict of interest”.

contract of a civil nature within commercial companies, cooperatives, state or municipal enterprises, as well as non-commercial organisations, from the public or private sector, the activity of which is controlled, subordinated or to a certain extent are under the competence of the authority in which s/he is employed, with the exception of scientific, didactic and creative activities or as a member who does not work permanently within the collegial bodies of the autonomous public authorities. They may exercise remunerated activity within the boards of directors of enterprises of the State and within the boards of joint-stock companies in which the State holds shares in the social capital.

75. In accordance with Article 12 of Law no. 82/2017 on integrity, PTEFs are required to put an end to a situation of incompatibility within one month from the start of their mandate or employment or, if termination of the incompatibility within the above period does not depend on their will, to submit evidence that they undertook actions to eliminate the situation in good faith. In addition, PTEFs are required to take action, within two months, to terminate the direct hierarchical relations with people related to by blood (i.e. parents, siblings, and children) or by affinity (i.e. spouse and in-laws), with his/her partner (concubine) who work within the same public entity.

Contracts with state authorities

76. There appears to be no prohibition for PTEFs to hold shares in legal entities which may have entered into contracts with State authorities. Thus, Article 4 of Law no. 133/2016 requires PTEFs to declare capital shares held in a commercial company in the declaration of assets and personal interests. However, when taking a decision in respect of companies in which they hold capital shares, PTEFs must declare the conflict of interest in accordance with paragraph 69 above.

Gifts

77. According to the authorities, Article 16 of Law no. 82/2017 on integrity prohibits the request or acceptance of gifts, goods, services, favours, invitations or any other advantage intended for PTEF's personal use or for their family members, if their offering or granting is directly or indirectly related to the performance of their professional activity (inadmissible gifts). If a PTEF is offered an inadmissible gift, s/he should: refuse it; ensure that s/he is accompanied by a colleague; immediately report this attempt to the responsible anti-corruption authority; notify the superior and hand over the gift(s) which has been delivered without his/her knowledge or in his/her absence, etc. Requesting or accepting inadmissible gifts triggers criminal liability under the Criminal Code.

78. However, PTEFs may accept gifts given out of politeness or received on the occasion of protocol actions (admissible gifts). Money, in national or foreign currency, save for jubilee and commemorative metallic coins, financial means and instruments of payment are not considered admissible gifts. All admissible gifts are to be declared and entered in a public register kept by each public entity. Government decision no. 116/2020⁶⁴ on the legal status of gifts states that there is no obligation to declare the following gifts: medals, decorations, badges, orders, sashes, collars and the like received in the exercise of their functions; office stationery received by PTEFs on the occasion of their participation in training seminars,

⁶⁴ https://www.legis.md/cautare/getResults?doc_id=120625&lang=ro

conferences, round tables and other similar events; perishable products; gifts received by public agents in the form of benefits or discounts on the purchase of goods and services granted to a wide category of persons, to the public in general or to an entire clientele; expenses paid by a domestic or foreign non-commercial organisation, a foreign or domestic public entity for participation in a conference, study visit, research mission or any other meeting in the interest of their work.

79. A three-member commission for recording and valuating gifts is set up in each public entity, which has the task to: keep records of admissible and inadmissible gifts; determine the value of admissible gifts on the basis of the market price indicated in the recipient's declaration which has to be submitted within three days from receipt of the gift; return the admissible gifts to the recipient if s/he has so requested and the total value of all admissible gifts received in a given year does not exceed MDL 1,000 (approx. EUR 50); transfer admissible gifts to public entities in which case the recipient may challenge the decision before the competent administrative court; forward inadmissible gifts to CNA; and maintain and update quarterly, on the official website of the public entity, the registers of admissible and inadmissible gifts. If the recipient of an admissible gift expresses a wish to keep the admissible gift, the value of which exceeds EUR 50, s/he may redeem it by paying for the excess over EUR 50.

80. The GET discussed various situations of what constitute admissible gifts with the authorities, especially in the context of perishable products. It became evident that the interlocutors had varying degree of interpreting the notion of 'perishable products'. In this context, the GET considers that the rules may need to become more specific and be accompanied by guidance, including practical examples, as well as sanctions for violations of the rules on gifts. The GET considers it important that the future codes of conduct for PTEFs, and the accompanying guidance (see paragraph 49 above), address in sufficient detail the acceptance and reporting of gifts, including 'perishable products', as well as the imposition of effective, dissuasive and proportionate sanctions. The GET is satisfied to note that the President's Office and almost all Ministries have published the register of gifts online⁶⁵. It encourages the authorities to continue updating the register of (admissible and inadmissible) gifts, as required by law, in order to ensure transparency and accountability towards the public, and invites CNA to follow up with the authorities on the register of inadmissible gifts on a regular basis.

Misuse of public resources

81. The Criminal Code has devoted a chapter to crimes against the adequate performance of the activity in the public sector, which provides, amongst others, for the following offences: abuse of power or abuse of office (Article 327), excess of power or overstepping of official duties (Article 328), negligence in office (Article 329), forgery of public documents (Article

⁶⁵ See, for example, the President's Office - <https://presedinte.md/rom/lista-cadourilor-protocolare>; the State Chancellery - <https://cancelaria.gov.md/ro/advanced-page-type/rapoarte-0>; Ministry of Justice - <https://justice.gov.md/ro/content/registrul-cadourilor-0>; Ministry of Finance - <https://www.mf.gov.md/ro/ministerul-finan%C8%9Belor/catalogul-de-date-deschise-al-ministerului-finan%C8%9Belor>; Ministry of Interior - <https://mai.gov.md/ro/lista-cadourilor-declarate-de-catre-angajatii-mai>; Ministry of Foreign Affairs and European Integration - <https://mfa.gov.md/ro/content/registrul-cadourilor-admisibile>; Ministry of Environment - <https://mediu.gov.md/ro/content/registrul>; Ministry of Health - <https://ms.gov.md/transparenta-decisionala/activitatea-anticoruptie/>; and Ministry of Defence - https://www.army.md/img/userfiles/anticoruptie/registru_cadouri_adm_2020_untilnow_upd040723.pdf.

332), fraudulent procurement of means from external funds (Article 332¹) and embezzlement of means from external funds (Article 332²).

Misuse of confidential information

82. Law no. 245/2008 on State secrets provides for the preservation of state secrets by PTEFs and they are obliged to preserve personal data in accordance with the law on the protection of personal data. Also, Article 15 (d) of Law no. 80/2010 on the status of staff in the cabinet of persons holding positions of public dignity provides that cabinet advisers have an obligation to protect state secrets, as well as confidentiality in relation to the facts, information or documents that they become aware of in the exercise of their functions, with the exception of information of public interest.

Post-employment restrictions

83. Article 24 of Law no. 82/2017 on integrity requires PTEFs to comply with the regime of post-employment restrictions and limitations provided for in Articles 18-21 of Law no. 133/2016 on the declaration of assets and personal interests. Thus, PTEFs are obliged to inform in writing, within three days of receipt, their employer or, as the case may be, the National Integrity Authority, of a job offer that they intend to accept if it may generate a conflict of interest. Domestic law provides for a one-year cooling off period during which former PTEFs are obliged to: refrain from obtaining benefits which are not provided for by law or by the individual labour agreement on account of the job they held previously, including on account of business information they obtained in the exercise of that function; refrain from taking up employment in commercial and non-commercial companies if, during the last year of activity within the public entity, before the termination of the mandate or employment relationship, they had direct supervision of and/or control over those companies; refrain from asking a company in which s/he or persons close to him/her have shares or work as part of the management or oversight structures to conclude commercial contracts with the public entity in which they worked during the last year before the end of the mandate or employment relationship; refrain from exercising the powers of representation of interests of natural persons and legal entities before the public entity in which they worked during the last year before the end of the mandate or employment relationships.

84. During the on-site visit, the GET did not hear any criticism about the one-year cooling-off period, though it notes that most GRECO members reviewed to date have established longer cooling-off period – the most common timeframe standing at two years. The GET understands that in terms of the cooling-off period, length is less important than whether the limits are effective in preventing and managing conflicts of interest. The right balance must be sought between fostering public officials' integrity and supporting a flexible labour market. That said, the GET heard serious concerns about the absence of enforcement of post-employment restrictions, even though, under domestic law, heads of institutions are required to take measures to ensure compliance with the legal regime of post-employment restrictions and limitations. Also, other than submitting a declaration of assets and interest within 30 days from the date of leaving office or terminating employment, PTEFs do not have any other obligation to report taking up employment upon the expiry of that time-limit. No statistics have been made available on whether any sanctions have been applied on PTEFs having breached the post-employment restrictions. It is the GET's view that the system would gain in clarity if a body were in charge of supervising post-employment restrictions and ensuring the

imposition of proportionate, dissuasive and effective sanctions, as provided for by law. Therefore, **GRECO recommends that (i) an effective supervision mechanism be established to implement the rules on post-employment restrictions in respect of persons with top executive functions, and (ii) the supervision mechanism be given the powers to impose adequate sanctions in case of breaches of the rules on post-employment restrictions.**

Declaration of assets, income, liabilities and interests

Declaration requirements

85. Article 3 of Law no. 133/2016 on the declaration of assets and personal interests obliges all PTEFs to file declarations of assets and personal interests. Article 4 sets out a wide-ranging list of items⁶⁶ that should be disclosed in the declaration of assets. Also, PTEFs are obliged to disclose assets of their family members, including the spouse, partner (cohabitee/concubine) and minor children, as well as dependants. Declaration forms are filed within 30 days from taking up office, annually by 31 March, and within 30 days from leaving office or the termination of employment, through an online electronic platform (e-Integrity)⁶⁷ operated by the National Integrity Authority (ANI). Declarations are published by ANI⁶⁸, within 30 days from the expiry of the deadline for their submission, and are accessible for 15 years from the date of submission, subject to concealment/deletion of personal data such as date of birth, address, bank accounts numbers, etc.

Review mechanisms

86. Declarations of assets and personal interests are reviewed by ANI's integrity inspectors, whose duties, rights and obligations are set out in Articles 19 and 20 of Law no. 132/2016 on ANI. Out of 43 integrity inspectors, 28 positions have been occupied. The GET does not consider it appropriate to propose any recommendation towards increasing ANI's capacity as that is being kept under review within the Fourth Round Compliance Procedure (recommendation iv).

87. There are two types of review carried out by integrity inspectors. The first consists of a verification, the aim of which is to check the timely submission of declarations and compliance with the formal requirements. According to Article 27 of Law no. 132/2016, verification is performed randomly based on risk factors, corruption factors, vulnerability of the subjects of the declaration and criteria approved by ANI's Integrity Council. At least 30% of the declarations of assets and personal interests verified during a calendar year are to concern the President, parliamentarians, Ministers, Secretaries of State, judges, prosecutors, etc. At the end of verification, the integrity inspector issues a report, containing one or more findings, as laid down in Article 27.

⁶⁶ The scope of disclosure includes income, movable and immovable properties, financial assets (e.g. bank accounts, forms of savings and investment, etc.), debt (e.g. loan, mortgage, pledge, guarantee, etc.), precious goods, collection of artefacts, capital shares, membership of management, administrative, auditing or supervisory bodies of non-commercial or commercial companies, contracts for which s/he is the beneficiary owners, services and virtual goods and currency.

⁶⁷ <https://ani.md/ro/node/62>

⁶⁸ <https://portal-declaratii.ani.md/>

88. The second is an in-depth control, which consist of a thorough review of a declaration and is performed in respect of a smaller number of declarations. According to Article 28 of Law no. 132/2016, the in-depth control takes place *ex officio* or at the request of natural persons or legal entities (upon filing a complaint in writing, by post, by fax, orally or electronically), in accordance with the provisions of this Law and a methodology for conducting the verification and control. The *ex officio* in-depth control is initiated upon a referral made by ANI's President or Vice-President or by the integrity inspector. The integrity inspector decides to refer a declaration to in-depth control if, after verification, s/he ascertains the appearance of: a violation of the legal regime regulating the disclosure of assets and personal interests; non-disclosure of all assets and personal interests or their erroneous or incomplete disclosure; or a substantial discrepancy between the gained income, incurrent expenses and resultant acquired wealth. At least 20% of the in-depth control of declarations during a calendar year are to concern persons holding positions of public dignity (amongst whom certain PTEFs – see footnote 27 above).

89. At the conclusion of the in-depth control procedure, the integrity inspector issues an act finding (or not) the violation of the legal regime of the declaration of assets and personal interests, which is published on ANI's website. This act of finding may be challenged before the Chisinau Court of Appeal and, subsequently, the Supreme Court of Justice. If the integrity inspector finds the existence of unjustified wealth (i.e. a substantial difference between the income obtained, the expenses incurred and the acquired assets), s/he orders the termination of the mandate or employment relationship of the person concerned and imposes a prohibition to hold public office or positions of public dignity. ANI will also file a motion to court for confiscation of unjustified wealth.

90. During the on-site visit, it became apparent that, in view of the extremely high number of declarations filed with ANI in a calendar year, its integrity inspectors were able to handle with only a tiny fraction thereof. According to ANI's annual report 2022⁶⁹, a total of 72,202 declarations were filed, including 7% (i.e. 5,054 declarations) rectifications of submitted declarations; 1,176 declarations of assets and personal interests filed by persons holding positions of public dignity were verified *ex officio* in 2022, none of which pertained to PTEFs, in the sense of this report (they concerned parliamentarians, judges, prosecutors and heads of autonomous public institutions/authorities); 158 in-depth controls were initiated, 82 of which concerned declarations of assets and personal interests filed by persons holding positions of public dignity, none of which concerned PTEFs; 358 in-depth controls were completed, in respect of which 165 acts finding breaches of the regime of declaration of assets and persons interests were drawn up, including one in respect of a former President of the Republic.

91. In view of the above figures, the GET considers that the number of declarations subjected to in-depth control (out of the total number of declarations filed in a calendar year) is so low that any resulting findings of violations of the regime of declaration of assets and personal interests falls short of being effective and dissuasive. The GET was further told that the statutory 20% threshold for in-depth control of declarations filed by persons holding positions of public dignity, including certain PTEFs, could not be reached, in practice. In these circumstances, it is the GET's firm view that ANI must develop a realistic and enforceable annual plan (and a medium/long-term strategy) for performing in-depth controls to

⁶⁹ [https://www.ani.md/sites/default/files/Raportul%20ANI%202022%20\(aprobat\).pdf](https://www.ani.md/sites/default/files/Raportul%20ANI%202022%20(aprobat).pdf)

strengthen the credibility of the regime for the declaration of assets and personal interests and increase accountability of declarants. Such a plan should prioritise PTEFs, who may be selected randomly or upon notification to ANI or on the basis of objective criteria to be established annually. The e-Integrity platform should be further enhanced to raise red flags about the content of declarations, after cross-checking data with other existing national databases. As part of the annual plan, ANI's undertakings also need to extend to regularly publish comprehensive information that is easily accessible and understandable to the wider public. Consequently, in order to strengthen the credibility of the review process of declarations filed by persons with top executive functions, **GRECO recommends that (i) systemic (preferably annual), realistic and enforceable in-depth control of declarations be developed and implemented, and (ii) comprehensive statistics on the in-depth control of declarations and its results be made public on a regular basis.**

92. The GET also heard that integrity inspectors are independent in the performance of their duties, as also prescribed by Article 20 of Law no. 132/2016. Each of them is free to make findings and issue decisions, while there is no system of control (e.g. a four-eye system) to ensure consistency amongst decisions given by various integrity inspectors. Even though the Chief Inspector may issue an opinion drawing the attention of an integrity inspector to a decision inconsistent with the practice, the integrity inspector is not bound by it. The GET considers that maintaining consistency of decisions adopted by integrity inspectors as well as of ANI's practice is fundamental for the promotion and maintenance of public trust in public institutions. In addition, the GET is mindful of findings made in other reports⁷⁰, according to which there is an uneven random distribution of work amongst integrity inspectors and a lack of oversight management tools. Consequently, pending the adoption of a methodology on the performance of verifications and in-depth controls which aims at addressing such issues, **GRECO recommends that an internal effective oversight mechanism be established within the National Integrity Authority in order to ensure consistency of decisions of integrity inspectors as well as an equal and fair distribution of the workload amongst integrity inspectors.**

Accountability and enforcement mechanisms

Criminal proceedings and immunities

93. Article 81 of the Constitution provides that the President of the Republic enjoys immunity and will not be held legally liable for the opinions expressed in the exercise of his/her mandate. Based on the majority of at least two-thirds of the votes cast by its members, Parliament may decide to indict the President of the Republic in the event the latter commits a criminal offence. Under Article 270 (1) (a) of the Code of Criminal Procedure (CCP), the prosecutor will carry out the criminal prosecution into the criminal offences allegedly committed by the President of the Republic. The Supreme Court of Justice (SCJ) will act as a court of first instance, in accordance with Article 39 of CCP. The President will be legally removed from office on the date of the delivery of SCJ's decision. The remainder of PTEFs do not enjoy immunity and are held liable for committing criminal offences.

⁷⁰ <https://crjm.org/en/acts-national-integrity-authority-judicial-practice/>

94. The Anti-corruption Prosecutor's Office⁷¹ (APO) was set up as a specialised prosecutor's office by Law no. 3/2016⁷² on the Prosecutor's Office. According to Article 2 of Law no. 159/2016 on specialised prosecutor's offices⁷³, APO is an independent entity within the Prosecutor's Office, led by a Chief Prosecutor, which is to have a treasury account and internal organisational subdivisions (e.g. a media information and communication unit, an economic-financial, administrative, secretarial and archival unit, an official website, etc.). Under Article 270¹ of the CCP, APO carries the criminal investigation and prosecution in respect of certain corruption and corruption-related offences under the Criminal Code⁷⁴ if: (i) they have been committed by, amongst other persons, the President of the Republic and Members of the Government; (ii) the offences of active corruption (Article 325) and trading in influence (Article 326) have been committed towards, amongst other persons, the President of the Republic and Members of the Government; or (iii) regardless of the status of the perpetrator, the amount of money, the value of services, goods, privileges in any form claimed, promised, accepted, offered given or received exceeds MDL 300,000 (approx. EUR 15,456) or the value of the damage caused by the crime exceeds MDL 3,000,000 (approx. EUR 154,560).

95. The GET considers that two elements deserve to be highlighted in this report as regards APO, as it has a central active role in the investigation and prosecution of high-level corruption. In the first place, the GET notes that APO may investigate and prosecute the President of the Republic and members of the Government for certain corruption and corruption-related offences, irrespective of any threshold of profits or damage being reached. However, the remaining PTEFs, as identified in this report (i.e. the Secretary General of the President's Office, the Secretary General of the Government, State Secretaries of the Government, Secretaries of State, Presidential Advisers, Ministerial Advisers, including experts or consultants (non-tenured advisers)) are not on the list of subjects in respect of whom APO has a mandate to investigate and prosecute the commission of corruption and corruption-related offences (unless certain threshold of profits or damage have been attained). The GET sees merit in including all PTEFs within APO's jurisdiction, as, by virtue of their direct role and influence, they may be involved in committing one of the corruption and corruption-related offences listed for in Article 270¹ of the CCP. This would ensure consistency of approach in the investigation and prosecution of all PTEFs⁷⁵.

⁷¹ <https://procuratura.md/anticoruptie/>

⁷² https://www.legis.md/cautare/getResults?doc_id=136011&lang=ro

⁷³ https://www.legis.md/cautare/getResults?doc_id=120705&lang=ro

⁷⁴ Article 324 – Passive corruption; Article 324¹ – Passive political corruption; Article 325 – Active corruption; Article 325¹ – Active political corruption; Article 326 – Trading in influence; Article 326¹ – Exercise of duties by a public official in situations of conflict of interest; Article 327 – Abuse of power or abuse of office; Article 328 – Excess of power or overstepping of official duties; Article 329 – Negligence in office; Article 330¹ – Breach of confidentiality of information in declarations of assets and personal interests; Article 330² – Illicit enrichment; Article 332 – Forgery of public documents; Article 332¹ – Fraudulent procurement of means from external funds; Article 332² – Embezzlement of means from external funds; Article 333 – Passive bribery; Article 334 – Active bribery; Article 335 – Abuse of office (committed by private parties); and Article 335¹ – Forgery of accounting documents.

⁷⁵ Ahead of the adoption of this report, the authorities have provided that, on 24 November 2023, Parliament passed amendments to the CCP, which would expand APO's jurisdiction to cover PTEFs identified in this report (<https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6725/1anguage/ro-RO/Default.aspx>). The amendments have yet to enter into force.

96. Secondly, the GET heard from various interlocutors, and it has been documented in recent reports⁷⁶, that APO has chronically experienced a lack of human resources⁷⁷ which have been filled through regular temporary assignment (*delegare*) from other prosecutor's offices and secondment (*detaşare*) from CNA, not least because it cannot dispose of its own budget (which is *de facto* managed by the PGO) and cannot fulfil its own needs in a sufficiently independent manner (the Prosecutor General, at the proposal of APO's Chief Prosecutor, approves and modifies APO's organisational structure, which, currently lacks an accountant, information technology specialists, financial analysts, translators/interpreters, and a media information and communication unit). In turn, this has adversely affected the effectiveness of investigation and prosecution of high-level corruption⁷⁸ (APO's resources and efforts having also been diverted to the prosecution of petty and medium-level corruption until recently), APO's independence, its cooperation with other authorities as well as transparency and accountability towards the public. Furthermore, in view of the entry into force of recent legislation⁷⁹ which has delineated the competencies between CNA and APO and has entrusted the territorial prosecutor's offices with the prosecution of cases investigated by CNA, APO may no longer work with CNA's resources and technical capabilities. Temporary assignments from other territorial prosecutor's offices have been reduced and made subject to stricter rules⁸⁰. Such a situation gives rise to the need to strengthen APO's resources and its capabilities to perform investigations, including special investigative measures. Consequently, **GRECO recommends that (i) all persons with top executive functions be included in the list of categories of officials who may be investigated and prosecuted by the Anti-corruption Prosecutor's Office for the commission of certain corruption and corruption-related offences, and (ii) the Anti-corruption Prosecutor's Office be provided with adequate human, financial and technical resources, as well as the necessary autonomy in order to carry out effective investigation and prosecution of offences involving persons with top executive functions and regularly inform the public of the progress of its work.**

Non-criminal enforcement mechanisms

97. Ascertaining compliance with the regime of conflicts of interests, incompatibilities, limitations and restrictions goes through the same verification and in-depth control procedures described above. At the conclusion of the in-depth control, the ANI integrity

⁷⁶ See the OECD's report in footnote 5 above; CCIA's report entitled "Disrupting dysfunctionality: Resetting Republic of Moldova's Anti-corruption Institutions" at <https://ccia.md/en/reports/disrupting-dysfunctionality/>; and APO's Report 2022: Functional Analysis of APO at <https://procuratura.md/anticoruptie/sites/procuratura.md.anticoruptie/files/2023-03/Raportul%20Procuraturii%20Anticorup%C8%9Bie%2C%202022.pdf>

⁷⁷ According to APO's Report 2022, APO should have a workforce of 130 employees, which is to include 50 prosecutors; 15 criminal prosecution officers (*ofițeri de urmărire penală detașați*) and 15 investigation officers (*ofițeri de investigații detașați*) seconded from CNA and other LEAs; 36 consultants to prosecutors (*consultanți ai procurorului*) and 12 specialists. In fact, as of October 2023, APO's workforce consisted of 48 prosecutors (8 of whom were temporary assigned to APO from other prosecutor's offices); 10 criminal prosecution officers and 6 investigation officers seconded from CNA and other LEAs; 23 consultants, 5 specialists and 5 technical staff members.

⁷⁸ See, also, paragraph 12 above.

⁷⁹ Law no. 245/2023, as entered into force on 22 August 2023 (https://www.legis.md/cautare/getResults?doc_id=138674&lang=ro). According to the legislative amendments, APO will investigate and prosecute high-level corruption, while CNA and territorial prosecutor's office will deal with systemic and petty corruption.

⁸⁰ See Law no. 200/2023 on the amendment of some normative acts (https://www.legis.md/cautare/getResults?doc_id=138387&lang=ro) has introduced stricter rules on secondment of prosecutors from territorial prosecutor's offices to specialised prosecutor's offices.

inspector will draw up a report and apply a sanction provided for in the Contravention Code⁸¹ in case s/he finds a breach of the relevant provisions. In addition, s/he may request the termination of the mandate or employment and impose a ban to hold public office or a position of public dignity for a period of three years. In case the person no longer holds a public function or a position of public dignity, the ban applies as of the date of the report or when a court decision confirming the existence of a breach of the provisions becomes final.

98. Under Article 330² of the Contravention Code, violations of the rules for declaring assets and personal interests carries a fine ranging from MDL 1,500 to 4,500 (approx. EUR 76 to 227). According to Article 313² of the Contravention Code, failure to declare a conflict of interest carries a fine ranging from MDL 2,250 to 3,000 (approx. EUR 114 to 152) for the declarant, and a fine from MDL 6,000 to 9,000 (approx. EUR 303 to 455) for his/her manager. Failure to resolve the conflict of interest entails a fine ranging from MDL 3,000 to 4,500 (approx. EUR 152 to 227) for the concerned person, and a fine ranging from MDL 9,000 to 12,000 (approx. EUR 454 to 606) for the person with a position of responsibility. Article 313⁴ provides that a violation of the legal regime of incompatibilities is punishable by a fine ranging from MDL 2,500 to 3,000 (approx. EUR 126 to 152) imposed on the concerned person, and a fine ranging from MDL 6,000 to 12,500 (approx. EUR 303 to 631) imposed on his/her manager. Violations of the legal regime of restrictions and limitations in connection with the termination of the mandate and employment and the transfer of public agents to the private sector entail a fine ranging from MDL 2,500 to 4,000 (approx. EUR 126 to 201) imposed on the natural person, and a fine ranging from MDL 6,000 to 15,000 (approx. EUR 303 to 758) applied to the person in a managerial position.

99. Under Article 313⁵ of the Contravention Code, failure to take measures regarding the enforcement of the provisions of Law no. 133/2016 (on the declaration of assets and personal interests) is sanctioned with a fine ranging from MDL 6,000 to 10,000 (approx. EUR 303 to 505) applied to the person in a managerial position. Article 313⁸ provides that failure by the head of the public entity to take measures to ensure integrity within the public entity established by Law no. 82/2017 (on integrity) is sanctioned with a fine ranging from MDL 6,000 to 10,000 (approx. EUR 303 to 505) applied to the person with a managerial position, together with or without the deprivation of the right to carry out a certain activity or to hold certain positions for a period of six months to one year.

100. According to Article 319¹ of the Contravention Code, obstructing the activity of ANI is punishable by a fine ranging from MDL 3,000 to 4,500 (approx. EUR 152 to 227) applied to the natural person, a fine ranging from MDL 7,500 to 13,500 (approx. EUR 379 to 682) applied to the person with a managerial function, and a fine MDL 9,000 to 15,000 (approx. EUR 455 to 758) applied to the legal entity.

⁸¹ https://www.legis.md/cautare/getResults?doc_id=136631&lang=ro. The Conventional Code applies fines, expressed in conventional units, whereby a conventional unit equals MDL 50 (approx. EUR 2.5). In this report, the fines have been converted to monetary value.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

101. The Ministry of Internal Affairs (MAI) is considered a law enforcement authority. The main fields of activity include public order and security, the integrated management of the State border, the fight against organised crime, management of migration, asylum and integration of foreigners, etc. Its central apparatus consists of various directorates and departments. In addition, it has several institutions subordinated to it, such as the Inspectorate General of Police, the Inspectorate General of Border Police, the Inspectorate General for Emergency Situations, the Inspectorate General of Carabinieri, the Inspectorate General for Migration, the *Ștefan cel Mare* Academy, and the Internal Protection and Anti-corruption Service (SPIA), to mention but a few.

102. The Inspectorate General of Police (the Police) and the Inspectorate General of Border Police (the Border Police) will be the subject of this report in view of their mandate, tasks, workforce and exposure to integrity risks. For the purposes of this report, (i) the common features of the Police and the Border Police are grouped together, but a detailed assessment is provided whenever necessary, to highlight differences or respective arrangements within each law enforcement agency – whether those differences are achievements or challenges ahead, and (ii) the term “law enforcement agencies - LEAs” has been used to refer to both the Police and the Border police without any distinction, and the term “law enforcement officers - LEOs” has been used to denote both Police and Border Police officers.

Organisation and accountability of selected law enforcement authorities

103. The Police is a specialised public institution, subordinated to MAI, the mission of which is to defend the fundamental rights and freedoms of citizens through activities of maintaining, ensuring and restoring public order and security, preventing, investigating and discovering crimes and contraventions. It is governed by Law no. 320/2012⁸² on the activity of the Police and the status of the police officer, Law no. 288 /2016 on civil servants with special status within MAI⁸³ and Government decision no. 547/2019⁸⁴ on the organisation of the Police.

104. According to Law no. 320/2012 and Government decision no. 547/2019, the Inspectorate General of Police (IGP) is the central unit of administration and control of the Police, with the status of a legal person and with competence throughout the territory of the Republic of Moldova. Its leadership and overall management are ensured by a Chief/Head, who is currently assisted by three deputies. Centralised specialised subdivisions have been established within IGP, such as the operational management directorate, including a risk analysis section, the human resources management directorate, the legal department, etc. Also, territorial subdivisions of the Police⁸⁵ have been established, each of which has a specific

⁸² https://www.legis.md/cautare/getResults?doc_id=136334&lang=ro

⁸³ https://www.legis.md/cautare/getResults?doc_id=135604&lang=ro#

⁸⁴ https://www.legis.md/cautare/getResults?doc_id=135309&lang=ro

⁸⁵ The territorial subdivisions comprise the Chisinau Police Department, the Gagauzia Autonomous Territorial Unit Police Department and 34 police inspectorates.

territorial competence corresponding to the administrative territorial divisions of the country and all of which are subordinated to IGP.

105. The Border Police is the body of the public administration within MAI, which exercises its duties and implements the state policy in the field of integrated management of the state border, preventing and combating illegal migration and cross-border crime. It is governed by Law no. 283/2011⁸⁶ on the Border Police, Law no. 288/2016 on civil servants with special status within MAI and Government decision no. 1145/2018⁸⁷ on the functioning of the Border Police.

106. The central structure of the Border Police is the Inspectorate General of Border Police (IGPF), the leadership and management of which are ensured by its Chief/Head. According to its website and Government decision no. 1145/2018, IGPF’s organisational chart consists of a number of directorates⁸⁸, such as the risk analysis directorate, the internal audit section, the human resources and management directorate, etc. Also, it comprises five regional directorates, which do not correspond to the administrative territorial divisions of the country, a Border Police sector at the Chisinau International Airport and a Centre of Excellence in Border Security.

107. The Police personnel consist of police officers, civil servants, civilian employees and technical service personnel (Article 31 of Law no. 320/2012). Out of 7,846 staff members, 4,760 are police officers, 2,869 non-commissioned officers (agents) and 217 civilian employees. The Border Police’s personnel consist of border guards, civil servants, civilian employees and technical service staff (Article 14 of Law no. 283/2011). Out of 3,748 staff members, 240 are civilian employees and 3,508 are border guards (1,363 officers and 2,145 non-commissioner officers/agents).

108. There are 1,720 female staff members in the Police. The table below provides a breakdown of gender representation in managerial positions in each of the Police and the Border Police.

	Police		Border Police	
	Male	Female	Male	Female
Manager (A03)	656	99	232	45
Middle Manager (A02)	154	9	40	5
Senior Manager (A01)	20	1	0	1
Total	830	109	272	51

109. Drawing from the above table, the GET notes that women represent 11.6% of the managerial positions in the Police (109 out of 939) and 15.78% in the Border Police (51 out of 323). The overall representation of women constitutes 22.74% of the Police’s workforce and 26% of the Border Police’s. The GET welcomes these figures, though it heard on-site that they are to be attributed to better physical working conditions, especially in the Border Police. That said, the GET notices that there is one woman in the senior management of the Border Police, and they are underrepresented in the Police’s senior representation. During the on-site visit the authorities acknowledged that more efforts could be undertaken to ensure a higher

⁸⁶ https://www.legis.md/cautare/getResults?doc_id=136377&lang=ro

⁸⁷ https://www.legis.md/cautare/getResults?doc_id=132525&lang=ro

⁸⁸ <https://border.gov.md/despre-noi>

representation of women in the senior management and at the operational level. In fact, diversity, including at managerial level, can have positive effects on the profession, for example in contacts with the public, in creating a more heterogeneous environment in some parts of the Police and the Border Police which could counter a possible code of silence, reduce the risk of group-think, further develop multiple-eyes routines, etc. Consequently, **GRECO recommends that proactive measures be taken to increase the representation of women at all levels in the Police and the Border Police, particularly at middle and senior managerial levels.**

110. The Police and the Border Police are financed from the state budget and from other sources “not prohibited by law” (Article 10 of Law no. 320/2012) or “in the manner established by the legislations (Articles 56 and 57 of Law no. 283/2011). The control over the use of budgetary means allocated to LEAs is carried out by MAI and the Court of Accounts. Internal audit directorates/subdivisions have been set up at each of the Police and Border Police. The GET was told by the authorities that, as a rule, LEAs may accept only in-kind donations from international donors or partners, the receipt of which are governed by Law no. 1491/2002⁸⁹ on humanitarian aid and Government decision no. 653/2003⁹⁰ on the Interdepartmental Commission for humanitarian aid. The GET was subsequently provided with web links of news items covering the receipt of donations (such as weapons, ammunition, vehicles, computing equipment, personal protective equipment for Covid-19).

111. The GET notes that the existing legal framework regulating the acceptance of donations exclusively relates to the receipt of humanitarian aid, which is extended on humanitarian grounds. However, neither the Police nor the Border Police are recognised as recipients of humanitarian aid by (Article 5 of) the Law. In these circumstances, the GET considers that a proper legal basis surrounding the receipt of donations should be put in place, together with clear rules and procedure for their acceptance and use. For the sake of transparency to the public and easy accessibility, the publication of donations should be centralised and appear on a single dedicated webpage of the Police and Border Police. Consequently, **GRECO recommends that (i) legislation be developed to regulate the receipt of donations by the Police and the Border Police, and (ii) donations be published on a dedicated, accessible webpage, clearly indicating the nature and value of each donation, the donor’s identify and how the assets donated were used.**

112. The Police has powers in the field of investigation of crimes and contraventions, as follows: it carries out special investigative measures; it conducts criminal investigation and implements the prosecutor’s orders and instructions as well as court’s orders, it searches for fugitives, it detains persons in accordance with the law, etc. The Border Police, within the limits established by law, is empowered to investigate, detect and examine contraventions,

⁸⁹ https://www.legis.md/cautare/getResults?doc_id=132813&lang=ro The Law defines humanitarian aid as free aid in the form of goods, non-reimbursable financial assistance, voluntary donations in the form of execution of works or provision of services from foreign donors, granted for humanitarian reasons to beneficiaries of humanitarian aid in case of lack of social protection, lack of material means, difficult financial situation, occurrence of exceptional situations, in particular as a result of armed conflicts, natural disasters, damage, epidemics and episode attacks, ecological technical and other disasters, which endanger the life and health of the population or in case of serious illness of specific individuals. Under its Article 5, the bodies responsible for administering and coordinating the reception and distribution of humanitarian aid are the Ministry of Labour and Social Protection, the Interdepartmental Commission for humanitarian aid and the specialised commission of the Ministry of Health.

⁹⁰ https://www.legis.md/cautare/getResults?doc_id=138282&lang=ro

undertake forensic expertise and carry out special investigative measures in order to prevent and combat cross-border crime (e.g. trafficking in human beings, the organisation of illegal migration, the illegal crossing of state borders, smuggling, counterfeiting and fraudulent use of documents).

113. The Minister of Internal Affairs (the Minister) determines the strategic directions of activity of the Police and the Border Police in the implementation of the Government's action programme; s/he elaborates and promotes the state policy in the activity of the Police and the Border Police. The GET was informed on-site that investigation officers and criminal prosecution officers are independent in conducting and taking decisions in respect of a criminal investigation. They report to the prosecutor supervising the investigation, who is the sole person empowered to give instructions. Neither the Minister nor the Chief of IGP or IGPF may influence the outcome of the criminal investigation. The GET did not hear any concerns to the contrary on site.

Access to information

114. Reference is made to the provisions of Law no. 148/2023 (on access to information of public interest), which will come into force in January 2024 and will introduce obligations to ensure proactive transparency, create a register of requests for public interest information, handle requests for public interest information within the statutory time-limit, and ensure the proportionate application of the legitimate grounds for limitations of access to public interest information (see paragraphs 51-54 above).

115. Each of the Police and the Border Police has a dedicated service which handles relations with the media through various means of communications (by telephone, in person, through social media, etc.) and responds to requests for access to public interest information. Press releases on the conduct and progress of investigations are released in close coordination with the prosecutor's office. The Police has regional press offices.

116. The GET heard on-site from non-governmental interlocutors that there was a varying degree of interaction with the public from the Police and the Border Police. While both LEAs communicate via different channels (by telephone, through social media, press releases or conferences), public interest information has not always been updated on their websites owing to a lack of resources. Also, the fact remains that a sizeable number of requests for public interest information have not been entertained on the ground of protection of personal data. The GET expects the entry into force of Law no. 148/2023 to contribute to increasing proactive transparency by the Police and the Border Police, providing information in response to requests for public interest information and restricting the use of grounds for withholding the disclosure of information. Because its future implementation by LEAs is central to increasing transparency and enhancing access to public interest information, **GRECO recommends that the Police and the Border Police take measures to comply with the requirements laid down in the new freedom of information legislation (as regards, for example, the increase of proactive transparency, the creation of a register of requests for public interest information, the handling of requests for public interest information within the statutory time-limit, and the proportionate application of the legitimate grounds for limitations of access to public interest information).**

Public trust in law enforcement authorities

117. The authorities have pointed to a final report on the implementation of the Police Development Strategy for 2016-2020⁹¹, according to which the public trust in the Police stood at 30.9%.

118. The table below presents the level of trust in the Police and the Border in June 2021, according to the Public Opinion Barometer⁹². The GET encourages LEAs to keep these figures under review and to stay vigilant about perceptions, as they contribute to developing the corruption prevention policies and measures recommended in the present report.

Level of trust	Police	Border Police
High degree of trust	4.8%	8%
Somewhat trust	34.3%	37.9%
Somewhat distrust	29%	25.5%
High degree of distrust	27.6%	23.4%
No answer	4.2%	5.2%

Anti-corruption and integrity policy, regulatory and institutional framework

Anti-corruption and integrity policy

119. Further to the assessment of its institutional integrity by CNA (see paragraph 42 above), the Border Police has adopted an integrity plan, including an implementation progress report, which is available on its website⁹³. IGP's National Public Security Inspectorate was subject to the assessment of institutional integrity in 2022⁹⁴, and the final report on the implementation of the corresponding integrity plan has been published online⁹⁵.

Risk management measures for corruption prone areas

120. As described in paragraph 43 above, Law no. 82/2017 on integrity requires public entities and their heads to build an institutional integrity climate. Pursuant to its Article 27, the Minister of Internal Affairs has adopted Order no. 266/2019 on the methodology for corruption risk assessment in MAI and Regulation no. 350/2020 on the organisation and functioning of the internal management control system within MAI (the Regulation). The Regulation requires institutions subordinated to MAI, such as the Police and the Border Police, to establish a risk register, which is to include identified risks, contributing factors and mitigating actions according to the level of impact and likelihood of occurrence (Section 2 – risk management). Risk registers are to be drawn up at the level of each organisational subdivision of the Police and the Border Police and updated annually. Control procedures may

⁹¹ https://promolex.md/wp-content/uploads/2021/12/A4_RF_Politie_ENG_web.pdf

⁹² <http://bop.ipp.md/en>

⁹³ <https://border.gov.md/files/2023-01/Raport%20Plan%20integritate%20IGPF%2060%20de%20zile.pdf>

⁹⁴ <https://cna.md/libview.php?l=ro&idc=83&id=4195&t=/Evaluarea-integritatii-institutionale/Rapoarte-de-evaluare/Rapoarte-privind-rezultatele-evaluarii/Raport-privind-rezultatele-evaluarii-integritatii-institutionale-in-cadrul-Inspectoratului-National-de-Securitate-Publica-al-IGP>

⁹⁵ <https://cna.md/libview.php?l=ro&idc=165&id=4889&t=/Evaluarea-integritatii-institutionale/Rapoarte-de-monitorizare/Raport-privind-monitorizarea-implementarii-Planului-de-integritate-al-Inspectoratului-national-de-securitate-publica-al-IGP-al-MAI>

include prior authorisation/approval, division/segregation of duties and responsibilities, increased supervision and application of the 'four-eyes' principle, reporting of exceptions, regular rotation of employees (usually after three years), access to resources and records, checks and reconciliation. Also, each of the Police and the Border Police is to establish a list (inventory) of sensitive functions⁹⁶, together with related risk management measures.

121. In turn, the Police has put in place a consolidated risk register for 2023. It consists of eight operational objectives (and 66 identified risks), one of which deals with the promotion and implementation of zero tolerance for corruption in the workplace. Risks have been identified in respect of receipt of and failure to disclose gifts, failure to disclose undue influence and manifestation of corruption, non-compliance with the regime of incompatibilities and restrictions, as well as the failure to declare conflicts of interest, tolerance of corruption and favouritism, and failure to protect whistleblowers. Also, the Border Police has adopted a consolidated risk register for 2023, which comprises nine operational objectives, amongst which are the risks of fraud and corruption, addressing issues related to failure to declare conflicts of interest and gifts, disclosure of unauthorised information and failure to comply with the rules on access to information.

122. The GET welcomes that both the Police and the Border Police have developed consolidated risk registers. Subdivisions of the Police and the Border Police establish their own separate risk registers, together with an inventory of sensitive functions, which then feed into LEA's consolidated risk registers. It transpired from the discussions on-site that managers of subdivisions (or other designated persons) were responsible for this task. The GET was left with the impression that subsequent checks on whether the risks or the sensitive functions at the subdivision level, including the risk control measures, had been properly and adequately identified were missing or carried out sporadically. Also, the GET heard that no dedicated training course on risk management for managers or other designated persons exists even though isolated trainings have been provided by CNA. After the on-site visit, the authorities have provided that SPIA, in cooperation with CNA, has organised occasional training workshops for the central apparatus of MAI, and that another project on strengthening the government of the security sectors is underway. The GET considers that, in order to strengthen the risk management system in LEAs, managers' or other designated persons' capacities should be enhanced by providing regular trainings, not least because the risk management procedure is novel and has been into existence for a short time. In these circumstances, **GRECO recommends that dedicated regular trainings on risk management be provided to police officers in the Police and the Border Police, who are involved in the preparation and finalisation of risk registers, including the inventory of sensitive functions.**

Handling undercover operations and contacts with informants and witnesses

123. Under Article 132² of the Code of Criminal Procedure, the prosecutor authorises undercover investigation, controlled delivery, cross-border surveillance, controlled purchase operations, whereas the investigating judge authorises the use of special investigative measures, such as audio and video surveillance and recording in the domicile, wiretapping and

⁹⁶ Sensitive functions are positions where the manifestation of deficiencies of an ethical and operational nature, due to the specific duties, the level of decision-making competence or the degree of representativeness, may generate significant damage/negative consequences of a financial, reputational, functional nature or significant risks of embezzlement/fraud/corruption. Positions which have control functions or perform work in direct relation with the beneficiary (citizens, employees or economic agents) are also considered sensitive functions.

recording of communications, monitoring the connections of telegraph and electronic communications, monitoring or control of financial transactions and access to financial information, localisation or surveillance through Global Positioning System.

124. Article 132⁴ (7) of CCP provides that undercover investigation will be authorised for the required period of time (as a rule, for 30 days which may be extended up to six months). Undercover agents may be employees of MAI, Security and Information Service, National Anticorruption Centre and the National Administration of Penitentiary Institutions of the Ministry of Justice or persons trained to conduct specific special investigative measures. It is forbidden for the undercover agent to incite the commission of a crime. Undercover agents may be examined as a witness in criminal proceedings, in accordance with the Law on the Protection of Witnesses and Other Participants in Criminal Proceedings.

Ethical principles and rules of conduct

125. A Code of Ethics and Deontology of the civil servant with special status within MAI, which applies to the Police and Border Police, was adopted by Government decision no. 629/2017⁹⁷. Some of the principles on which the professional conduct is based include: professional integrity, which is defined as the capacity of the civil servant with special status to exercise his/her legal and professional obligations and duties honestly, irreproachably, showing a high moral standing and fairness, as well as the ability to carry out his/her activity impartially and independently, without committing any abuse, respecting the public interest, the supremacy of the Constitution and law; intolerance towards corruption, which means the application of legal measures for the prevention, detection, suppression and punishment of corrupted behaviour; moral integrity, defined as adopting behaviour in accordance with accepted ethical norms, respected in society, and confidentiality.

126. The code contains a section on integrity of the civil servant with special status, according to which, s/he is obliged to: avoid conflicts of interest and immediately report to the hierarchical superior a real conflict of interest within three days of discovering it; not commit corruption offences; immediately report to the competent authority any attempts to be involved in the commission of corruption offences; refrain from interfering in the activity of another employee; report any improper influence; not request or accept favours, invitations, gifts or services; declare any gifts in accordance with the law; comply with the regime of restrictions, prohibitions and incompatibilities; report the commission of any corruption offence to the hierarchical superior or competent body. Managers are obliged not to allow subordinated staff members to perform their duties in situations of conflicts of interest and to undertake the necessary measures for the prevention of corruption. Managers will bear responsibility for failure to perform the duties incumbent on them.

127. The provisions of the Code are part of the terms and conditions of employment, and any violation may entail disciplinary, civil or criminal liability.

128. While there is a Code of Ethics applicable to all civil servants with special status within MAI (and its subordinated institutions such as the Police and the Border Police), the GET notes that there are no separate codes for the Police and the Border Police. In view of the particular functions exercised by LEOs, the GET considers that there is a need to develop dedicated

⁹⁷ https://www.legis.md/cautare/getResults?doc_id=102524&lang=ro

(separate or joint) code(s) of conduct for the Police and the Border Police, addressing all integrity matters (the GET was told that separate codes used to exist in the past). The code(s) should be accompanied with practical guidance in respect of each of the Police and the Border Police, including examples drawing inspiration from real cases of breaches committed by LEOs. Publication of the code(s) is important to increase accountability towards the public, and breaches of the code(s) need to lead to dissuasive sanctions which should be proportionate to their seriousness. **GRECO recommends that (i) dedicated (separate or joint) code(s) of ethics be developed and published in respect of the Police and the Border Police, covering all relevant integrity matters (such as conflicts of interest, gifts, contacts with third parties, outside activities, handling of confidential information etc.), and (ii) the code(s) of ethics be complemented by tailor-made practical guidance in respect of each of the Police and the Border Police and an enforcement mechanism.**

Advice, training and awareness

129. Police officers undergo a three-year initial training programme at MAI's *Ștefan cel Mare* Academy, which comprises, amongst others, two modules on the norms of professional ethics and deontology and institutional integrity. Non-commissioned officers (agents) attend a one-year initial professional training programmes which focuses on, amongst others, integrity in the profession. At the end of the initial training, officers and agents must successfully pass an examination. Thirteen initial training programmes have been organised from 2021 to 2023 and 592 police staff members have been trained, as follows: four initial training programmes in 2023, training 41 police officers and 152 agents; five initial training programmes in 2022, covering 34 police officers and 167 agents; and four initial training programmes in 2021, targeting 51 officers and 147 agents. In-service training is organised for Police employees and topics relating to ethics and integrity feature in the respective modules. Attendance of in-service training is mentioned in the performance appraisal and career development decisions take account of the trainings' results.

130. Border Police officers undergo a two-year initial training programme and its agents (non-commissioned officers) attend a six-month initial training programme at its Centre of Excellence for Border Security⁹⁸. The training programme covers, amongst others, a course on ethics and professional integrity. In the last three years, a total of 222 officers completed the initial training (85 officers in 2020, 58 in 2021 and 79 in 2022), whereas 449 agents attended the initial training (57 agents in 2020, 21 in 2021 and 149 in 2022). The Border Police has put in place an e-learning course on integrity and anti-corruption, which lasts eight hours and covers topics such as definition of ethics, deontology and morality, specific rules of professional conduct, concept of integrity and corruption, conflicts of interest, professional integrity tests, whistleblowers, etc. and is open to all employees. In 2022, it conducted six integrity and anti-corruption trainings, which benefitted 191 employees.

131. SPIA and CNA may organise trainings for both the Police and Border Police staff members.

132. The GET notes that LEOs undergo an initial training programme, which, on the face of it, addresses integrity and professional ethics in the workplace. That said and drawing from the discussions it had with the authorities as well as the additional information made available

⁹⁸ <https://border-school.md/about/our-mission/>

after the on-site visit, the GET is not convinced that systematic and adequate in-service training of LEOs on integrity and ethical issues takes place. Regrettably, the low public trust in the Police and the Border Police attests to it (see paragraphs 117 and 118 above). The GET takes the view that more should be done to ensure that ethics and integrity issues are kept in the spotlight during in-service training of LEOs, in particular in respect of managers, all the more so when new code(s) of conduct will have been adopted. In addition, the GET heard that there were no specialised persons who could provide confidential advice on ethical dilemmas and to whom LEOs could turn for guidance. This would be particularly important in case LEOs wish to report possible misconduct, for example, in respect of supervisors or managers. **GRECO recommends that (i) regular in-service training of Police and Border Police officers, including managers, on integrity matters ethics and anti-corruption be conducted, and (ii) a mechanism be established for providing confidential counselling on ethical and integrity matters to Police and Border Police officers.**

Recruitment, career and conditions of service

Recruitment requirements

133. All persons employed in the central structures of MAI and its subordinated institutions, such as the Police and Border Police, are civil servants with special status within MAI. Their regime is governed by Law no. 288/2016⁹⁹ on civil servants with special status within MAI, Government decision no. 460/2017¹⁰⁰ on the implementation of Law no. 288/2016 and other implementing orders issued by the Chiefs of IGP and IGPF.

134. Positions of law enforcement officers are classified as managerial and non-managerial (execution) functions. They may belong to the corps of officers and the corps of agents (non-commissioned officers). This report is concerned with the corps of officers, who may occupy managerial positions (A01 – high level management, A02 – mid-level management and A03 – basic level management) or non-managerial positions (B01 – high complexity level, B02 – mid-complexity level and B03 – basic execution level).

135. Article 13 of Law no. 288/2016 sets out the requirements for employment of LEOs. According to Government decision no. 460/2017, graduates of MAI's educational institutions are appointed to vacant execution positions at the B03 level, subject to exceptions. The Police and the Border Police reserve each year a number of positions to be filled by fresh graduates. New recruits go through a probationary period at the end of which they may receive confirmation to become civil servants with special status within MAI.

136. The Minister's Order no. 239/2017 has adopted a regulation on special control/screening (vetting) of candidates for employment or promotion to public office with special status within MAI. Special control is defined as the process through which candidates are verified about the existence of any risk factors in the lifestyle, restrictions, prohibitions and incompatibilities. It is carried out by SPIA (as regards positions whose employer is the Minister of Internal Affairs and senior and middle managers pertaining to A01 and A02 management levels) and human resources subdivisions (as regards the remaining positions in institutions subordinated to MAI, such as the Police and the Border Police), and may entail checking the truthfulness of documents submitted by the candidate, determining the

⁹⁹ https://www.legis.md/cautare/getResults?doc_id=135604&lang=ro

¹⁰⁰ https://www.legis.md/cautare/getResults?doc_id=138878&lang=ro

candidate's conduct, questioning the candidate, obtaining information from individuals and legal entities or other information about the candidate, obtaining information from territorial police divisions and conducting a polygraph test on the candidate, if appropriate. If a negative opinion is issued, then the candidate is excluded from the employment or promotion procedure.

137. In addition, on joining the Police and the Border Police, new recruits sign an undertaking that they accept to be subject to lifestyle monitoring, which has been regulated by Minister's Order no. 160/2017. Lifestyle monitoring may be initiated upon request of individuals or legal entities, action and notification of public authorities, companies, organisations and institutions, communication of other LEOs or other information obtained from the media, social network and other open sources of information. It is carried out by SPIA, within three months, which verifies: the acquisition of goods by LEOs other than those listed in the declaration of assets; whether there is a substantial difference between the income obtained out of LEOs' employment and any property acquired during the same period, which cannot be justified; whether LEOs' standard of living corresponds to the level of earnings; and compliance with the requirements of irreproachable conduct, as required by the applicable regulatory framework. A report is produced at the end of lifestyle monitoring. ANI will be notified of the findings of lifestyle monitoring, if the report discloses that LEOs' standard of living is not compliant with the level of earnings. LEOs may be subject to a disciplinary sanction, which is amenable to appeal before court, if the report finds that the conduct does not correspond to the requirements of irreproachable conduct. If the report finds that illegal activities are susceptible to giving rise to criminal liability, then the case will be referred to the competent authorities.

138. The GET notes that there is a regulatory framework in place for the conduct of vetting of candidates prior to joining MAI's educational establishments, the Police or the Border Police or prior to promotion. In the discussions on-site, the GET was left with the impression that vetting is said to constitute a mere formality or is not systematically or effectively carried out for all new recruits by the human resources department. Be that as it may, the GET further notes that vetting is not performed at regular intervals throughout LEOs' career. In fact, the regulatory framework does not provide for such re-vetting (only LEOs who are to be promoted, especially in managerial positions, are subject to re-vetting), while LEOs' personal circumstances may be likely to change over time and, in some cases, may make a person more vulnerable to possible corruption risks (financial problems arising, for example, because of a mortgage or consumer loan, divorce, the illness of a relative, the bankruptcy of the spouse, etc.). The same applies to the conduct of lifestyle monitoring which is initiated only in response to a reporting to the competent authority. It would be all the more beneficial to ensure frequent vetting (including lifestyle monitoring) of positions identified as sensitive functions as well as of all managers, including top-level managers. In these circumstances, **GRECO recommends that integrity checks of law enforcement officers, including sensitive functions and managers, in the Police and the Border Police take place systematically prior to recruitment and throughout their career.**

139. It is worth adding that LEOs may be subject to professional integrity testing, which is carried out by CNA as part of the process of the assessment of institutional integrity (see paragraph 42 above).

Appointment procedure and promotion to a higher rank

140. Article 13 of Law no. 320/2012 (on the Police) and Article 5 of Law no. 283/2011 (on the Border Police) provide that the Chiefs of IGP and IGPF are appointed by the Government, for a fixed term, with the possibility of re-appointment, at the proposal of the Minister of Internal Affairs. Domestic law provides for largely similar eligibility criteria for both Chiefs. At their proposal, the Minister appoints their respective deputies for an indefinite period. Article 5 (5) of Law no. 283/2011 provides that the appointment of IGPF deputies is based on a competition.

141. Promotion to managerial positions takes place based on a competition if two or more candidates meet the conditions for occupying a higher position. Article 28 of Law no. 288/2016 (regarding the civil servant with special status within MAI) lays down the conditions for promotion. In addition, Article 36 of the Law provides for placement in an interim position which becomes temporarily vacant, for a period of six months to be extended by another six months.

142. During the on-site visit, the GET devoted considerable time to discussing the phenomenon of promoting LEOs to *ad interim* managerial positions. It heard that the phenomenon is widespread and characterised by a lack of transparency. Acceding to an *ad interim* managerial position gives rise to a higher possibility to be admitted to managerial training courses, which are organised sparingly (between one and five per year, depending on the level of management) and are a prerequisite to having career progression and apply for permanent and higher managerial positions. In the Police, there are 173 *ad interim* managerial positions out of 907 and, in the Border Police, there are 84 *ad interim* positions out of 390.

143. The GET notes that the legal framework does not provide for any criteria or competitive procedure for the selection of Deputy Chiefs of the Police, unlike the competitive procedure provided for in respect of Deputy Chiefs of the Border Police. The GET takes the view that the appointment at such high level within the Police should be based on merit, following a transparent procedure and objective criteria. It has been understood on-site that certain efforts are underway to address the situation. In addition, the GET considers that promotion to *ad interim* managerial positions appears to escape any competition. While, according to the authorities, this is applied to fill in urgent vacant managerial positions in order to ensure continuity of service, the GET is concerned about the prevalence of such method of appointment to managerial positions (19% of all managerial positions in the Police and 21.5% in the Border Police), which is left at the discretion of the superior manager and is devoid of an objective, transparent, public and merit-based process. This should be remedied, as a matter of priority. **GRECO recommends (i) establishing a merit-based, competitive and transparent process for the selection and appointment of deputies to the Chief of the Police, and (ii) limiting the practice of *ad interim* promotions in the Police and the Border Police to only exceptional situations and further enhancing the transparency and objectivity of all decisions regarding career promotion of law enforcement officers.**

Performance evaluation

144. Performance evaluation is conducted once a year and the conclusions are recorded in the professional performance evaluation sheet. An LEO may receive one of the following ratings: "very good", "good", "satisfactory", "unsatisfactory". The results of the performance

evaluation are amenable to appeal administratively and, ultimately, before an administrative court.

145. In addition, in application of Law no. 270/2018 on the unitary salary system in the State-funded sector and the implementing Government decision no. 1231/2018¹⁰¹, LEOs undergo a performance evaluation on a quarterly basis, which determines a performance-based bonus that is added to the salary for the following quarter.

Rotation

146. Rotation is one of the risk control measures prescribed by Regulation no. 350/2020 on the organisation and functioning of the internal management control system within MAI (see paragraph 120 above). The GET heard on site that there is a practice of rotation between sectors and regional subdivisions of the Police and Border Police, which has been used sporadically and rather for personnel needs (instead of as risk control measures). It is important that rotation be used as a risk control measure, and the GET encourages the authorities to use rotation regularly, in particular in respect of sensitive functions which are considered particularly exposed to corruption risks.

Termination of service and dismissal from office

147. Article 38 of Law no. 288/2016 (regarding the civil servant with special status) contains a comprehensive list of grounds for termination of employment. Termination can be ordered, for example, in case of obtaining the rating "unsatisfactory" as a result of the performance evaluation, for repeated violations of service discipline during a year or for committing a serious violation, for non-compliance with the restrictions and prohibitions, in the case of a finding of a situation of incompatibility, in case of failure to submit the declaration of assets and personal interests or refusal to submit it, in the event that of a consumed conflict of interests, etc. Termination is amenable to appeal before an administrative court.

Salaries and benefits

148. The starting salary for a Police officer is MDL 8,730 (approx. EUR 450) and the maximum salary is MDL 10,880 (approx. EUR 562). A position at the mid-level management earns from MDL 12,320 to MDL 14,380 (approx. from EUR 636 to EUR 742), and the salaries of the Chief and Deputy Chiefs of Police are published online¹⁰².

149. An entry-level Border Police officer at a regional directorate earns between MDL 8,137 and 8,382 (approx. EUR 420 and 432), whereas in the IGPF Chisinau s/he earns MDL 10,853 (approx. EUR 560). The salary of a mid-level manager at a regional directorate is between MDL 10,553 and 12,460 (approx. EUR 545 and 643), while the salary in the IGPF Chisinau is between MDL 14,613 and 15,503 (approx. EUR 754 and 800). A high-level manager at a regional directorate receives MDL 18,030 (approx. EUR 931), and a high-level manager in IGPF Chisinau receives between MDL 20,592 and 28,028 (approx. EUR 1,063 and 1,447).

150. The GET notes that a recurring concern raised by all interlocutors at on-site meetings related to the low level of salaries earned by LEOs and their unpaid overtime work. In turn,

¹⁰¹ https://www.legis.md/cautare/getResults?doc_id=138885&lang=ro

¹⁰² https://politia.md/sites/default/files/informatia_platile_salariale_sefi_igp_2022.semnat.pdf

they would take unpaid leave to go and work and earn a living in one of the European Union member States or would resort to outside paid activities, mainly in the informal economy. Also, the low level of salaries has contributed to the inability of the Police and the Border Police to attract new recruits to fill in vacancies. The GET considers that the authorities should review the level of remuneration awarded to LEOs in order to avoid any conflicts of interest that may arise from the engagement in unauthorised paid outside activities and/or departures from the Police and the Border Police. Consequently, **GRECO recommends that the level of remuneration in the Police and the Border Police be increased to establish attractive wages for the lower ranks (entry level), while maintaining a stimulating margin for progression throughout the career.**

Conflicts of interest

151. The Code of Ethics and Deontology requires law enforcement officers to avoid conflicts of interest and report real conflicts of interest (see paragraph 126 above). In addition, the provisions regulating the declaration and management of conflicts of interest under Law no. 133/2016 on the declaration of assets and personal interests (see paragraph 68 and 69 above) apply to LEOs by virtue of its Article 3 (g).

152. According to the Border Police's register of declarations of conflicts of interest, six disclosures of conflicts of interest have been made from 2021 to 2023, four of which were not regarded as such. The remaining two instances were resolved by transferring the employees to other positions which would not give rise to situations of conflicts of interest. The Police's register of declarations of conflicts of interest contains ten situations of potential conflicts of interest, two of which have been forwarded to ANI for examination.

153. The GET is pleased that, as required by law, the Police and the Border Police keep registers of declarations of conflicts of interest. It, however, notes that a very limited number of declarations of conflicts of interests have been registered. It expects that LEO's awareness, including the senior managers', about conflicts of interest be increased because of trainings that will be conducted for the implementation of the recommendation made in paragraph 132 above.

Prohibition or restriction of certain activities

Incompatibilities and outside activities

154. Article 53 of Law no. 288/2016 on civil servants with special status within MAI prohibits LEOs to carry out other remunerated activities, with the exception of scientific, didactic, creative activities, participation in development projects in the field of competence within the authority in which they are employed and representation of the State in economic companies. They cannot be cabinet advisers, unless they have been suspended from office for the respective period under the law. LEOs do not have the right to carry out entrepreneurial activities, with the exception of having the capacity of founder of a commercial company, nor to facilitate, by virtue of their position, the entrepreneurial activities of natural persons or legal entities. Nor can they represent third parties in the public authority in which they carry out their activity, including in terms of carrying out actions related to the function they exercise.

155. According to Article 53 of the Law, LEOs involved in a situation of incompatibility are obliged to cease the activity incompatible with their position, within 30 calendar days from the date of occurrence of the incompatibility situation, or, as the case may be, submit a request for resignation from the public position with special status¹⁰³. If, within the mentioned time-limit, LEOs do not take action in order to put an end to the incompatibility, the employer or the person authorised by the employer resorts to the measure of termination of employment.

156. Article 16 of Law no. 133/2016 on the declaration of assets and personal interests, provides that a situation of incompatibility arises if, besides their public service or public office, LEOs simultaneously hold/exercise another function, quality or activity that is prohibited by law.

157. As mentioned in paragraph 150 above, the GET heard on-site that, owing to the low level of remuneration, LEOs engage in paid outside activities, albeit in the informal economy. This is no rare phenomenon which, in the GET's view, may constitute a vulnerability for the respective LEA, may give rise to situations of conflicts of interest and, regrettably, is not being addressed by the authorities. The existing regulatory framework lacks clarity in this regard. It needs to be realistic, practical and efficient by, for example, authorising the exercise of parallel activities which may not lead to situations of conflicts of interest, establishing unequivocal criteria for permissible outside activities, streamlining the authorisation process and establishing effective oversight arrangements. Consequently, **GRECO recommends that a study be undertaken on the existing practice of law enforcement officers engaging in outside activities (paid or unpaid) and that, in the light of its findings, the regulatory framework be adequately developed/adapted in order to limit integrity-related risks and effectively supervise the exercise of outside activities.**

Gifts

158. Article 52 of Law no. 288/2016 on civil servants with special status within MAI prohibits LEOs to request or accept gifts, services, favours, invitations or any other advantages, intended personally for their family, as does the Code of Ethics and Deontology. However, disclosure of admissible and inadmissible gifts is governed by the same Government decision no. 116/2020 on the legal status of gifts applicable to PTEFs (see paragraphs 78-79 above). In observance of the regulatory framework, the Border Police has published its register of admissible gifts online¹⁰⁴, as has the Police¹⁰⁵.

159. The GET considers it important that, in view of its observations made in respect of PTEFs in paragraph 80 above, the future (separate or joint) code(s) of conduct for the Police and the Border Police, and the accompanying guidance (see paragraph 128 above), address in sufficient detail the acceptance and reporting of gifts, including 'perishable products', as well as the imposition of effective, dissuasive and proportionate sanctions. The GET encourages the Police and the Border Police to continue updating the register of (admissible and inadmissible) gifts, as required by law.

¹⁰³ A similar provision is made in Article 12 of Law no. 82/2017 on integrity.

¹⁰⁴ <http://border.gov.md/ro/info-registru-cadouri>

¹⁰⁵ <http://politia.md/ro/content/lista-cadourilor-declarate-de-angajatii-inspectoratului-general-al-politiei>

Misuse of public resources

160. Article 52 of Law no. 288/2016 on civil servants with special status within MAI prohibits LEOs to use financial, technical and material means, special informational equipment and other assets of the state, as well as service information, made available to them for the exercise of their duties or to which they have access, for personal interest or for purposes other than those related to the performance of their duties.

161. Article 21 of Law no. 133/2016 on the declaration of assets and personal interests provides that LEOs may not use for their private interests, the official symbols related to the public office that they exercise. It is forbidden to use or to allow the use of the name of the LEO, accompanied by the position of the same, as well as his/her voice or signature, in any advertising form by an economic agent, as well as for a national or foreign commercial product, except for free advertising.

Third party contacts, confidential information

162. The Code of Ethics and Deontology provides for LEOs' obligation to preserve state secrecy, as well as to respect the full confidentiality of data and information held by them. Article 5 of Law no. 288/2016 on civil servants with special status within MAI has laid down confidentiality as one of LEOs' professional principles. LEOs are also bound by the obligations, laid down in domestic law, for the protection of personal data.

Post-employment restrictions

163. The provisions on limitations and restrictions provided for in Law no. 133/2016 on the declaration of assets and personal interests (see paragraphs 83-84 above) apply to LEOs.

164. During the on-site visit, the GET heard contradictory responses from interlocutors about the existence of post-employment restrictions. The GET expects this inconsistency to be addressed through the provision of accompanying guidance on the (separate or joint) code(s) of conduct (see paragraph 128 above) and the organisation of awareness-raising activities (see paragraph 132 above). Furthermore, the authorities acknowledged that a control mechanism over the future employment of former LEOs was missing and that statistics on the compliance with post-employment restrictions were absent. In these circumstances, the GET considers that, as is the case for PTEFs (see paragraph 84 above), it would be beneficial to establish a mechanism which would oversee compliance of LEOs with post-employment rules and would impose proportionate, dissuasive and effective sanctions in case of violations. **GRECO recommends that (i) an effective supervision mechanism be established to implement the rules on post-employment restrictions in respect of law enforcement officers and (ii) the supervision mechanism be given the powers to impose adequate sanctions in case of breaches of the rules on post-employment restrictions.**

Declaration of assets, income, liabilities and interests

165. LEOs are obliged to comply with the disclosure obligations of assets and personal interests laid down in Law no. 133/2016, as described in paragraphs 85 above.

166. The review of declarations of assets and personal interests filed by law enforcement officers follows the same procedure as described in paragraphs 86-89 above. The comments made in paragraphs 90 and 91 above apply here.

Oversight and enforcement

Internal oversight and control

167. MAI's Internal Security and Anti-corruption Service (SPIA) is responsible for preventing and combating the manifestation of corruption and conflicts of interest within MAI, including its subordinated institutions such as the Police and the Border Police. It carries out specific measures to identify, prevent and counteract threats, vulnerabilities and risks likely to compromise the security, assets, personnel, missions, decision-making process and operational capacity of the administrative system of the MAI.

168. The Directorate for the Prevention of Corruption within the Police is responsible for the promotion and integrity and prevention of corruption within the Police.

169. The Internal Security Directorate is empowered to ensure the supervision and control of compliance with the legislation and service discipline within the Border Police. It ensures the general coordination of the activity related to the areas of strengthening the integrity of the employees, combating, detecting and documenting the disciplinary misconduct committed by the employees of the Inspectorate and its subdivisions.

170. Each of the Police and the Border Police are equipped with an internal audit service.

External oversight and control

171. The Prime Minister's Control Body carries out the control of the performance of the State Chancellery, Ministries and other central administrative authorities.

172. As described in paragraph 67 above, the Ombudsperson may also exercise control activities into the conduct and actions of law enforcement officers. In addition, the Court of Accounts carries out audits, in accordance with domestic law.

Complaints system

173. According to Law no. 252/2013¹⁰⁶ on the anti-corruption hotline system, there is a national, free-of-charge anti-corruption hotline managed by the National Anti-corruption Centre, which citizens may contact to complain about corruption at all times. In addition, there is a specialised anti-corruption line at the level of MAI, which is managed by SPIA. Moreover, there are institutional lines for information (green lines) which have been set up at the level of Police and Border Police. The calls to MAI's specialised anti-corruption line and the institutional lines for information are charged according to the standard tariff for telephone calls. Information obtained from anonymous calls (i.e. the caller does not wish to share

¹⁰⁶ https://www.legis.md/cautare/getResults?doc_id=136543&lang=ro

personal data) is not processed. Calls are immediately recorded in the register of calls, which is kept by the competent authorities of each anti-corruption hotline.

Reporting obligations and whistleblower protection

174. This section of the report will describe Law no. 165/2023 on Whistleblowers, which has entered into force on 26 October 2023. The Law regulates the procedure for receiving, examining and resolving disclosures of breaches of law, the rights and obligations of persons making such disclosures, the protection measures, the obligations of employers, the duties of competent authorities for examining disclosures of breaches of law and for protecting whistleblowers.

175. Disclosures may be internal, external or public. They may be made in writing, in paper or electronic format and signed by the employee, by telephone or by a face-to-face meeting at the request of the employee. Internal reporting is encouraged where the wrongdoing may be effectively remedied within the public entity and where the employee believes that there is no risk of retaliation. Public entities have to designate a person or subdivision responsible for receiving, recording reviewing and resolving internal disclosures of violations of law. The designated person or subdivision is to be made known to each employee in a public and readily accessible manner. The authority responsible for receiving and examining external and public disclosures of violations of the law is CNA.

176. Disclosures are to be entered in a register of disclosures of violations of law which will be kept by employers and competent authorities for five years. The registration of the disclosure of a breach of law in the register confers on the reporting employee the status of whistleblower. Internal reporting channels will be established and operated in a secure manner to protect the confidentiality of the identity of the person making the disclosure. Anonymous reporting is allowed to the extent that it contains reasonable suspicion of threats to national security and public order. Anonymous reporting of other types of breaches of law may be verified by the competent authority for the purpose of self-reporting or, where appropriate, as provided by law. Employers have an obligation to ensure the confidentiality of the employees' identity who made the disclosure as well as of the information entered into the register of disclosures of violations of law.

177. The law prohibits any form of retaliation against whistleblowers, including any form of suspension of employment, dismissal or equivalent measures, demotion or prevention of promotion, any change in employment relationships, negative performance appraisal application of any other disciplinary sanction, coercion, intimidation, harassment, discrimination, etc. The reversal of the burden of proof has been recognised in proceedings challenging the imposition of said retaliation. The employer ensures protection of whistleblowers in the case of internal reporting of breaches of law. In addition, the Ombudsman, in the case of internal reporting, may grant protection only when serious or essential harm is caused to the person's rights which fall within the scope of the Law. The Ombudsman may also represent whistleblowers before courts and other public authorities to defend their legitimate rights. The whistleblower may not be disciplined for disclosing a breach of the law. Nor may s/he be held liable for a disclosure of a breach of law, provided that s/he had reasonable grounds to believe that the reporting of disclosure was necessary.

178. The GET welcomes the adoption and the recent entry into force of the Law on Whistleblowers, which will provide a range of retaliatory prohibitions and the reversal of the burden of proof in disputes challenging retaliatory measures. It will specifically empower the Ombudsman to grant protection in the case of internal disclosure (though the Law does not lay down any specific protection or support measures that may be applied). The Law will protect disclosures of violations of law (while disclosure of misconduct, e.g. ethical breaches or integrity warnings, does not appear to be specifically covered) and anonymous reporting may be accepted subject to it reaching a high threshold of harm that may be caused (i.e. threats to national security and public order).

179. In addition, the GET notes that the Law on Whistleblowers imposes a number of obligations on public entities, such as the obligation to establish a register of disclosures, the obligation to preserve confidentiality of the identity of the whistleblower and of the register of disclosures, the obligation to establish internal reporting channels and inform employees of their existence, the obligation not to impose retaliatory measures, and the obligation to bring current practices and procedures in line with the statutory obligations. The GET considers that the Police and the Border Police should ensure compliance with such obligations in order to strengthen the protection of whistleblowers. Robust efforts should also be made to raise awareness of all LEOs, in particular of managers, not least because the GET was made aware of the case of a former Border Police officer who was dismissed from work after blowing the whistle and despite a protection measure ordered by the Ombudsman¹⁰⁷. **GRECO recommends that (i) the Police and the Border Police take measures for the practical implementation of the obligations stemming from the whistleblowers' protection legislation, and (ii) law enforcement officers, in particular managers, be trained and informed on a regular basis about the whistleblowing procedures and protection measures.**

Enforcement procedure and sanctions

Disciplinary and other administrative proceedings

180. Breaches of the regime of declaration of assets and personal interests, conflicts of interest, limitations, restrictions, prohibition, incompatibilities under Law no. 133/2016 on the declaration of assets and personal interests) as well as of breaches of the provisions of Law no. 288/2016 on the civil servant with special status within MAI are considered disciplinary violations. Article 23 of Law no. 133/2016 states that a breach of its provisions regarding the non-resolution of incompatibility and the consumed conflict of interest will constitute grounds for the termination of employment. In such a case, a three-year ban to hold public office or function will be imposed. Law no. 288/2016 provides the following disciplinary sanctions: warning, reprimand, harsh rebuke, relegation with a special grade, demotion in position, dismissal from public office with special status. The application of the disciplinary sanction does not exclude criminal or civil liability. Only one disciplinary sanction may be applied for the same offence. The imposition of a disciplinary sanction may be challenged in court, which does not affect the enforcement of the sanction.

¹⁰⁷ In this connection, please see another related case which has been given notice to the respondent Government and is currently pending before the European Court of Human Rights: [Balacci v. the Republic of Moldova](#), no. 41232/13.

181. According to Government decision no. 409/2017¹⁰⁸ on the Disciplinary Statute of LEOs, the grounds for initiating and carrying out an investigation are citizens’ petitions, information and notifications of the criminal investigation bodies, the prosecutor’s office and courts; publication in, and information from, the media; communications from employees of MAI and subordinated institutions about the alleged disciplinary violation, etc. The head of the subdivision (or regional directorate), who has been notified of the commission of an alleged misconduct by an LEO, orders that an investigation be carried out by a person within the subdivision or the immediate supervisor of the LEO or another person. High-profile cases are handled by the Internal Security Department within the Border Police and the Staff Inspection Directorate within the Police. In addition, SPIA conducts official investigations regarding all MAI employees, including LEOs, in the case of occurrence of corruption offences and conflicts of interest, disciplinary violations related to breaches of State secrets’ regime or at the request of the Minister of Internal Affairs for high-profile cases. The duration of the investigation will not exceed 30 days. During the conduct of the investigation, the concerned LEO is given the opportunity to be heard and/or represented. The person conducting the investigation is obliged to prepare conclusions on the results of the investigation and draw up an order on the sanction to be imposed. The draft order will be countersigned by the person who carried out investigation and the head of the subdivision (or regional directorate) who ordered the investigation, who is entitled to submit a separate opinion. The disciplinary sanction will be imposed by the Chief of the Police/Border Police, or a person empowered by him/her, and may be challenged before the competent administrative court.

182. The table below provides statistics on disciplinary sanctions imposed on LEOs in the Police and Border Police in 2022 and 2023 regarding corruption-related misconduct.

	Police	Border Police
Disciplinary sanction	Dismissal from work for five LEOs for failure to report corruption offences	Warning for two employees for failure to report undue influence
Disciplinary sanction	Warning for two employees for failure to report undue influence	
Total 2022	Seven	Two
Disciplinary sanction	Dismissal from work for two LEOs for failure to report corruption offences	Warning for three employees for failure to report undue influence
Total 2023	Two	Three

Criminal proceedings and immunities

183. LEOs are not subject to any immunity or procedural privileges. LEOs may be prosecuted by the prosecutor’s office, in accordance with the CCP.

184. The table below provides statistics on prosecutions and convictions of LEOs in the Police and Border Police in 2022 and 2023 regarding corruption-related criminal offenses.

¹⁰⁸ https://www.legis.md/cautare/getResults?doc_id=100644&lang=ro

Offences under Criminal Code	Police	Border Police	
	<i>Prosecutions</i>	<i>Prosecutions</i>	<i>Convictions</i>
Passive Corruption (Article 324) Active Corruption (Article 325)	46	32	
Smuggling with excise goods (Article 248 ¹)	0	3	
Trading in influence (Article 326)	22	0	
Abuse of power or abuse of office (Article 327)	3	0	
Illicit enrichment (Article 330 ²)	5	0	
Forgery of public documents (Article 332)	12	0	
Informatics forgery (Article 260 ⁵)		5	
Organising illegal migration (Article 362 ¹)		20	
Total 2022	88	60	
Passive Corruption (Article 324) Active Corruption (Article 325)	20	39	2
Trading in influence (Article 326)	4	0	
Abuse of power or abuse of office (Article 327)	3	0	
Excess of power or overstepping of official duties (Article 328)	1	0	
Illicit enrichment (Article 330 ²)	1	0	
Forgery of public documents (Article 332)	4	0	
Smuggling with excise goods (Article 248 ¹)	0	3	1
Organising illegal migration (Article 362 ¹)	0	22	
Informatics forgery (Article 260 ⁵)	0	5	
Total 2023	33	69	3

VI. RECOMMENDATIONS AND FOLLOW-UP

185. In view of the findings of the present report, GRECO addresses the following recommendations to the Republic of Moldova:

Regarding central governments (top executive functions)

- i. that (i) clear rules on integrity checks be adopted so that persons with top executive functions undergo integrity checks as part of their recruitment in order to identify, avoid and manage potential and existing conflicts of interest; (ii) rules be laid down setting out the criteria for the appointment of Secretaries of State and State Secretaries of the Government; and (iii) the names, functions (responsibilities), salary and information on ancillary activities in respect of Presidential Advisers, Ministerial Advisers and experts or consultants (non-tenured advisers) be made public (see paragraph 36);**
- ii. that (i) the adoption and/or review, as appropriate, of registers of institutional corruption risks be broadened to cover more specifically persons with top executive functions and the registers be updated regularly, and (ii) periodic progress reports on their implementation be made public (paragraph 44);**
- iii. that (i) code(s) of conduct for persons with top executive functions, covering all relevant integrity matters (conflicts of interest, incompatibilities, gifts, contacts with lobbyists and third parties, post-employment restrictions, asset declarations, the handling of confidential information and ancillary activities), be adopted and made public, together with practical guidance, and (ii) the code(s) of conduct be coupled with a credible and effective mechanism for supervision and enforcement, including appropriate sanctions (paragraph 49);**
- iv. that (i) dedicated awareness-raising trainings or briefings of persons with top executive functions on integrity related matters be systematically provided, when taking up their positions and at regular intervals thereafter, and (ii) confidential counselling on integrity related issues be made available to and documented upon (paragraph 50);**
- v. that (i) effective measures be taken to ensure compliance with the obligations stemming from the statutory provisions of the freedom of information legislation as regards proactive transparency, the creation of a register of requests for public interest information, the handling of requests for public interest information within the statutory time-limit, and the proportionate application of the legitimate grounds for limitations of access to public interest information, and (ii) regular awareness-raising training on the freedom of information legislation be provided to persons exercising top executive functions and those responsible for its implementation at the Government level (paragraph 57);**
- vi. that (i) a study be undertaken to assess the effectiveness and quality of public consultation and, in the light of its findings, remedial measures be taken; (ii) the minimum statutory timelines for public consultation be increased; and (iii) a unified portal documenting the entire process of drafting a normative act, the conduct of**

public consultation and the decision-making by the Government be put in place (paragraph 62);

- vii. that (i) rules on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's decision-making processes, decisions and other activities be introduced, and (ii) sufficient information about the purpose of these contacts be disclosed such as the identity of the person(s) with whom (or in whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion (paragraph 63);**
- viii. recommends that the internal audit service of the President's Office and all Ministries, including the State Chancellery, become fully staffed and fully operational (paragraph 65);**
- ix. that the system for managing conflicts of interest of persons with top executive functions be strengthened by (i) providing a clear definition of perceived (apparent) conflict of interest; (ii) ensuring that persons with top executive functions step aside from the decision-making process in the case of a potential, perceived (apparent) or real conflict of interest, and (iii) publishing registers of declaration of conflicts of interest (paragraph 71);**
- x. that (i) an effective supervision mechanism be established to implement the rules on post-employment restrictions in respect of persons with top executive functions, and (ii) the supervision mechanism be given the powers to impose adequate sanctions in case of breaches of the rules on post-employment restrictions (paragraph 84);**
- xi. that (i) systemic (preferably annual), realistic and enforceable in-depth control of declarations be developed and implemented, and (ii) comprehensive statistics on the in-depth control of declarations and its results be made public on a regular basis (paragraph 91);**
- xii. that an internal effective oversight mechanism be established within the National Integrity Authority in order to ensure consistency of decisions of integrity inspectors as well as an equal and fair distribution of the workload amongst integrity inspectors (paragraph 92);**
- xiii. that (i) all persons with top executive functions be included in the list of categories of officials who may be investigated and prosecuted by the Anti-corruption Prosecutor's Office for the commission of certain corruption and corruption-related offences, and (ii) the Anti-corruption Prosecutor's Office be provided with adequate human, financial and technical resources, as well as the necessary autonomy in order to carry out effective investigation and prosecution of offences involving persons with top executive functions and regularly inform the public of the progress of its work... (paragraph 96);**

Regarding law enforcement agencies (Police and Border Police)

- xiv. that proactive measures be taken to increase the representation of women at all levels in the Police and the Border Police, particularly at middle and senior managerial levels (see paragraph 109 above);
- xv. that (i) legislation be developed to regulate the receipt of donations by the Police and the Border Police, and (ii) donations be published on a dedicated, accessible webpage, clearly indicating the nature and value of each donation, the donor's identify and how the assets donated were used (paragraph 111);
- xvi. that the Police and the Border Police take measures to comply with the requirements laid down in the new freedom of information legislation (as regards, for example, the increase of proactive transparency, the creation of a register of requests for public interest information, the handling of requests for public interest information within the statutory time-limit, and the proportionate application of the legitimate grounds for limitations of access to public interest information) (paragraph 116);
- xvii. that dedicated regular trainings on risk management be provided to police officers in the Police and the Border Police, who are involved in the preparation and finalisation of risk registers, including the inventory of sensitive functions (paragraph 122);
- xviii. that (i) dedicated (separate or joint) code(s) of ethics be developed and published in respect of the Police and the Border Police, covering all relevant integrity matters (such as conflicts of interest, gifts, contacts with third parties, outside activities, handling of confidential information etc.), and (ii) the code(s) of ethics be complemented by tailor-made practical guidance in respect of each of the Police and the Border Police and an enforcement mechanism (paragraph 128);
- xix. that (i) regular in-service training of Police and Border Police officers, including managers, on integrity matters ethics and anti-corruption be conducted, and (ii) a mechanism be established for providing confidential counselling on ethical and integrity matters to Police and Border Police officers (paragraph 132);
- xx. that integrity checks of law enforcement officers, including sensitive functions and managers, in the Police and the Border Police take place systematically prior to recruitment and throughout their career (paragraph 138);
- xxi. (i) establishing a merit-based, competitive and transparent process for the selection and appointment of deputies to the Chief of the Police, and (ii) limiting the practice of *ad interim* promotions in the Police and the Border Police to only exceptional situations and further enhancing the transparency and objectivity of all decisions regarding career promotion of law enforcement officers (paragraph 143);
- xxii. that the level of remuneration in the Police and the Border Police be increased to establish attractive wages for the lower ranks (entry level), while maintaining a stimulating margin for progression throughout the career (paragraph 150);

- xxiii. that a study be undertaken on the existing practice of law enforcement officers engaging in outside activities (paid or unpaid) and that, in the light of its findings, the regulatory framework be adequately developed/adapted in order to limit integrity-related risks and effectively supervise the exercise of outside activities... (paragraph 157);**
- xxiv. that (i) an effective supervision mechanism be established to implement the rules on post-employment restrictions in respect of law enforcement officers and (ii) the supervision mechanism be given the powers to impose adequate sanctions in case of breaches of the rules on post-employment restrictions (paragraph 164);**
- xxv. that (i) the Police and the Border Police take measures for the practical implementation of the obligations stemming from the whistleblowers' protection legislation, and (ii) law enforcement officers, in particular managers, be trained and informed on a regular basis about the whistleblowing procedures and protection measures (paragraph 179).**
186. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of the Republic of Moldova to submit a report on the measures taken to implement the above-mentioned recommendations by 30 June 2025. The measures will be assessed by GRECO through its specific compliance procedure.
187. GRECO invites the authorities of the Republic of Moldova to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.