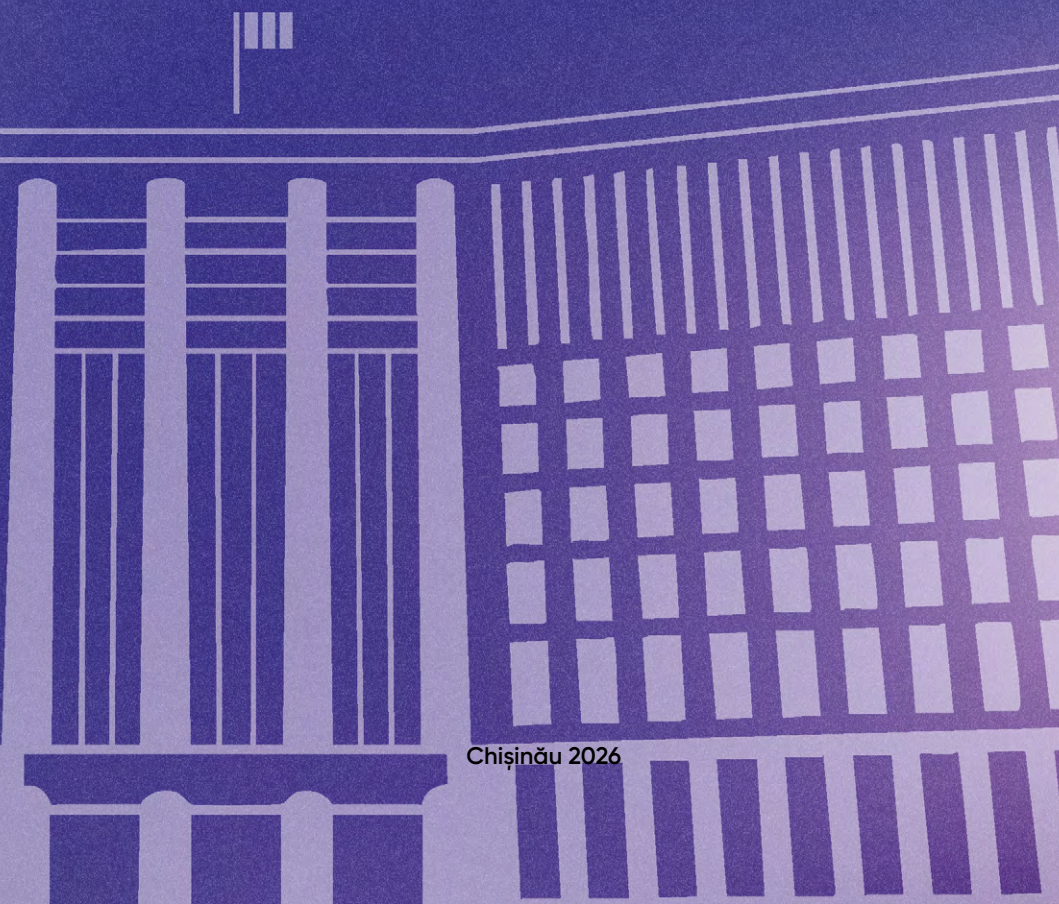
The CLEAN PARLIAMENT CHARTER



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Purpose and Scope of the Clean Parliament Charter

According to Resolution 1214 (2000) of the Parliamentary Assembly of the Council of Europe, which addresses the role of parliaments in fighting corruption, the parliament is a fundamental institution of a country because it is the essential expression of the people's will. Therefore, the parliament has a primary responsibility to fight corruption in all its forms. Parliaments must fulfill this task for the greater good of morality and progress. Honesty and trust are vital. In a global context marked by polarization and competition in all areas of life—economic, social, and political—corruption thrives. When public morality weakens, fighting corruption becomes difficult. The fight against corruption is at risk of being lost if parliaments, which should be the last bastions of resistance against corruption, are corrupt themselves.

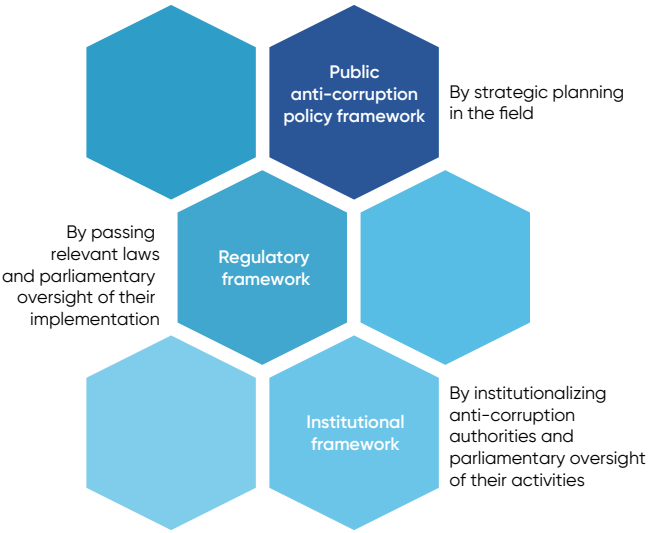
Integrity Law (No. 82/2017) is the framework law in this area. It establishes instruments for cultivating, strengthening, and controlling integrity in the public sector. This includes the political and institutional integrity of all public entities. The law ensures that public officials working in these entities perform their duties in strict accordance with the public interest.

According to the ***Integrity Law***, political integrity is defined as the ability of electoral candidates, their representatives, and individuals holding elective or political offices to conduct their activities ethically, free from corruption, and in accordance with the public interest, the Constitution of the Republic of Moldova, and the law.

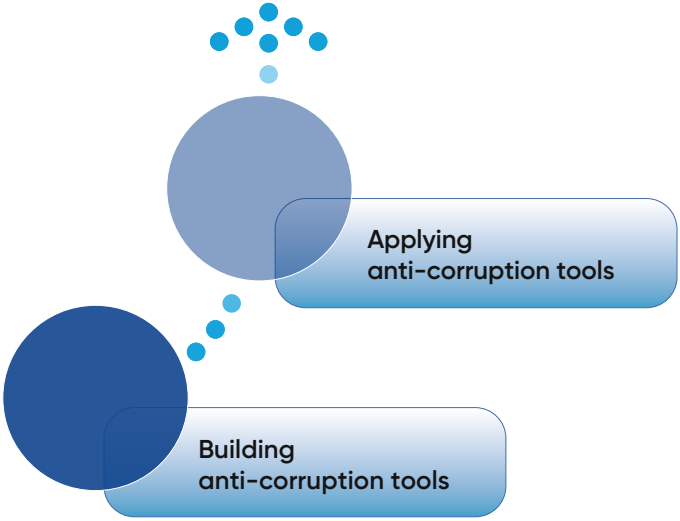
Institutional integrity consists of the professional integrity of all public officials within a public entity. This integrity is cultivated, controlled, and reinforced by the head of the entity, who enforces a zero-tolerance policy for incidents of misconduct.

According to the ***Integrity Law***, Parliament is a public entity, and its members are public officials who hold elected positions. Therefore, Parliament and its members are required to comply with the integrity requirements designed for the public sector. They also have a duty to set an example of integrity for society as a whole.

Furthermore, as the supreme representative and legislative body, Parliament plays a key role in establishing a comprehensive anti-corruption framework. The following dimensions are essential:



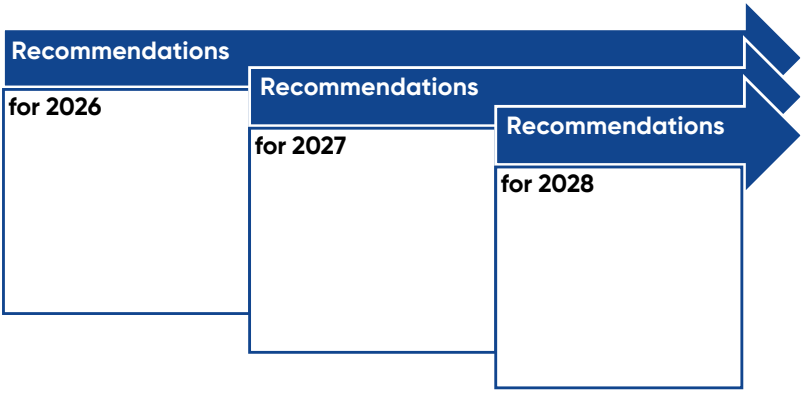
The Clean Parliament Charter addresses aspects related to the regulatory and institutional anti-corruption frameworks. It considers the two perspectives of parliamentary activity: building and applying anti-corruption instruments.



The Clean Parliament Charter supports this dual approach to integrity. It provides a roadmap for improving the anti-corruption framework in general and enhancing parliamentary integrity in particular. The charter focuses on the following anti-corruption tools:

- Promoting meritocracy and professional integrity.
- Vetting incumbents and candidates for public office.
- Applying simulated behavior detection (polygraph) testing.
- Complying with the legal regime governing the declaration of personal assets and interests, conflicts of interest, incompatibilities, restrictions, and limitations.
- Complying with the legal regime governing gifts.
- Protecting whistleblowers and dealing with undue influence.
- Ensuring access to information of public interest and transparency in decision-making.
- Complying with ethical and professional standards.

In addressing each instrument individually, one should start with an analysis of the general context, which includes the major problems identified, followed by recommendations for improving the current situation, to be implemented during the parliamentary term (during the full years of the parliamentary term – 2026, 2027, 2028).



The following methods were used to develop the recommendations:

- Expert examination of the relevant regulatory framework in terms of corruptibility and vulnerability of the rules.
- Analysis of parliamentary practices based on publicly available information.
- Individual interviews conducted with well-known stakeholders.

Sources included publications from competent authorities, specialized international bodies, and civil society organizations, as well as results from interviews with prominent representatives of the stakeholders.

Individual interviews were conducted with the following persons:

- **Andrei Lutenco** – Executive Director and Program Director, Center for Policies and Reforms;
- **Arcadie Barbarosie** – Executive Director, Institute for Public Policies;
- **Igor Boțan** – Executive Director, Association for Participatory Democracy (ADEPT);

- **Liliana Palihovici** – Co-Chair, European Union–Republic of Moldova Civil Society Platform, Chair, Institutum Virtutes Civilis Association;
- **Nadine Gogu** – Executive Director, Independent Journalism Center;
- **Nicolae Panfil** – Program Director, Promo-LEX Association;
- **Sergiu Neicovcen** – Executive Director, CONTACT Center;
- **Viorel Furdui** – Executive Director, Congress of Local Authorities of Moldova (CALM).

We would like to take this opportunity to thank the interviewees for being responsive and willing to engage, and for being sincere and making valuable contributions.

1. Promoting Meritocracy and Professional Integrity

According to Articles 66(f) and (j) of the ***Constitution of the Republic of Moldova***, Parliament is responsible for having parliamentary oversight of the executive branch and for electing and appointing state officials. Through these duties, Parliament can play a vital role in promoting meritocracy and professional integrity.

According to the Promo-LEX Association[1], the 11th Parliament has appointed officials to all positions established by special legislation. Most of these appointments were approved during the first year of the term. These appointments were primarily approved by the parliamentary majority without support from the opposition. The competition procedures were generally transparent. However, in the early years of the mandate, information on competitions was often incomplete and presented in an unhelpful manner on Parliament's website. Competitions were not always perceived as genuine. Sometimes, political considerations seemed to affect the results of the competition.

One of the shortcomings regarding positions filled through competition is the lack of a framework law that would regulate how Parliament organizes and conducts competitions.

Currently, Parliament organizes and conducts competitions by establishing ad hoc committees or delegating these powers to one of the standing parliamentary committees. The standing parliamentary committee then approves the rules governing the organization and conduct

1 Promo-LEX Association, Report: Monitoring the Activity of the 11th Parliament, Chișinău, 2025, p. 6-7, 68-70, https://promolex.md/wp-content/uploads/2025/12/final_raport-monitorizarea-activitatii-parlamentului_legislatura-xi-a.pdf

of the competition on a case-by-case basis. Clearly, these practices do not ensure consistency, stability, or predictability in legal norms. Furthermore, these practices undermine the transparency, publicity, and accessibility of procedures. The committees' decisions are published exclusively on the Parliament's website.

In 2016, a group of MPs submitted a relevant draft law, titled ***"Draft Law on the Procedure for Selecting, Through Public Competition, the Heads and Members of Institutions Under Parliamentary Control or Appointed by Parliament."***[2] However, the draft law was not debated in Parliament's plenary session, leaving the national regulatory framework incomplete. A law of this kind would standardize and streamline practices, ensuring the predictability, security, and credibility of competition procedures.

In cases of appointments to positions that are not filled through a competitive process, Parliament's discretion can only be limited by expressly and exhaustively establishing the eligibility conditions for filling the position (most special laws contain provisions to this effect) as well as by establishing mechanisms to hold incumbents accountable (many special laws are deficient in this regard).

Without mechanisms to hold incumbents accountable, the risk of corruption increases. It is important to have a framework law that would regulate ministerial accountability. Concerns about a draft law in this regard emerged 25 years ago, but Parliament rejected the draft in 2000.[3] Despite this failure, the preparation of a ***draft law on ministerial accountability*** remained on the Government's and some members of Parliament's agendas, with no final outcome.[4] Another

2 Government Decision No. 990/2016 on Approving the Opinion on Draft Law on Procedure for Selecting, through Public Competition, the Heads and Members of Institutions under Parliamentary Oversight or Whose Appointment Is Made by Parliament. Official Gazette of the Republic of Moldova, 2016, No. 277-278, Art. 1076.

3 Parliament Decision No. 1284/2000 on Rejection of Draft Law on Ministerial Responsibility, Official Gazette of the Republic of Moldova, 2000, No. 130-132, Art. 934.

4 For example, see: The Government Activity Plan for the Fourth Quarter of 2006, which was approved by Government Decision No. 1130/2006 and published in the Official Gazette of the Republic of Moldova, No. 158-160, Art. 1221.

attempt to promote such a draft law was made by a member of Parliament in 2020. However, the draft law was neither supported by the Government[5], nor taken up by Parliament.

Another problem is the deterioration of the rules that govern the appointment of leaders of anti-corruption agencies. For instance, competitive procedures were excluded for the positions of director and deputy director of the National Anti-Corruption Center (CNA). In accordance with Articles 8(1) and 8(10) of ***Law No. 1104/2002 on the National Anti-Corruption Center***, the CNA is currently headed by a director who is appointed by Parliament by a majority vote of the elected MPs, upon the proposal of at least 20 MPs, and with the positive opinion of the ***Legal, Appointments, and Immunities Committee***. The director shall be assisted in the exercise of his duties by two deputy directors appointed by Parliament on the director's recommendation.

Abandoning competitive procedures undermines the credibility of leaders and the institution itself because it goes against international standards and the case law of the Constitutional Court.

For the purposes of Article 7 of the ***United Nations Convention Against Corruption***, each State Party, where appropriate and consistent with the fundamental principles of its legal system, shall endeavor to adopt, maintain, and strengthen systems for the recruitment, employment, retention, promotion, and retirement of civil servants and, where appropriate, other non-appointed public officials, which:

- Are based on the principles of efficiency and transparency, as well as objective criteria such as merit, fairness, and aptitude;
- Include appropriate procedures for selecting and training individuals appointed to public positions that are particularly susceptible to corruption, and, where appropriate, include procedures for ensuring rotation in such positions.

5 Government Decision No. 397/2020 on Approving of the Opinion on Draft Law on Ministerial Responsibility. Official Gazette of the Republic of Moldova, 2020, No. 149-151, Art. 490.

The Constitutional Court distinguishes between two categories of public officials[6]:

- official representatives of a particular political interest;
- official representatives of a particular public interest.

The first category includes individuals who hold political positions within political institutions. These individuals are political figures by the nature of their positions and must demonstrate loyalty and consistency in the exercise of their duties to achieve political goals. Examples include prime ministers and ministers, who must demonstrate loyalty and commitment to the government program for which they were appointed.

Regarding the second category, its members require a certain degree of independence. These individuals are not directly involved in the state's political activities. They are guided solely by the law, and special laws expressly provide for the procedure of their appointment and dismissal from office.

Heads of anti-corruption authorities fall into the second category. To ensure their independence, these individuals should be appointed through a competitive process.

In the same vein, the regulatory regression concerning the dismissal of the CNA leadership is worth mentioning. According to Article 8(9) of ***Law No. 1104/2002***, Parliament orders the dismissal of the director with a majority vote of elected MPs, based on a proposal from at least one-third of the MPs, and with the ***Legal, Appointments, and Immunities Committee's***

6 See the case law of the Constitutional Court: Decision No. 22/2016 on the Exception of Unconstitutionality of Certain Provisions of the Annex to the Administrative Litigation Law No. 793 of February 10, 2000 (Access to Justice for Head and Deputy Head of Territorial Office of the State Chancellery) (Referral No. 69g/2015), Official Gazette of the Republic of Moldova, 2016, No. 256-264, Art. 67; Constitutional Court Decision No. 29/2010 on Constitutionality of Law No. 95 of May 21, 2010, "On Amending and Supplementing Certain Legislative Acts," Official Gazette of the Republic of Moldova, 2011, No. 1-4, Art. 1; Constitutional Court Decision No. 10/2010 revising Constitutional Court Decision No. 16 of May 28, 1998, "On the interpretation of Article 20 of the Constitution of the Republic of Moldova," as amended by Decision No. 39 of July 9, 2001, Official Gazette of the Republic of Moldova, 2010, No. 58-60, Art. 9.

approval. This measure may be applied in the event of a negative result on the professional integrity test, or if ineffective activity in the field of preventing and fighting corruption, related acts, and corruptible behavior is found through parliamentary oversight. In accordance with Article 8(10) of the aforementioned law, the dismissal of the deputy director shall be ordered by Parliament by a majority vote of the elected MPs, at the initiative of the director and in the circumstances provided for in paragraph (9), at the proposal of at least 20 MPs with the positive opinion of the ***Legal, Appointments, and Immunities Committee***. However, the law does not specify the institutional performance indicators whose deterioration could justify an 'unsatisfactory' assessment of the activity. Clearly, the general nature of the rules leaves decisions regarding the careers of CNA leaders at the discretion of MPs, which undermines the independence of both the leaders and the institution.

The CNA is the only anti-corruption authority whose activities have been subject to effective parliamentary oversight. This oversight began in 2021,[7] shortly after a change in the law[8] allowed for the dismissal of the CNA director due to unsatisfactory performance. However, this led to the perception that the goal of Parliament was to dismiss the CNA director rather than exercise genuine oversight.

Subsequently, based on the CNA activity assessment report, Parliament deemed the CNA ineffective and unsatisfactory[9] and removed its director from office,[10] even if he had been appointed on July 31, 2019,[11] and could not be held responsible for the CNA's activities between January 2016

7 Parliament Decision No. 108/2021 on Initiating Parliamentary Oversight of the Activity of the National Anti-Corruption Center. Official Gazette of the Republic of Moldova. 2021. No. 219-225. Art. 244.

8 Law No. 98/2021 amending Article 8 of Law No. 1104/2002 on the National Anti-Corruption Center, Official Gazette of the Republic of Moldova, 2021, No. 211, Art. 225.

9 Parliament Decision No. 186/2021 on the Evaluation Report on the Activity of the National Anti-Corruption Center for the period from January 2016 to September 2021, Official Gazette of the Republic of Moldova, 2021, No. 286-289, Art. 405.

10 Parliament Decision No. 187/2021 on Dismissal of Director of the National Anti-Corruption Center, Official Gazette of the Republic of Moldova, 2021, No. 286-289, Art. 406.

11 Parliament Decision No. 104/2019 on Appointment of Director of the National Anti-Corruption Center, Official Gazette of the Republic of Moldova, 2019, No. 249, Art. 346.

and July 2019. Based on publicly available information, it appears that the dismissal of the CNA director was the only result of this parliamentary oversight exercise. Parliament did not revisit the recommendations in the evaluation report during the 2022,[12] 2023,[13] and 2024[14] hearings. This case could serve as an example of making an anti-corruption authority politically loyal through unjustified legislative amendments and biased parliamentary oversight.

To summarize the above, we hold the following recommendations:

Amend ***Law No. 1104/2002 on the National Anti-Corruption Center*** to return to competitive procedures for appointing the CNA leadership.	**2026**
Complete ***Law No. 1104/2002 on the National Anti-Corruption Center*** with provisions to establish clear and objective criteria for evaluating the CNA's institutional performance.	**2027**
Draft and adopt a framework law that would regulate the organization and conduct of public competitions by Parliament.	**2027**
Draft and adopt a framework law on ministerial accountability.	**2028**

12 Parliament Decision No. 224/2022 on the Activity Report of the National Anti-Corruption Center for 2021 and the First Half of 2022, Official Gazette of the Republic of Moldova, 2022, No. 238-244, Art. 471.

13 Parliament Decision No. 117/2023 on the Activity Report of the National Anti-Corruption Center for 2022, Official Gazette of the Republic of Moldova, 2023, No. 168-169, Art. 279.

14 Parliament Decision No. 76/2024 on the Activity Report of the National Anti-Corruption Center for 2023.

2. Verifying Incumbents and Candidates for Public Office

Verifying incumbents and candidates for public office is a personnel recruitment and evaluation tool. According to Article 25(5)(a) of the ***Integrity Law***, it is one of the tools used to verify integrity in the public sector.

Law No. 271/2008 on the Verification of Incumbents and Candidates for Public Office establishes the principles, purposes, procedures, forms, and methods for verifying information about Moldovan citizens who hold or are running for public office.

Incumbents and candidates for the following are subject to verification:

- Public office positions held either by direct mandate following elections (except for parliamentary or local elections) or indirectly by appointment, as specified in ***Law No. 199/2010 on the Status of Persons Holding Public Office***, except for candidates for the position of judge and current judges.
- Senior public management positions and public management positions.
- Positions held by contract military personnel or other individuals with special status in public authorities, where military or special services are provided, that correspond to the categories of senior public officers and management public officers;
- Positions held by persons delegated as the head of a diplomatic or consular mission, as well as persons selected for delegation to a diplomatic or consular mission who have not previously held public office.

- Positions held by integrity inspectors, in accordance with the provisions of ***Law No. 132/2016 on the National Integrity.***

The Intelligence and Security Service (SIS) carries out the verification and draws up an advisory opinion on:

- The extent to which the incumbent or candidate for public office meets the employment requirements and complies with the established legal restrictions.
- Identified risk factors, or lack thereof.
- The authenticity of the information provided by the incumbent or candidate for public office in the documents submitted for the position.

Based on the opinion, the public authority responsible for appointments decides whether the person in question is compatible with the interests of public office. If the decision is that the person is incompatible, the candidate may not hold the position in question, and the incumbent shall be removed from office.

Law No. 271/2008 has been amended and supplemented three times since its adoption, albeit insignificantly.

Parliament only verifies candidates for positions in the Central Election Commission when appointing officials. This is due to the provisions of Article 22(3) ***of Electoral Code No. 325/2022***, which require Parliament to publish the results of the verification process.

Civil society organizations[15] claim that ***Law No. 271/2008*** requires revision because its full implementation has not been proven. The SIS attempted to improve the regulatory framework by preparing ***a draft to amend and supplement certain legislative acts.*** However, the draft was not advanced.

15 For more details, see: Promo-LEX Association, Report: Monitoring the appointment/dismissal of public officials in 2016), Chișinău, 2017, p. 17-18, 27-28, 36-38, https://promolex.md/monitorizarea-modului-de-ocupareincetare-a-functiilor-publice-in-anul-2016/; Institute for Public Policy, Policy Paper: Verification of Incumbents and Candidates for Public Office, Chișinău, 2020, https://ipp.md/wp-content/uploads/2020/06/Verificarea-functii-publice-Mariana-Anton-Calughin.pdf

The shortcomings of the regulatory framework are well known, and it is necessary to:

- Specify the risk factors as much as possible, given the importance of the verification results for the career of the person concerned, as they may affect fundamental rights.
- Exclude candidates for the office of President of the Republic of Moldova from the scope of the law.
- Ensure the accountability of the implementing authorities by providing sanctions for failing to inform the verification body of violations by incumbents and candidates of the legal conditions and restrictions for holding public office, about risk factors that have become known and other circumstances that pose a threat to national security interests, but also by providing for sanctions for failure to initiate the verification of incumbents/candidates for positions and the appointment/promotion of unverified persons.
- Ensure that verification procedures are applied when promoting employees, even if five years have not passed since the last verification.
- From the perspective of how the verification body uses the results of previous verifications, review the retention periods for verification materials and other documents.
- Make the results of verifications carried out on public officials and senior public officers transparent by requiring the SIS to compile and publish a summary of the results on its website.
- In the case of appointing authorities that are collegiate bodies, ensure that all members have access to SIS opinions.
- Starting with the lack of generalized information on the application of the instrument and the delay with which the SIS communicates information requested by civil society organizations monitoring the application of the instrument, as well as the unavailability of certain data, the SIS should digitize information on the process of verifying incumbents and candidates for public office within an integrated

analytical system, including information on the outcome of the verification.
- Require SIS to publish, on its website, general analytical notes on the verification of incumbents and candidates for public office annually. Generalized, depersonalized information about the verification process for incumbents and candidates is of public interest. It is particularly important to inform the public about the authorities which do not request verification of their staff and about cases where compatibility decisions have been adopted despite advisory opinion findings.

To ensure the certainty of the rules, it is necessary to supplement the special laws that regulate the status of positions under ***Law No. 271/2008*** (e.g., ***Law No. 199/2010 on the Status of Persons Holding Public Office, and Law No. 158/2008 on Public Office and the Status of Public Officer)*** with provisions that justify dismissing or transferring the incumbent, if a decision on incompatibility has been made. There should also be provisions in place that would justify suspending an incumbent, if their remaining in office could threaten national security interests, for the duration of the investigation.

According to Article 17(2) of ***Law No. 271/2008***, Parliament exercises control over the activities of the verification body in the manner established by the ***Rules of Procedure of Parliament*** and the ***Law on the Intelligence and Security Service of the Republic of Moldova***. As long as the ***Subcommittee for Parliamentary Oversight of the Activities of the Intelligence and Security Service*** remains non-functional, the rules appear to remain unenforced. We have no information suggesting that Parliament is exercising effective and efficient control of law enforcement.

Thus, in addition to improving the regulatory framework, it is important to exercise parliamentary control over the enforcement of the law. In this regard, it is necessary to hear from the SIS and conduct an ex-post evaluation of ***Law No. 271/2008***. This evaluation

should address pre-employment tools, such as the verification of incumbents and candidates, as well as testing with a simulated behavior detection (polygraph). It should also address the possible overlap of verification procedures with those applicable under the legislation on access to state secrets.

To summarize the above, we hold the following recommendations:

Conduct an ex-post evaluation of ***Law No. 271/2008 on the Verification of Incumbents and Candidates for Public Office***	**2026**
Improve ***Law No. 271/2008 on the Verification of Incumbents and Candidates for Public Office***	**2027**

3. Using Simulated Behavior Detection (Polygraph) Testing

Another tool related to staff recruitment is simulated behavior detection (polygraph) testing. The Republic of Moldova is one of the few countries that has developed a specialized law in this area: ***Law No. 269/2008 on Simulated Behavior Detection (Polygraph) Testing.***

Although ***Law No. 269/2008*** came into force on March 20, 2009, it remained unenforced for many years because the regulatory framework subordinate to the law was not developed. Implementation did not begin until the second half of 2014 with ***Government Decision No. 475, "On Certain Measures for Implementing Law No. 269-XVI of December 12, 2008, on the Use of Simulated Behavior Detection (Polygraph) Testing."***

More than 17 years after the relevant law was adopted, it is clear that polygraph testing is not being implemented fully or effectively. This failure is due to various reasons, ranging from deficiencies in the legal framework to a lack of commitment to applying this anti-corruption tool.

Pursuant to Article 31 of ***Law No. 269/2008***, parliamentary oversight of polygraph testing is exercised by the ***National Security, Defense, and Public Order Committee (the Parliamentary Committee).*** Despite this obligation, the Parliamentary Committee did not address the issue until early 2018, when a decision was adopted to this effect, finding that:[16]

The provisions of Law No. 269/2008 are incomplete and ambiguous,

16 Decision of the Commission for National Security, Defense, and Public Order on Parliamentary Oversight of the Implementation of Law No. 269-XVI of December 12, 2008, on Use of Simulated Behavior Detection (Polygraph) Testing, CSN No. 35 A of February 1, 2018.

and some are contradictory.

- Although ***Law No. 269/2008*** was adopted in 2008, it was not implemented until the ***Regulation on the Organization and Functioning of the State Commission for Polygraph Testing*** was approved by ***Government Decision No. 475/2014,*** which was made to enforce the law.
- One problem is the shortage of polygraph examiners, certified and registered polygraph assistant examiners, polygraph machines, specialized testing offices, and other means necessary for testing.
- Given the tight state budget, the authorities are having a hard time finding the money to buy polygraph devices and to train polygraph examiners, as these technical tools and services are pretty expensive.
- The polygraph device is not included in the ***official list of measuring instruments and devices subject to legal metrological control,*** as approved by ***Government Decision No. 1042/2016***. This could lead to litigation in court.
- Another problem is the lack of standardized polygraph tests for the subjects being tested.

The Parliamentary Committee had submitted the following recommendations to the Government:

- Initiate a competent working group to draft legislation that amends the ambiguous and unclear legal provisions concerning the probative value of polygraph tests. Examine and identify legal solutions for their standardized certification.
- Identify financial resources in the state budget for procuring polygraph devices for authorities that do not currently have them. Ensure the initial and ongoing training of polygraph examiners.
- Consider creating a single, independent center for testing simulated behavior in the absence of financial resources for the aforementioned objectives.

The Parliamentary Committee made the following recommendations to the authorities responsible for initiating polygraph testing:

- Actively engage in establishing the roles of polygraph examiners and assistants within your organization's staffing structure.
- Be aware of the importance of polygraph test results.
- Report to the Parliamentary Committee every six months on the implementation of that decision.

At the same time, the Parliamentary Committee agreed to monitor the implementation of the decision annually, but failed to do so. The Committee did not insist on monitoring developments in this area, and the subject seems to have been completely abandoned.

According to the civil society organizations,[17]recovery requires a complex set of multidimensional actions, including normative, methodological, organizational, and technical actions, such as:

- Improve the legal framework by: clarifying the status of polygraph examiners and assistants (their subordination); clarifying the grounds and manner of conducting repeat tests, including fees; ensuring accountability of polygraph examiners, assistants, translators, and lawyers; guaranteeing the rights of the person being tested, including the right to partial access to test materials; drafting legal provisions ensuring that test results are presumptive and indicative, not constituting the sole basis for decisions about the person being tested while providing grounds for additional verification.
- Reconsider the institutional framework in this area. Statistics on law enforcement demonstrate the existing framework's inefficiency. The most appropriate solution would be to place polygraph examiners within the SIS. Testing would then be part of the verification process carried out under Law No. 271/2008, which concerns the verification of incumbents and candidates

17 Promo-LEX Association, Report: Monitoring the appointment/dismissal of public officials in 2016), Chișinău 2017, p. 18-22, 28-29, 38 https://promolex.md/monitorizarea-modului-de-ocupareincetare-a-functiilor-publice-in-anul-2016/; Institute for Public Policy, Policy Paper: Verification of Incumbents and Candidates for Public Office, Chișinău, 2020, https://ipp.md/wp-content/uploads/2020/06/Folosirea-Poligrafului-Mariana-si-Anton-Calughin1.pdf

for public office. The test could be repeated at regular intervals, at least once every five years, and when a public official is promoted. Redesigning the institutional framework in this way would ensure the independence of polygraph examiners from those who initiate the test, which is a prerequisite for an effective process.

- With the amendment of Law No. 269/2008, an inventory was made of the regulatory framework subordinate to the law, including methodological norms. During this process, care must be taken to ensure that lower-level normative acts do not distort the meaning of or exceed the limits of the regulations contained in the law.
- Identify opportunities for training and retraining polygraph examiners. Provide technical support for the testing process, particularly for resolving issues related to the technical compliance of polygraph equipment.
- Identify and allocate the necessary resources, including financial resources, for testing.
- Ensure parliamentary oversight of the enforcement of Law No. 269/2008 through ex-post evaluation.

To summarize the above, we hold the following recommendations:

Conduct an ex-post evaluation *of Law 269/2008 on Applying Simulated Behavior Detection (Polygraph) Testing*	**2026**
Improve *Law 269/2008 on Using Simulated Behavior Detection (Polygraph) Testing*	**2027**

4. Complying with the Legal Regime Governing Declaration of Personal Assets and Interests, Conflicts of Interest, Incompatibilities, Restrictions, and Limitations

The National Integrity Authority (ANI) oversees the management of personal assets and interests, and ensures compliance with the legal framework governing conflicts of interest, incompatibilities, restrictions, and limitations.

The status of ANI, as well as the related procedures, are regulated by ***Law No. 132/2016 on the National Integrity Authority (Law No. 132/2016)*** and ***Law No. 133/2016 on the Declaration of Assets and Personal Interests (Law No. 133/2016).***

The regulatory framework is neither stable nor consistent. Between 2024 and 2025, ***Law No. 132/2016*** underwent three amendments, while ***Law No. 133/2016*** was amended seven times. Surprisingly, at the end of their term, certain Members of Parliament who had authored legislative initiatives came up with proposals to exclude provisions they had previously proposed.[18]

Similar to the situation with the CNA, the regulatory framework in this area has deteriorated due to the removal of several provisions

18 Center for Analysis and Prevention of Corruption, Expert Report on Draft Law Amending Certain Legislative Acts (Declaration of Assets and Personal Interests) https://www.capc.md/documents/raport-de-expertiza-la-proiectul-de-lege-pentru-modificarea-unor-acte-normative-declararea-averii-si-intereselor-personale/

intended to ensure the ANI's institutional independence.

The current version of ***Law No. 132/2016*** states that the ANI is led by a president who is assisted by a vice president. The president of ANI is appointed by the President of the Republic of Moldova upon the recommendation of the Integrity Council. The vice president of ANI is appointed by the president of the Republic of Moldova upon the president of ANI's proposal. The competition procedure is only provided for the position of ANI president and consists of a single test: a public interview. Initially, both positions were to be filled through a competitive process consisting of a written test and an interview. Candidates were tested on a simulated behavior detector (polygraph device).

The provisions on the status of integrity inspectors have deteriorated as well. The ANI president has been assigned duties directly related to oversight activities. These duties include:

- Generalizing the practice of integrity inspectors to verify and control, as well as taking measures to unify it.
- Checking control files, documents, materials, and other information related to the activities carried out.
- Giving written, reasoned directions to integrity inspectors.
- Revoking minutes on refusal to initiate an inspection and the findings of integrity inspectors by means of a reasoned decision.
- Ordering the resumption of verification if a finding act has been revoked.

The ANI vice president may also intervene in the control activities of integrity inspectors, assuming monitoring and supervisory functions.

Furthermore, the chief integrity inspector was specifically tasked with organizing, controlling, monitoring, and evaluating the work of integrity inspectors.

Indeed, since ANI began its work, integrity inspectors have applied the rules inconsistently in the verification procedures. However, these procedures were to be standardized based on judicial precedents.

The institutionalization of ANI is an example of anti-corruption tools being implemented at the national level. Although the relevant regulatory framework had entered into force in 2016, the first verifications were initiated in 2018.

ANI's performance varied over time. Most verification acts were drawn up in 2021. This could be due to changes in legislation that required ANI to review anonymous complaints.

ANI: Verification acts

	2018	2019	2020	2021	2022	2023	2024
Assets	1	54	82	140	158	67	97
Conflicts of interest	24	65	145	209	130	63	61
Incompatibilities	11	27	112	79	66	17	33
Restrictions and limitations	2	1	8	5	4	7	10
Total	38	147	347	433	358	154	201

Source: Prepared by the authors based on ANI activity reports.

Three years after its establishment, the highest proportion of verification acts continues to target assets, initially taking precedence over those targeting conflicts of interest. This trend may be due to the completion of several asset-targeting verification procedures that were initiated in previous years. Asset control is usually more time-consuming than monitoring compliance with conflict-of-interest, incompatibility, restriction, and limitation regimes. This is due to the complexity of the procedures, the need to collect and compare multiple pieces of information, and the fact that the outcome of the control is unclear when it is initiated. It is worth noting the low number of compliance checks regarding the restrictions and limitations regime. This may be due to the lack of information that would enable ANI to identify violations on its own.

Generally, findings of no violations prevailed, except in 2021 and 2022 when the ratio was reversed. In 2024, the number of findings of violations of the asset regime outnumbered the number of findings of violations of the regimes governing conflicts of interest, incompatibilities, restrictions, and limitations. Previously, findings of violations of the conflict-of-interest regime had been in the majority.

ANI: Findings of violations

	2018	2019	2020	2021	2022	2023	2024
Assets	0	10	14	32	49	32	58
Conflicts of interest	18	60	110	138	91	61	51
Incompatibilities	9	23	81	45	22	9	27
Restrictions and limitations	2	1	5	1	3	3	4
Total	29	94	210	216	165	105	140

Source: Prepared by the authors based on ANI activity reports

The same trend applies to findings of no violation. This has remained consistent throughout ANI's entire period of activity.

ANI: Findings of no violations

	2018	2019	2020	2021	2022	2023	2024
Assets	1	44	68	108	109	35	39
Conflicts of interest	6	5	35	71	39	2	10
Incompatibilities	2	4	31	34	44	8	6
Restrictions and limitations	0	0	3	4	1	4	6
Total	9	53	137	217	193	49	61

Source: Prepared by the authors based on ANI activity reports

As for MPs, they are frequently subject to verification procedures. For instance, in 2024, MPs were targeted in four out of 31 verification findings on personal assets and interests, initiated in relation to persons holding public office. All four verification acts targeted opposition MPs, and violations were found in all cases.

Number of verification findings on personal assets and interests, by category of subjects

Category of declaration subjects	Number of findings	Findings of violation	Findings of no violation
Persons holding public office	31	16	15
MPs	4	4	0
Judges	10	4	6
Prosecutors	10	2	8
Pretors (2) and vice pretors (1)	2	2	1
Mayors	3	3	0
Public officers, including those with special status	49	29	20
Leaders of public organizations	10	7	3
Local councilors	7	6	1
Total	97	58	39

Source: ANI Annual Report for 2024

According to the Transparency International–Moldova[19], there are a number of issues with ANI's work, the main one being the inefficiency of verification procedures, as evidenced by the low success rate in tracking down unjustified wealth and illicit enrichment. Integrity inspectors published 98 reports that revealed obvious and substantial differences, among other findings. .

19 For more details, see: Transparency International Moldova: "Determining the Unjustified Nature of Wealth and Combating Illicit Enrichment." The Case of the Republic of Moldova., Chișinău, 2025, https://www.transparency.md/wp-content/uploads/2026/01/studiu-avere-nejustificata-imbogatire-ilicita-.pdf

ANI: Findings of obvious or substantial differences.

2020	2021	2022	2023	2024	2025 (January-July)	Total
4	19	15	22	30	8	**98**

Source: Transparency International–Moldova, Establishing the Unjustified Nature of Wealth and Combating Illicit Enrichment: The Case of the Republic of Moldova, Chișinău, 2025.

The findings of obvious and substantial differences concerned 99 individuals, 17 of whom were members of Parliament. These data reconfirm the vulnerability of the position of member of Parliament. However, it should be noted that verification procedures are initiated after mandates end or in relation to members of the parliamentary opposition. Thus, the public may perceive the verification procedures as selective and the integrity inspectors' and the ANI's independence as insufficient.

Of the 98 findings establishing obvious or substantial differences, only six—representing six percent of the total—are final and enforceable. One of these findings became final due to a lack of challenges. The final findings do not affect members of Parliament.

ANI: Status of findings of obvious/substantial differences

Pending before Centru District Court	Pending before Chișinău Court of Appeals	Pending before Supreme Court of Justice	Cancelled (including partially cancelled)	Final (including unchallenged)	Total
1	47	40	4	6	98

Source: Transparency International–Moldova, Establishing the Unjustified Nature of Wealth and Combating Illicit Enrichment: The Case of the Republic of Moldova, Chișinău, 2025

According to the Transparency International–Moldova,[20] based on the data on the official website of the Supreme Court of Justice, the findings only recently became final. Therefore, conclusions about the applicability of unjust enrichment confiscation are premature. However, the slowness with which cases are tried is worth noting, as it jeopardizes the effectiveness and efficiency of the instrument.

The results of efforts to combat illicit enrichment are even more modest. According to Transparency International Moldova, the Ministry of Internal Affairs registered 110 criminal cases under Article 330/2 of the *Republic of Moldova's Criminal Code No. 985/2002* between 2014 and August 1, 2025. This article criminalizes the offense of illicit enrichment.

Criminal cases (Article 330/2 of the Criminal Code – Illegal enrichment)

Year	Registered	Sent to court	Ceased	Dismissed	Suspended	Transmitted to other states
2014	-	-	-	-	-	-
2015	1	-	-	1	-	-
2016	5	-	-	-	-	-
2017	5	-	-	-	-	-
2018	6	-	-	-	-	-
2019	5	-	-	-	-	-
2020	5	-	-	2	-	-
2021	12	-	-	-	-	-
2022	54	2	-	2	-	-

20 Transparency International Moldova: "Determining the Unjustified Nature of Wealth and Combating Illicit Enrichment." The Case of the Republic of Moldova., Chișinău, 2025, https://www.transparency.md/wp-content/uploads/2026/01/studiu-avere-nejustificata-imbogatire-ilicita-.pdf

Year	Registered	Sent to court	Ceased	Dismissed	Suspended	Transmitted to other states
2023	8	-	-	2	-	-
2024	5	1	-	-	-	-
7 months 2025	4	-	-	-	-	-
Total	**110**	**3**	**-**	**7**	**-**	**-**

Source: Transparency International–Moldova, Establishing the Unjustified Nature of Wealth and Combating Illicit Enrichment: The Case of the Republic of Moldova, Chișinău, 2025

The results of the criminal investigations are disappointing. Of the 110 cases registered, 100 are being handled by the authorities, seven have been dismissed, and three have been referred to courts.

According to Transparency International–Moldova,[21] the only final and irrevocable court ruling appears to be that of Silviu Condrea, the former head of the Radiology and Computed Tomography Department of the Republican Medical Diagnostic Center. Condrea pleaded guilty to several crimes, including illicit enrichment. Therefore, this case cannot serve as evidence of practices in the prosecution and punishment of illicit enrichment.

In conclusion, verification procedures are useless unless their objectives are achieved. In the case of asset control, these objectives are the pursuit of unjustified wealth and illicit enrichment. The instruments' ineffectiveness is due to several causes, including the uncertainty of the rules. Despite changes to the regulatory framework, the practices for applying the instruments have not been strengthened. Furthermore, despite the

21 Transparency International Moldova: "Determining the Unjustified Nature of Wealth and Combating Illicit Enrichment." The Case of the Republic of Moldova. Chișinău, 2025, https://www.transparency.md/wp-content/uploads/2026/01/studiu-avere-nejustificata-imbogatire-ilicita-.pdf

Constitutional Court's extensive case law,[22] the instruments have no impact. Although the Supreme Court of Justice upheld the constitutionality of the rules, the arguments put forward in their favor do not seem to encourage the competent authorities, particularly the courts, to enforce them.

It would be important to conduct an ex-post impact assessment of the rules relating to the determination of the unjustified nature of wealth and the fight against illicit enrichment. These provisions cannot be improved without a comprehensive review of all related principles and concepts, in particular of:

- presumption of the lawful nature of property acquisition (Article 46(3) and (4) of the ***Constitution of the Republic of Moldova***);
- presumption of innocence (Article 21 of the ***Constitution***).

Amending the regulatory framework must comply with all legislative standards. This process requires an in-depth, multifaceted analysis and genuine consultation with stakeholders, particularly the public authorities responsible for enforcement.

At the same time, Parliament should exercise genuine oversight of the ANI's activities.

In accordance with Article 7(3)(a) of ***Law No. 132/2016***, the ANI's annual report should have been presented to Parliament's plenary session. However, the legislature only heard the ANI's reports in 2022[23] and 2024.[24] The same recommendations were made to the

22 The most recent ruling in this regard: Constitutional Court Decision No. 7/2022 on Revision of Constitutional Court Decision No. 21 of October 20, 2011, on Interpretation of Article 46(3) of the Constitution and Constitutional Court Decision No. 6 of April 16, 2015, on Constitutionality of Certain Provisions of the Criminal Code and the Criminal Procedure Code. (3) of the Constitution and Constitutional Court Decision No. 6 of 16 April 2015 on Constitutionality of Certain Provisions of the Criminal Code and the Code of Criminal Procedure (request No. 28 of 22 February 2022), Official Gazette of the Republic of Moldova, 2022, No. 88-95, Art. 45.

23 Parliament Decision No. 175/2022 on the Activity Report of the National Integrity Authority for 2021, Official Gazette of the Republic of Moldova, 2022, No. 201-207, Art. 373.

24 Parliament Decision No. 113/2024 on the Activity Report of the National Integrity Authority for 2023, Official Gazette of the Republic of Moldova, 2024, No. 216-218, art. 319.

ANI in both cases, which demonstrates the formal nature of the proceedings:

- uniform application of the provisions of ***Law No. 132/2016*** and ***Law No. 133/2016***;
- bringing its normative acts into line with the provisions of ***Law No. 132/2016*** and of the ***Law No. 133/2016***;
- ensuring compliance by integrity inspectors with the ***Methodology for Verifying and Verifying Personal Assets and Interests and for Complying with the Legal Regime Governing Conflicts of Interest, Incompatibilities, Restrictions, and Limitations,*** approved by the president of the ANI;
- informing/training subjects of the declaration on how to declare their assets and personal interests, how to resolve conflicts of interest and situations of incompatibility, restrictions, and limitations.

One remaining problem is the lack of definition in ***Law No. 133/2016*** of the terms "teaching activity," "scientific activity," and "creative activity," as well as the ambiguous interpretation of "paid position" and "remunerated activity." These issues lead to inconsistent and abusive practices when applying the rules of incompatibilities. The most recent case involves MP Nicolae Botgros.

To summarize the above, we hold the following recommendations:

Strengthen the independence of integrity inspectors and ANI management by revising the rules that govern their status	**2026**
Amend Law No. 133/2016 on the Declaration of Assets and Personal interests by adding provisions that define the concepts of "teaching activity," "scientific activity," and "creative activity." Also amend the law by clarifying the ambiguous interpretations of "paid position" and "remunerated activity."	**2026**
Conduct an ex-post impact assessment and improve the rules related to determining unjustified wealth and fighting illicit enrichment	**2027**

5.

Complying with the Legal Regime Governing Gifts

The legal regime governing gifts is regulated by the provisions of Article 16 of the ***Integrity Law*** and further elaborated upon in the ***Regulation on the Legal Regime Governing Gifts***, which was approved by Government Decision No. 116/2020. The Regulation establishes how the Commission for the Evaluation and Recording of Gifts operates, as well as how gifts offered out of courtesy or on the occasion of protocol events (permissible gifts) are recorded, evaluated, stored, used, and redeemed. It also establishes how impermissible gifts offered to public officials under the meaning of Article 3 of the ***Integrity Law*** are handled.

According to the regulations, within public entities where public officials work, as defined in Article 3 of the ***Integrity Law***, a Commission for the recording and evaluation of gifts shall be established by administrative act of the head of the entity.

The commission would have the following responsibilities:

- Keep records of permissible and impermissible gifts.
- Assess permissible gifts;
- Return a permissible gift to the beneficiary under the terms of the Regulations;
- The head of the public entity may propose to keep the permissible gift in the ownership of the public entity or to transfer it free of charge for charitable purposes.
- Ensure the safekeeping and security of gifts handed over to the Commission.
- Take stock of the permissible gifts.
- Maintain and update the Register of Permissible Gifts and the Register of Impermissible Gifts on the official website of the public entity quarterly.

Public entities shall create the necessary conditions for storing permissible gifts that have become their property. They shall reserve appropriate rooms or spaces to ensure gift integrity. To this end, public entities may establish a museum or exhibition hall, where appropriate.

The head of the public entity shall appoint, by administrative act, the person responsible for storing permissible gifts that have become the property of the public entity in the rooms and spaces designated for this purpose.

These provisions apply to Parliament. Its website contains the Register of Permissible Gifts, updated quarterly. However, the Register of Impermissible Gifts is not available.

To summarize the above, we hold the following recommendations:

Publish the Register of Impermissible Gifts on the Parliament's website, as well as update it	**2026**

6. Protecting Whistleblowers and Addressing Undue Influence

On October 26, 2023, ***Law No. 165/2023 on Whistleblowers (hereafter "Law No. 165/2023")*** took effect. The law aimed to partially transpose ***Directive (EU) 2019/1937 on the Protection of Persons Who Report Breaches of European Union Law.***

The statistics on the implementation of ***Law No. 165/2023*** are so limited that they do not allow us to conclude that the Republic of Moldova's whistleblower protection regime is being applied effectively or efficiently. Entities do not include information in their activity reports about establishing and maintaining channels (internal and external) for reporting legal violations. The Ombudsman is the only authority that ***ex officio*** provides data on requests for protection. We do not have any data confirming that the Ombudsman has resolved any external disclosure under ***Law No. 165/2023*** by remedying the violation. Additionally, we do not have any data confirming that the Ombudsman has granted any request for protection.

We do not have data confirming the receipt of disclosures from private entity employees, nor the receipt, examination, or resolution of anonymous disclosures.

From the perspective of ***Directive (EU) 2019/1937, Law No. 165/2023*** has several problematic aspects that the authorities have acknowledged. Recently, the Ministry of Justice initiated a ***draft law to amend certain legislative acts and strengthen the protection***

mechanism in the field of integrity warnings.[25] Several relevant provisions from the following acts are proposed for amendment:

- Code for Contraventions of the Republic of Moldova, No. 218/2008.
- Law on the People's Advocate (Ombudsman) No. 52/2014.
- Law on Integrity Whistleblowers No. 165/2023.

Although the draft law claims to fully transpose the European Directive, it ignores several provisions of ***Directive (EU) 2019/1937***, namely:

Article 5(1)	The concept of "violation of the law" should include actions or inactions that contradict the purpose of legal provisions. However, in its current wording, Article 3 of ***Law No. 165/2023*** only covers actions or inactions that fail to comply with legal provisions.
Article 6(1)	Whistleblowers shall be protected if they can demonstrate that: (1) they had reasonable grounds to believe that the reported information was true and fell within the scope of the Directive at the time of reporting; and (2) they reported the information internally, externally, or publicly. The current wording of Article 20 of ***Law No. 165/2023*** imposes additional conditions for protecting whistleblowers.
Article 9(1)(c)	Internal reporting procedures and follow-up actions should ensure that the designated person or department communicates with the person who has made a disclosure and requests additional information from them when necessary.

25 Ministry of Justice, Draft Law Amending Certain Legislative Acts (Strengthening the Protection Mechanism in the field of Integrity Warnings), https://justice.gov.md/ro/content/proiectul-de-lege-pentru-modificarea-unor-acte-normative-consolidarea-mecanismului-de

Article 9(1)(g)	Internal disclosure procedures and follow-up actions should include providing clear, easily accessible information about external disclosure procedures to the relevant authorities.
Article 11	It is important to expressly and exhaustively list all competent authorities. ***Law No. 165/2023***, in its current wording, only specifies the CNA. However, the CNA's competence does not cover all violations falling under the scope of the law. This gap is significant because not all potentially competent authorities are required to design external reporting channels or take follow-up actions. It is important to specify this and ensure that the authorities have adequate resources.
Article 12(1)(a)	External disclosure channels must be designed to ensure the completeness, integrity, and confidentiality of information. According to the current wording of Article 5(6) of Law No. 165/2023, security is the only condition imposed on internal and external disclosure channels.
Article 20(3)	It is important to examine whether it would be advisable to establish a single information center or an independent authority, or to delegate these tasks to an authority other than the competent authority. This measure would strengthen the supervisory mechanism by monitoring entities' compliance with the law, collecting data on the application of legal provisions, and standardizing and generalizing practices.
Article 23	The penalty system is flawed because penalties are ineffective, disproportionate, and not dissuasive enough.

At the same time, it is important to require public entities that fall under the scope of the law to include information about how internal and external disclosure channels function in their annual activity reports.

Therefore, it would be advisable for Parliament to consult the draft law on the parliamentary platform and pay particular attention to the problematic aspects listed above.

Similarly, it is important to publish information on how ***Law No. 165/2023*** is applied to MPs, as well as the rules for reporting and managing undue influence, on the Parliament's website.

According to Article 4(3) of ***Law No. 165/2023***, public officials are required to report any undue influence exerted on them, as well as any attempts to involve them in corrupt activities under the terms of ***Integrity Law No. 82/2017*** and ***Law No. 325/2013 on Assessment of Institutional Integrity***.

According to Article 3 of the ***Integrity Law***, undue influence is defined as third-party interference in the professional activities of public officials through pressure, threats, or requests, with a view to inducing them to carry out their professional activities in a certain way. This interference is illegal when it is not accompanied by the promise, offer, or giving of goods, services, privileges, or advantages in any form that are not due to the public officials (does not constitute an offense).

The rules on not accepting, reporting, and dealing with undue influence are in Article 17 of the ***Integrity Law***. The ***Framework Regulation on the Recording of Cases of Undue Influence***, approved by ***Government Decision No. 767/2014***, regulates the mechanism for reporting and dealing with undue influence.

With regard to the non-acceptance, reporting, and handling of undue influence, the public entity shall do the following:

- Adopt administrative acts that establish rules for organizing, reporting, and dealing with undue influence by public officials.
- Ensure that cases of undue influence on public officials are recorded

in a special register.
- Ensure that cases of undue influence can be reported confidentially.
- Ensure the conditions necessary for the lawful performance of public officials' duties, and verify how the duties in question were performed.
- Take measures to prevent and address undue influence, including direct involvement in resolving reported cases;
- Hold accountable those public officials who carry out their professional activities without rejecting the undue influence to which they are subject or without reporting undue influence that they cannot reject on their own.

To summarize the above, we hold the following recommendations:

Subject the ***draft law on amending certain legislative acts to strengthen the protection mechanism in the field of whistleblowing/disclosures in public interest,*** prepared by the Ministry of Justice, to consultations on the parliamentary platform.	**2026**
Publish on the Parliament's website information on the implementation of ***Law No. 165/2023*** on whistleblowers in the public interest in the case of Members of Parliament, as well as the rules for reporting and managing undue influence.	**2026**

7. Ensuring Access to Information of Public Interest and Transparent Decision-Making

According to generally accepted standards, Parliament, in all its activities, must be guided by several key principles, namely:

- Representativeness
- Transparency
- Accessibility
- Accountability
- Efficiency.

Transparency and accessibility enhance the credibility and legitimacy of the legislature. A transparent parliament is open to and accountable to citizens. An accessible legislature engages citizens in the lawmaking process. A non-transparent, inaccessible parliament fails to fulfill its mission of representing citizens and safeguarding their interests and needs.

Transparency and accessibility effectively ensure the fundamental rights to information (Article 34) and to administration (Article 39) as outlined in the *Constitution of the Republic of Moldova.*

According to Article 10(1)(j) and (k) of the ***Integrity Law***, Parliament must implement measures to ensure access to information of public interest and transparency in the decision-making process in order to ensure institutional integrity.

Special regulations regarding this matter are included in *Law No. 148/2023 on Access to Information of Public Interest* and *Law No. 239/2008 on Transparency in Decision-Making*.

Law No. 148/2023 establishes two methods for accessing information of public interest:

- Proactive transparency – the ***ex officio*** dissemination of public interest information, particularly through the publication of information on the official websites of information providers;
- Communication of information of public interest upon request.

Parliament ensures proactive transparency through its website. According to the Promo-LEX Association,[26] at the beginning of the 11th Legislature, Parliament's website had an outdated, complicated functional system did not allow users to quickly understand or search for information. It did not reflect information of public interest about the legislature and its members in a timely and up-to-date manner. Additionally, with a few exceptions, the page did not offer users information in an open, reusable format. In December 2024, Parliament's official website transitioned to a new platform. Currently, the website has a functional overall structure and rich, informative content. However, from the perspective of an ordinary user, the browsing experience may seem relatively complicated. Although the information is available, accessing the most important sections, such as the meeting agenda, voting results, and updated laws, requires navigating through several menus and subpages. This may discourage visitors who are unfamiliar with the language or organization of the site. One shortcoming noted is that information related to the legislative process is only available in PDF format. Previously, it was also available in Word format, which made it easier to analyze.

26 Promo-LEX Association, Report: Monitoring the Activity of the 11th Parliament, Chișinău, 2025, p. 73-74, https://promolex.md/wp-content/uploads/2025/12/final_raport-monitorizarea-activitatii-parlamentului_legislatura-xi-a.pdf

LILIANA PALIHOVICI: *"Currently, the Parliament's website is not well-documented. The available information is insufficient for the public to understand the documents being debated. In theory, any citizen can submit suggestions regarding a legislative draft. In practice, however, this process is complicated and confusing. The Parliament's website does not organize these suggestions clearly so they are visible in the context of the draft law. There is also a lack of proper public debate. Publishing draft laws well in advance of their debate should be standard practice. This allows anyone to search for a draft by number and follow its progress. Currently, no detailed information about the discussions held or the progress of the document can be found between readings."*

NADINE GOGU: *"The Parliament's leadership should organize weekly press conferences that would allow journalists to ask specific questions and obtain direct explanations. They would enable journalists to produce original, well-documented material. Additionally, press briefings should be held after meetings at which significant decisions are made. This would reduce the media's reliance on press releases, making it easier to explain the context, reasons, and consequences of decisions. Through constant interaction, Parliament's communication would become more transparent and balanced, providing clear and comprehensive public information."*

Similarly, the shortcomings related to publishing data on the decision-making process in accordance with transparency provisions are also worth noting.

According to Article 11(3) of ***Law No. 239/2008***, the legislature must regulate the procedures it uses in the public consultation process due to the specific nature of its activity.

Initially, the ***Concept on Cooperation between Parliament and Civil Society***, approved by ***Parliament Decision No. 373/2005***, contained the regulations governing public consultation processes for draft legislation. The act was supposed to be revised in light of ***Law No. 239/2008***, but that did not happen.

The Parliament supplemented its ***Parliament's Rules of Procedure***, adopted by ***Law No. 797/1996***, with provisions that only tangentially addressed transparency and were related to:

- Duties of standing committees (Article 27);
- Presentation of reports and opinions approved by standing committees (Article 29);
- Conditions for exercising the right of legislative initiative and the subjects of this right (Article 47);
- Organization of public consultation procedures by the standing committee responsible for the substance of the matter (Article 49/1);
- Deadline for debating draft legislation and legislative proposals by the standing committee responsible for the substance matter (Article 52);
- Inclusion of draft legislation on the agenda and transmission of the report of the committee responsible for the substance matter and its opinions to the members and draft law authors (Article 57).

As a result, the provisions were incomplete and failed to ensure effective and efficient consultation on draft legislation. The applicable procedures were confusing due to conflicting provisions in different pieces of legislation, with relevant provisions also contained in:

- Decision of the Standing Bureau No. 2/2006 on the Implementation of Parliament Decision No. 373/2005.
- Instruction on the Circulation of Draft Legislative Acts in Parliament, Approved by the Standing Bureau of Parliament Decision No. 30/2012.

- *Regulations on the Organization and Functioning of the Parliament of the Republic of Moldova Secretariat*, approved by the ***Decision of the Standing Bureau of Parliament No. 31/2012***.[27]

The absence of clear regulations on applicable procedures, coupled with the delegation of regulatory powers to parliamentary committees, has rendered Parliament unpredictable in its interactions with stakeholders.

Following the approval of ***Parliament Decision No. 149/2023***, which established ***the Platform for Dialogue and Civic Participation in Parliamentary Decision-Making,*** the situation did not improve. ***The Platform*** replaced the ***Concept on Cooperation between Parliament and Civil Society.*** According to the document, the purpose of the platform is to encourage civic initiatives and streamline the participatory contribution of stakeholders to the decision-making process. This helps ensure transparency and increase credibility. ***The Platform*** outlines the principles, mission, objectives, rights, and obligations, as well as the ways in which citizens can participate in Parliament's decision-making process.

SERGIU NEICOVCEN: *"As representatives of civil society, we have waited a long time for this platform to be established and for productive collaboration to bear fruit. At the time, we agreed that ongoing, broader discussions were necessary for civil society to be actively involved in the decision-making process. However, this remained only on paper. We have found the current formula for advisory councils to be completely ineffective. Therefore, we believe that Parliament must reform its collaboration with civil society and evaluate these councils' practices and effectiveness over the past year. It is necessary to assess Parliament's activity in relation to civil society over the last two years. Currently, we lack a document confirming the situation, which is essential. Regardless of whether Parliament or civil society carries out the evaluation, it must be done. Based on these conclusions and related recommendations, we will need to develop a new collaboration concept."*

27 Act replaced by the Regulation on the Organization and Functioning of the Parliament Secretariat, approved by Decision No. 10/2022 of the Standing Bureau of Parliament.

However, the following objections should be noted:

The category of the act and how it is incorporated into the current regulatory framework	The *Platform* was approved by a normative act that is inferior to the law. Although Article 12 of *Law No. 100/2017 on Normative Acts* would allow Parliament to regulate the field by decision, it remains challenging to spread the rules intended to ensure transparent decision-making applicable to Parliament across several normative acts.
General provisions	As a normative act, the *Platform* is subordinate to *Law No. 239/2008* and must comply with it, including the general provisions (e.g., terminology used, governing principles, objectives pursued, and rights and obligations of the parties).
Content provisions	The *Platform* would be more useful if it came with special rules applicable to MPs and Parliament. Based on the structure of *Law No. 239/2008*, such rules would promote transparency in decision-making and decision-adoption processes. Regarding the transparency of the decision-making process, it is important to establish special rules that ensure transparency at all stages, as outlined in Article 8 of *Law No. 239/2008* (Informing the public about the initiation of the decision-making process, making the draft decision and related materials available to interested parties, holding consultations, examining recommendations, and informing the public about the decisions taken.) Regarding the transparency of the decision-making process, it is particularly important to establish rules for adopting emergency legislation.

Consultation/ cooperation arrangements	The ***Platform*** formalizes several modes of consultation and cooperation, including parliamentary hearings, expert councils and working groups, an annual conference, and a memorandum of cooperation. These do not correspond to the methods established by Article 11(1), as defined in Article 2 of ***Law No. 239/2008***, which include public debates, public hearings, opinion polls, referendums, soliciting the opinions of experts in the field, and creating permanent or ad hoc working groups with the participation of civil society representatives.
Blanket rules	It is important to avoid blanket rules. For example, see Point 8.3 of the ***Platform***, which states that the ***Standing Bureau of Parliament*** determines the organization of the permanent expert councils. The ***Platform*** should comprehensively regulate all aspects of the consultation and cooperation process, including the establishment and operation of expert councils and working groups.

Parliament has been criticized for its lack of clear regulations and for failing to comply with them, which undermines the legislative process.

The Promo-LEX Association[28] identified several problematic issues, the most significant of which are insufficient transparency and hastily adopted laws. The report contains 50 recommendations relating to the following:

- Compliance with legislative procedure;
- Work of some standing parliamentary committees;
- Exercise of parliamentary oversight by Parliament;

28 Promo-LEX Association, Report: Monitoring the Activity of the 11th Parliament, Chișinău, 2025, https://promolex.md/wp-content/uploads/2025/12/final_raport-monitorizarea-activitatii-parlamentului_legislatura-xi-a.pdf

- Communication between Parliament and citizens and stakeholders;
- Monitoring of budgetary and administrative management.

It is crucial for the current legislature to implement these recommendations. Violations of the legislative process requirements, including those intended to ensure transparent decision-making, hinder parliamentary activity. However, stakeholders, MPs, standing committees, the Parliament Secretariat (Legal Directorate General), and the government are all deprived of the opportunity to express their views on draft legislation in advance. Rushing procedures signals problems in parliamentary work and erodes citizens' trust in the legislature.

ANDREI LUTENCO: *"I believe Parliament is not taking legislation, transparent decision-making, or even its own consultation procedure rules seriously. The platform adopted to demonstrate transparency to the European Commission in the context of the nine measures necessary to open negotiations seems to be nothing more than a box-ticking exercise. Compliance with these rules is inconsistent at best. For example, the legislative program was published and accessible on the official website in 2024, but it is completely missing in 2025. However, there are cases in which we participated in effective and open working groups and cooperated productively with civil society. However, this is primarily true when decisions of major importance are not at stake. For example, the new law on access to information imposes numerous obligations on public officials but does not entail major budgetary expenditures or radical changes. Conversely, public participation is disregarded entirely when significant financial resources or political stakes are involved. A notable example from last year is the „plus budget," which was adopted just days after its announcement. The government and parliament approved it without any meaningful public consultation. The draft was formally published on the Particip.gov.md platform, but the deadline was absurdly short and coincided with the parliamentary procedure, which made any intervention impossible."*

Citizens have a legitimate expectation of a Parliament that is representative, transparent, accessible, accountable, and efficient. Laws must be well-drafted, substantiated, and debated in public. They must also be voted on consciously and assumed responsibly.

ARCADIE BARBAROȘIE: *"However, the current legal framework poses problems for the work of NGOs, especially regarding the application of Law No. 133, passed on July 8, 2011, which addresses the protection of personal data. I believe a meeting is necessary among investigative journalists, representatives of interested non-governmental organizations, and Parliament's leadership to identify solutions to these challenges. The Personal Data Protection Act is, of course, essential. It protects individuals during the data processing process and regulates the free movement of data. Although it is a fundamental law, it is imperative to analyze the consequences of its practical application. In particular, we are interested in ensuring that journalists and researchers have access to personal data, especially when analyzing court decisions."*

The legislature has failed to establish itself as a transparent authority, drawing criticism from both national and international organizations. In its fourth round of evaluation, the Group of States against Corruption (GRECO) recommended[29]: (i) timely publication of all draft legislation, amendments received, and accompanying documents, as required by law; (ii) adherence to appropriate deadlines to allow for genuine public consultation and parliamentary debate, with the emergency procedure being used only in exceptional and duly justified circumstances.

29 GRECO reports on the Republic of Moldova can be accessed at: https://www.coe.int/en/web/greco/evaluations/republic-of-moldova

VIOREL FURDUI: *"Although there is some dialogue with Parliament, it is mainly conducted on a personal and subjective level based on individual relationships rather than a clear, stable mechanism. The process often depends on who you are interacting with. For example, if you have criticized a politician in the past, the relationship becomes tense and consultations are affected. For over 15 years, there has been an insistence on the need for institutionalized dialogue rather than personalized dialogue. However, Parliament often reduces this process to purely formal aspects. Although agendas and invitations to committee meetings are sent out, they often lack real consultation and remain mere administrative procedures. In my opinion, one of the biggest problems is the misconception of consultation. Authorities make a draft law, publish it, and then transfer all responsibility to civil society. Genuine consultation should entail early and active participation of specialized stakeholders as a fundamental principle of transparency and good governance. This dialogue must be institutionalized and not based on personal connections."*

To summarize the above, we hold the following recommendations:

Continue developing the Parliament's website by collecting and integrating recommendations provided by users.	**Permanently – throughout the parliamentary term**
Increase the proactive transparency of Parliament by publishing and updating information of public interest, as outlined in Article 10 of ***Law No. 148/2023 on Access to Public Information.***	**Permanently**
Reconsider the regulatory framework that governs how Parliament is organized and functions.	**2026**

Improve the rules on transparency in decision-making by revising the ***Platform for Dialogue and Civic Participation in Parliament's Decision-Making Process.***	**2026**
Exercise parliamentary oversight of the development and functionality of the ***Electronic Legislation Information System*** (Article 22 of ***Law No. 100/2017 on Normative Acts***).	**2026**
Comply with legislative requirements, such as submitting all draft legislation for anti-corruption expertise, carefully examining the results, and presenting these results, including arguments for rejecting recommendations, in summaries of objections, proposals, and recommendations received during the public consultation and approval process.	**Permanently**
Take advantage of all the ways Parliament works with civil society, especially the expert panels and annual conferences.	**Permanently**
Harness the potential of academia by actively involving its representatives in mechanisms that facilitate cooperation with civil society.	**Permanently**
Increase the predictability of Parliament by developing, approving, and implementing annual legislative programs.	**Permanently**

8. Complying with Ethical and Professional Standards

In accordance with Article 23 of the Integrity Law, public leaders and officials shall promote ethical and professional standards within public entities and inform the public about the ethical and professional conduct to which citizens are entitled. The aim is to establish a climate of trust and mutual respect between citizens and public entities, create and maintain prestige, improve performance, and eliminate bureaucracy and manifestations of corruption within them.

Thus, the head of a public entity should:

- Establish and implement rules of ethical and professional conduct, taking into account the specific nature of the activity and national and international standards in the field. If the adoption of such rules falls within the competence of another responsible authority, then develop and propose the draft of such rules for adoption.
- Ensure that public officials are trained in ethical and professional conduct standards.
- Set an example for public officials by complying with such standards in their work.
- Publish the adopted standards on the public entity's website.
- Establish, or designate where appropriate, the subdivision responsible for monitoring public officials' compliance with the ethics and professional conduct rules.
- Hold public officials accountable for violations of ethics and professional conduct rules. In cases where such violations constitute misdemeanors or crimes, refer the matter to the relevant anti-corruption authority.

Public officials must know and comply with the ethics and professional conduct rules adopted by their public entity.

Furthermore, Articles 7 and 9 of the ***Integrity Law*** contain special provisions applicable to members of Parliament. One of measure for ensuring political integrity is to uphold the professional ethics and integrity of persons holding elective or exclusively political office. Failure to implement these measures undermines the climate of political and public sector integrity, leading to corruption and harming the public interest. Given the risks inherent in the political environment, Parliament adopted rules governing the ethical conduct of Members of Parliament and established structures responsible for verifying compliance with such rules and sanctioning violations.

IGOR BOȚAN: *"The situation regarding the integrity of Parliament and other related issues is worrying. Citizens of the Republic of Moldova vote for a specific legislative body, yet the individuals who are „electoral locomotives" subsequently leave the institution, leaving their seats to their substitutes. Given its scale, I believe that this phenomenon has become extremely serious. A significant portion of the majority faction left Parliament in the first few months, which is a major representational problem. For this reason, I believe we are facing a lack of political integrity. These individuals were entered in electoral lists, a practice found not only in the ruling party but in all parties. Influencers and opinion leaders are promoted only to disappear immediately after the election, leaving voters feeling as if their vote has been hijacked. Those at the bottom of the list often become placeholders because there is no real process of party building, i.e., the construction and consolidation of political parties. We have concluded, together with other experts, that urgent measures are needed. One proposed solution is abandoning the proportional electoral system based on closed lists in favor of a proportional system in multi-member constituencies. This would ensure a closer link between the elected representative and the electorate."*

Promoting ethics among MPs was one of the priorities of the National Integrity and Anti-Corruption Strategy for 2017-2020. This strategy was approved by Parliament through ***Decision No. 56/2017***. The public policy document outlines three actions to achieve this goal:

- Assess the national regulatory framework on ethics and conduct in Parliament.
- Draft a national regulatory framework on ethics and conduct of Members of Parliament.
- Adopt a national regulatory framework on ethics and conduct of Members of Parliament.

To date, members of Parliament still do not have a code of ethics and conduct. The Group of States against Corruption (GRECO) recommended drafting such a code in its fourth round of evaluation.[30]

IGOR BOȚAN: *"Implementing such a code of ethics is, of course, necessary. However, a major problem remains: political defections. While this phenomenon cannot be eradicated solely through legal norms, a code of ethics could provide a moral solution. Adopting such a code creates public accountability, and failure to comply with it subjects the representative to legitimate criticism and an unfavorable public image. Since the parliamentary mandate is representative in nature, a member of Parliament cannot be legally required to keep their opinion of the faction the same or to stay in it for the full four years. Any elected representative who is part of a majority that disregards the Rules of Procedure of Parliament is entitled to dissociate, stating, „I cannot be part of a faction that violates its own rules." Therefore, the Code of Ethics must respect the principle of the representative mandate and avoid the imperative mandate. Members of Parliament should not be required to remain in a political group just because they were elected on its list. The Code should clearly and thoroughly justify cases in which leaving a political group is legitimate, especially if the group fails to be transparent in its decision-making process or violates other fundamental democratic principles."*

30 GRECO reports on the Republic of Moldova can be accessed at: https://www.coe.int/en/web/greco/evaluations/republic-of-moldova

To summarize the above, we hold the following recommendations:

Develop, approve, and implement a Code of Ethics and Conduct for Members of Parliament.	**2026**

INTEGRITY AGENDA FOR THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA (2026–2028)

Recommendations of the "Clean Parliament Charter" for the 12th Legislature

Recommendations for 2026

Area	Recommendation
Promoting Meritocracy and Professional Integrity	Amend *Law No. 1104/2002 on the National Anti-Corruption Center* to return to competitive procedures for appointing the CNA leadership.
Verifying Incumbents and Candidates for Public Office	Conduct an ex-post evaluation of *Law No. 271/2008 on the Verification of Incumbents and Candidates for Public Office*
Using simulated behavior detection testing	Conduct an ex-post evaluation of *Law 269/2008 on Applying Simulated Behavior Detection (Polygraph) Testing*

Area	Recommendation
Declaration of assets, personal interests, conflicts of interest, incompatibilities, and restrictions and limitations.	Strengthen the independence of integrity inspectors and ANI management by revising the rules that govern their status
	Supplement ***Law No. 133/2016 on the Declaration of Assets and Personal interests*** by adding provisions that define the concepts of "teaching activity," "scientific activity," and "creative activity," and clarifying the ambiguous interpretations of "paid position" and "remunerated activity."
Complying with the Legal Regime Governing Gifts	Publish the Register of Impermissible Gifts on the Parliament's website, as well as update it
Protecting Whistleblowers and Addressing Undue Influence	Subject the ***draft law on amending certain legislative acts to strengthen the protection mechanism in the field of whistleblowing/disclosures in public interest***, prepared by the Ministry of Justice, to consultations on the parliamentary platform
	Publish on the Parliament's website information on the implementation of ***Law No. 165/2023 on Whistleblowers in the Public Interest*** in the case of Members of Parliament, as well as the rules for reporting and managing undue influence

Area	Recommendation
Ensuring Access to Information of Public Interest and Transparent Decision-Making	Reconsider the regulatory framework that governs how Parliament is organized and functions
	Improve the rules on transparency in decision-making by revising the *Platform for Dialogue and Civic Participation in Parliament's Decision-Making Process*
	Exercise parliamentary oversight of the development and functionality of the *Electronic Legislation Information System*
Complying with Ethical and Professional Standards	Develop, approve, and implement *a Code of Ethics and Conduct for Members of Parliament*

Recommendations for 2027

Area	Recommendation
Promoting Meritocracy and Professional Integrity	Supplement *Law No. 1104/2002 on the National Anti-Corruption Center* with provisions to establish clear and objective criteria for evaluating the CNA's institutional performance.

	Draft and adopt a framework law that would regulate the organization and conduct of public competitions by Parliament.
Verifying Incumbents and Candidates for Public Office	Improve *Law No. 271/2008 on the Verification of Incumbents and Candidates for Public Office*
Using Simulated Behavior Detection Testing (Polygraph)	Improve *Law 269/2008 on Using Simulated Behavior Detection (Polygraph) Testing*
Declaration of personal assets and interests, conflicts of interest, incompatibilities, restrictions, and limitations	Conduct an ex-post impact assessment and improve the rules related to determining unjustified wealth and fighting illicit enrichment

Recommendations for 2028

Area	Recommendation
Promoting Meritocracy and Professional Integrity	Draft and adopt a framework law on ministerial accountability

Note: Most of the recommendations are scheduled for **2026,** reflecting the need for swift action to address structural vulnerabilities. The recommendations planned for **2027–2028** aim to consolidate the reforms that will have been initiated**.**