

REPORT no. 4

Monitoring period: 01.07.2018 – 31.12.2018

MONITORING THE TRANSPARENCY OF ACTIVITY OF LEVEL-TWO LOCAL PUBLIC AUTHORITIES AND OF ATU GAGAUZIA

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The opinions set out in the public reports of Promo-LEX are those of the authors and do not necessarily reflect the donors’ view.

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INTRODUCTION

Promo-LEX Association is an apolitical, not-for-profit non-governmental organisation that pursues the public benefit and operates in accordance with the law in force of the Republic of Moldova (RM). The mission of Promo-LEX Association is to contribute to the development of democracy in RM by promoting and defending the human rights, monitoring the democratic processes, and strengthening the civil society.

In order to implement the statutory provisions, Promo-LEX Association is carrying out, during August 2016 - July 2019, the “Democracy, Transparency and Accountability” Program with the financial support of the United States Agency for International Development (USAID). One of the Program's projects is about monitoring the activity of level-two local public administration authorities (LPAs) and of the autonomous territorial unit of Gagauzia (ATUG) from the point of view of transparent decision-making, conflict of interests and local participatory budgeting during 2017-2019. Its objectives fit completely and harmoniously into the Promo-LEX Association's mission to monitor democratic processes.

Local authorities are an important link of the national decision-making process, since they are closer to the citizens and know their needs better. The transparency of the local decision-making process and access to official information are essential in ensuring the efficiency of the decision-making, legality and legitimacy of the involved authorities. Special attention to the level-two administrative authorities and ATUG is caused by the insufficient approach to their activity's transparency in the public administration system of Moldova.

Civic monitoring of the activity of the public administration authorities is necessary and beneficial by virtue of the general mission to improve the quality of the administrative processes and make the stakeholders involved accountable. To this end, when drawing up the reports on monitoring the transparency of the activity of the level-two LPAs and ATUG, the other civic associations' experience in the monitoring of decision-making processes of the RM public administration was considered as well.

Report No. 4 on monitoring the transparency of the activity of the level-two LPAs and ATUG in the RM during 01.07.2018-31.12.2018 is the fourth one of the 5 Reports planned for 2017-2019.

The purpose of the reports on monitoring the transparency of the public administration's activity is to verify whether the decision-making processes carried out by the level-two LPAs and ATUG are as transparent as provided for in the legal provisions in the field, as well as whether they are in line with the policy documents and actions undertaken by the public authorities.

The reports are drawn up by the Promo-LEX Association central team, Monitoring Democratic Processes Program, on the basis of findings reported by the monitors regarding the activity of all stakeholders engaged in the decision-making process at the level-two administration and ATUG: public authorities, local and regional media, civil society organisations, local opinion leaders, etc.

OBSERVATION METHODOLOGY

The methodology of monitoring the transparency of the activity of level-two LPA authorities and ATUG provides for and regulates the 2017-2019 methodological framework, the object of monitoring, the parties involved, duration and procedures of monitoring of transparency in decision-making, of the conflict of interests and budgeting process, including participative budgeting, at the administrative level. The methodology implies continuous monitoring of the institutions and their operating procedures, with semi-annual public reports.

The following authorities underwent monitoring:

- a. deliberative and representative authorities: district councils, municipal councils (Balti and Chisinau), People's Assembly of the Autonomous Territorial Unit of Gagauzia (ATUG);
- b. executive authorities: District President, Mayor General of Chisinau municipality, Mayor of Balti municipality, ATUG Governor.

Thus, it is clear that not only district public authorities of the RM, but also those of Balti and Chisinau municipalities (which are also level-two administrations) and Autonomous Territorial Unit of Gagauzia (ATUG) underwent monitoring. *Acknowledging the difference between the duties of the public authorities of the corresponding administrative and autonomous units, the authors considered it useful and sound to use in the monitoring reports a joint term - LPA (local public administration) to name the district (32 ATUs) and municipal (2 ATUs) administrations and a unit with special legal status - ATUG.* This merger is also justified by the fact that the study does not focus on the authorities' powers and duties, but rather on the transparency of their activity, thus, the requirements here being generic for all the named public authorities.

Consultation with the stakeholders about the activity of LPA authorities played an important role in the monitoring. For the purposes of this methodology, stakeholders means citizens, local opinion leaders, legally created associations, media, other legal entities governed by private law, affected or that could be affected by the decision, and which can participate in the decision-making process and influence it. About 97 persons from all the monitored regions, representing various organisations, civic associations, the media, business entities and civic activists were interviewed with their voluntary consent, and, respectively, asked about their opinion.

The following areas were identified and set in order to attain the LPA monitoring objectives:

- assess the quality of communication between the stakeholders and the authorities involved in decision-making;
- analyse the conformity of the contents of the authorities' websites in terms of decisional "transparency" with the relevant legislation;
- identify the LPAs' attitude about the requests for official information;
- find out the degree of transparency of the process of preparing and holding the meetings of representative and deliberative authorities;
- assess the transparency of the budget process;
- transparency of competitions for public office;
- clarify the issue of professional integrity and conflict of interests;
- monitoring the degree of transparency of the public procurement procedures and tenders;
- identify the alleged cases of abusive use of administrative resources in the activity of district/municipal councillors/members of the People's Assembly.

The legal framework regulating the subject of research includes a range of regulatory acts (see Annex 1), among which: Law No. 239 of 13 November 2008 on the Transparency in the Decision-

Making Process, Law No. 982 of 11 May 2000 on Access to Information and Law No. 436 of 28 December 2006 on Local Public Administration.

Monitoring the LPAs' activity in terms of this Methodology implies collection and processing qualitative and quantitative information using certain pre-set work methods/tools:

- legal framework analysis;
- interviews with the representatives of LPAs and stakeholders (identifying perception);
- direct observation;
- monitoring of representative and deliberative authorities' meetings;
- review of websites of the public authorities being monitored, and of other public institutions, as needed;
- etc.

The degree of transparency of the decision-making processes is monitored by the national coordinator and 5 regional coordinators of Promo-LEX Association¹ having the status of monitors. When needed, they are assisted by the Promo-LEX volunteers from the corresponding ATU (see Annex 2). The involved monitors signed an observers' Code of Conduct similar to that used in the election campaigns².

The obtained quantitative and qualitative data are stored on a web platform for collection and, respectively, reporting of information to the central team, which processes it in order to draw up a monitoring report. The reporting web platform is developed and managed by Promo-LEX.

The monitoring by Promo-LEX Association of the decision-making transparency in LPAs' activity is funded by the United States Agency for International Development (USAID). The opinions presented in the public reports of Promo-LEX belong to authors and do not necessarily reflect the donors' view.

¹ The territory of the Republic of Moldova was divided into monitoring regions on the basis of Promo-LEX Association's own methodology, by the location of territorial offices and districts each regional coordinator is responsible for.

² <https://promolex.md/4689-codul-de-conduita-al-observatorilor-electoral-promo-lex/>

SUMMARY

The Report was drawn up by the central team of Promo-LEX Association after having analysed the reporting forms filled in by the monitors for the period between 1 July and 31 December 2018, and namely: 35 general monitoring forms; 138 forms for the monitoring of the meetings of representative and deliberative authorities; 35 forms for the interviews with the LPAs' representatives and 97 forms for interviews with the stakeholders.

The conclusion regarding the lack of compliance with the legal provisions regarding the transparency of the decision-making process by LPA II remains valid for the monitoring period covered in Report 4. At the same time, we note that some positive trends can be seen in comparison with the previous monitoring results (e.g. publication by a large number of authorities of the draft decisions/decisions and materials thereof; publication of the institutional Ethics Code; increasing the rate of organisation and conduct of public hearings and debates; a slight increase in the compliance of the contents of the LPA authorities' websites in terms of transparent decision-making with the relevant legislation; increase in the reporting on the implementation of the institutional integrity plan and registration of the person responsible for anti-corruption module, etc.).

After analysing the causes of the monitored situation, we agree with the LPAs officials and with the civil society representatives of the monitored ATUs, who consider that the problem is systemic and that it refers to the uncertainties of the state policy concerning level-two LPAs (financial coverage of competences, sustainability of the administrative-territorial organisation, etc.). At the same time, we believe that a number of actions meant to ensure transparency do not require considerable financial resources and depend only on the decision-makers (e.g. placing the anti-corruption hotline on the website).

Looking at the quality of **communication between the LPA authorities and stakeholders in the decision-making process**, we may conclude that LPAs focus on the communication sources on the website and information board, in proportion of 95.71%, while stakeholders, in most of the cases, focus on online information sources available on the website and social networks, in proportion of 79.89%.

Although the communication preferences have largely remained the same, and the website is the most frequently used communication source by both parties, compared to the first half of 2018, when it comes to LPA authorities we note a decrease in the rate of use of the communication source on social networks (-25.71%). As for stakeholders, the rate of use of both information board (+16.30%), and the e-mail (18.36%) increased.

As regards **public consultations**, the most commonly used mechanism in the second half of 2018 was holding public hearings and debates. Compared to the first half of 2018, LPA representatives used less the mechanism of conducting opinion polls (-8.57%), but held more public hearings and debates (on average by +24,29%). In the case of stakeholders, the level of participation in public hearings and debates increased significantly (on average by +31,35%).

Among the reasons for non-involvement in public consultations, stakeholders have indicated the following: the failure to organise them/lack of information/invitation to consultations by LPAs or the fact that they were not interested in the consultations' topic. Thus, we reiterate the need for an institutionalised mechanism to inform permanently the stakeholders at level-two LPAs about the field-specific issues.

From the perspective of ***the accessibility of the LPA headquarters***, progress is made in ensuring the level-two LPAs' headquarters with a specially equipped room for mothers with children, compared to the first half of 2018, when none of the local public authorities had such rooms; in the second half of 2018, Cantemir and Leova LPAs have excelled in this regard. Due to this, Leova and Cantemir LPAs have accumulated the highest score in terms of accessibility of the LPA headquarters. At the other end, the LPA with the lowest degree of accessibility of its headquarters is Soldanesti, followed by Singerei and Rezina.

Generalizing the LPA's performances as regards the communication with the stakeholders for each indicator: *diversity of LPAs' communication sources; the number of people involved in public consultations; LPAs who have a significant degree of involvement of citizens, from the point of view of LPAs; the accessibility of LPA headquarters; participation of stakeholders in LPAs' meetings and significant role of stakeholders for the decision-making process*, we find that for the second semester of 2018, LPA Soroca is the ATU that registered the highest score, accumulating four criteria with positive result, followed by LPA Criuleni, Causeni, Telenesti, Singerei, municipality of Balti, Falesti, Floresti, Ocnita, Drochia and Riscani, accumulating by three positive criteria per LPA.

As regards ***compliance of the LPAs' website in terms of decision-making transparency with the legal provisions in the field***, compared to previous periods, we found that the contents of LPAs' websites registered a slight increase in the compliance with the principles of decision-making transparency. Among the positive aspects we note that 91% of the LPAs published the draft decisions and the related materials, while the other 83% of the LPAs published the announcements regarding the conduct of public consultations. On the other hand, 80% of the LPAs did not observe the provision regarding the publication of the results of public consultations on the website (synthesis of recommendations), while 69% did not publish the announcements about the initiation of draft decisions development.

Only 34% of the LPAs publish the information on internal rules ensuring the decision-making transparency, the contact data of the person responsible for the decision making process, as well as the development programs (quarterly/annual) of draft decisions. The obligation to publish the annual reports on the transparency of the decision-making process is observed only by 51% of the LPAs.

The analysis of the outcomes per LPA proved that the authorities from Straseni, Riscani, Criuleni districts and Balti municipality are doing best in complying with the LPA website content requirements on decision-making transparency. At the opposite extreme - the weakest results were registered by LPAs from Taraclia, Briceni, Donduseni, Rezina and Ialoveni districts.

To identify the ***LPA's attitude about the requests for official information***, as part of the monitoring, 35 requests for the access to official information were sent to LPAs as information providers. Out of 35 requests, 6 (17.14%) have been left unanswered, while 9 answers (25.71%) were provided before the legal deadlines. No answer was delivered in both the first half of 2018 and the second half of 2018. We are speaking about the LPAs from Rezina, Anenii Noi, Taraclia districts and Chisinau municipality. Also the LPAs that did not provide any answer during the second half of 2018 were those from Dubasari and Causeni districts.

On this chapter, to a large extent, we attest a repetition of the outcomes from the first half of 2018, which can be treated with concern given that the LPAs have not been responsible since the first half of 2018.

Based on the findings of the *monitoring of transparency in preparing and holding the meetings of level-two LPAs' deliberative authorities*, we must note that, to a great extent, legal provisions in this field are observed. According to Promo-LEX monitors, during the second semester of 2018, the deliberative authorities of LPA met in at least 138 meetings (of which 132 deliberative, 79 ordinary meetings and 59 extraordinary meetings). All of the meetings were accessible to Promo-LEX monitoring.

The placement of announcements regarding the conduct of meetings was made primarily on the information board (71.01%). Compared to the first semester of 2018, the publication rate of the announcements on the website decreased (-10.13%). It should be borne in mind that the legislation provides the obligation to place the announcements on both the website and information board. We also find that the placement of announcements in the media (26.08%) is less popular, although it is one of the sources of communication and information preferred by the stakeholders. The term of three business days for publishing the announcement was observed in case of 123 (89.13%) meetings.

The number of meetings remained relatively stable, after the councils published the adopted decisions. Decisions were made public only in the case of 101 (76.51%) deliberative meetings (out of 132). The current situation is particularly alarming for the transparency in the decision-making process, all the more so as, in comparison with the first semester of 2018, the publication rate of the decisions on the website decreased by 10.13%. Among LPAs that did not publish the decisions of the meetings are the following: Briceni, Cantemir and Taraclia, while among the LPAs that partially published the decisions of the meetings are: Drochia, Riscani, Edinet, Floresti, Balti municipality, Chisinau municipality, Anenii Noi, Causeni, Calarasi, Ialoveni and Nisporeni.

Decision-making transparency is on the rise when we speak about the inclusion of the decisions in the State Register of Local Acts (SRLA), this one being a provision, which entered into force on 28 October 2018. Decisions approved at meetings monitored after October 2018 inclusive are entered in the SRLA by district council secretaries. All decisions monitored and approved after the entry into force of the new provision (art. 46, para. (2) and (3) of Law No. 436 on Local Public Administration) have been included in the SRLA. Unfortunately, the legal deadline for publication/inclusion of decisions thereof is not observed on this platform either. We will be able to perform a 100% coverage statistic on compliance with the inclusion of decisions in the SRLA by the LPA in the monitoring report of the first semester of 2019.

We also note with regret that the number of meetings with urgent matters to be examined on the agenda is still very high, and in the case of 11 meetings (8.33%) the general public was not informed about the need to include and adopt certain urgent decisions, which is a violation of the legal norms. LPAs that did not comply with these legal provisions include Balti municipality, Briceni and Leova districts (one meeting each), and Cantemir district (two meetings).

The Promo-LEX Association values and welcomes the live broadcasting of the meetings of level-two deliberative authorities and believes that this is an element of maximum transparency of the decision-making process. Thus, 43 (31.15%) of 138 meetings were livestreamed and citizens were able to witness the activity of local deliberative bodies. LPAs that use broadly the live broadcast include: Balti municipality, Chisinau municipality, Falesti, Soroca, Taraclia, ATU Gagauzia, Nisporeni, Orhei and Drochia (all the meeting were broadcast live).

Generalizing the LPA's performance as regards transparency of meetings, we find that for the second semester of 2018, LPA of Leova registered the highest score.

The monitoring of the degree of ***ensuring the transparency of local public authorities from the point of view of professional integrity***, was conducted on the basis of 7 indicators. In case of 6 indicators (an Institutional Ethics Code in place; the publication of CVs of heads of the authorities monitored; the institutional integrity plan in place; reporting on the implementation of the integrity plan; the anti-corruption and/or information hotline in place) positive trends were registered on average of +10.47%. The highest increase (+22.86%) was registered in case of implementation of the integrity plan and (+17.14%) in case of registration of the person responsible for anti-corruption module.

LPAs from Ungheni, Straseni, Riscani and Criuleni registered the highest score in terms of integrity. On the other extreme there are: Ialoveni, Hincesti, Drochia, Edinet and Anenii Noi.

If during the monitoring period of the first semester of 2018 the situation concerning the placement on the website of the information about the person in charge of anti-corruption module was an alarming one, because none of the local public authorities complied with this legal provision, in the second semester of 2018 progress is made, the provision being observed by six LPAs. At the same time, we are aware that the capacities of LPAs to cope with the number of legal requirements in the field is reduced, and we appreciate the positive trend registered in the second semester of 2018 in aligning with the integrity criteria.

Promo-LEX Association found that the ***transparency of competitions for employment in a public position*** is moderately positive. All the LPAs (29) that organised competitions have placed announcements and conditions thereof on the website. At the same time, only 17 LPAs (60.71%) met the conditions related to the placement of announcements on information boards. The situation is worse as regards their placement on the governmental board of the public functions - only 7 (24.13%) administrations out of 29. We perceive as positive the use of media to disseminate information on the organisation of competitions - 11 LPAs (37.93%) out of 29 used this tool, even if this is not legally binding. Thus, we can state that the LPAs prefer to use the dissemination tools (website, information board and media) that are mostly used by the general public.

In all, we deduce that only 4 (13.79%) administrations (Donduseni, Hincesti, Drochia and Singerei) of 29 who organized competitions complied with the legal requirements regarding the transparency of employment and displayed the announcements and conditions thereof on all three mandatory information routes (government portal of public offices, LPAs official website and information board in the headquarters of the LPA).

As regards the ***transparency of public procurements***, we conclude that the LPAs' official websites ensure a low transparency of the procurement process, this being limited to the publication of the Procurement Plans (32 of 35 LPAs). At the same time, LPAs do not publish the reports on low-value public procurements (only 12 out of 35 LPAs published these documents) and, respectively, the quarterly/biannual and annual reports on the monitoring of the implementation of public procurement contracts (14 out of 35 LPAs) on their official websites. However, compared to previous periods, we note an increase in the number of LPAs that complied with the legal provisions on transparency in public procurement.

In terms of ensuring ***transparency of the budget process***, Promo-LEX Association continues to notice a small involvement of citizens in the process of drafting the local budgets. From the analysis

of questionnaires for interviewing stakeholders for 2018, 44 (45.36%) of those 97 interviewed stated that they participated in the public consultation of the ATU draft budget.

As regards the reflection of the stages of elaboration, examination, approval and reporting of ATU budgets on the authorities' website, we mention that if in the case of 31 LPAs (88.57%) of the 35 administrative units the approved budgets were published on the official website, then the publication of quarterly, biannual reports and the report for nine months on budget execution was made on average only by 20 LPAs (57.85%).

According to the monitors, the authorities that complied with the requirements and reflected all stages of the budget process are 12 in number: Falesti, Balti municipality, Singerei, Causeni, Stefan Voda, Chisinau municipality, Dubasari, Hincesti, Orhei, Ungheni, Straseni and ATU Gagauzia. At the opposite extreme, there is only one local public authority that has not achieved any obligations in this respect – Briceni.

I. COMMUNICATION BETWEEN THE LPAs' AUTHORITIES AND STAKEHOLDERS DURING DECISION-MAKING PROCESS

Communication between the LPAs' authorities and stakeholders is of crucial importance for the conduct of a transparent and democratic decision-making process. When taking decisions, public authorities are required to inform and consult the stakeholders as required by law ³, on the basis of which the consultations take place at the initiative of the authorities and upon the proposal of stakeholders. Moreover, in the case of stakeholders, according to the same law, the public authority can not refuse the consultation.

In this context, the quality of communication between the LPAs' authorities and stakeholders during decision-making was assessed on the basis of the following aspects: *reflecting the information sources used by the authorities to convey information to the citizens in the context of organisation and conduct of the decision-making process; determining the involvement of the stakeholders in the public consultation process; identifying the accessibility and facilities of LPAs' headquarters subjected to the monitoring; degree of cooperation with the civil society associations.* By including this subject, Promo-LEX Association intended to create an overall image of the existing channels of communication between the LPAs' authorities and the stakeholders, the degree of involvement of the stakeholders as the most active social subjects directly affected by the administrative decision-making process, as well as the obstacles in applying the legal framework in transparency in decision-making. These aspects can provide a comprehensive picture of how to enforce legal provisions on transparency in decision-making.

Two basic methodological tools were used: observation and interviewing. The direct observation implied monitoring of the information boards and newsletters, local and regional newspapers, as well as analysing LPAs' websites and social media accounts and the monitoring of the accessibility of headquarters of level-two LPAs. Individual interviews were carried out. This method was used to find out the actors' perception of the situation in the field. To obtain more objective results, both LPAs' representatives (as a rule, the secretary of the district/municipal council or the head of the public administration division) and stakeholders' representatives (citizens, local opinion leaders, legally established associations, media, etc.) were questioned. During the monitored period, 35 interviews with the LPAs' representative and 97 interviews with the stakeholders were analysed. The subjects included in the Interview Grid are reflected in Annexes 3 and 4.

a. The first subject reflecting the nature of communication between the LPAs' authorities and the stakeholders refers to *the identification of the information sources used by the authorities to transmit information about organisation and conduct of the decision-making process to the citizens and other stakeholders.* This exercise is followed by the presentation of information sources the parties prefer to use when learning about the stages of the decision-making process. Comparison of the opinions helped to cover the issue more comprehensively and objectively.

Table 1. Degree of use of the communications sources by the LPAs and stakeholders

Information Source	Degree of use by the LPAs	Degree of use by stakeholders
Newsletter	9 (25.71%)	4 (4.12%)
Information board	32 (91.42%)	50 (51.54%)
Authority's website	35 (100%)	92 (94.84%)

³ Art.11 para. (2) and (2)¹ of the Law no. 239 on transparency in the decision-making process <https://bit.ly/2UD84vR>

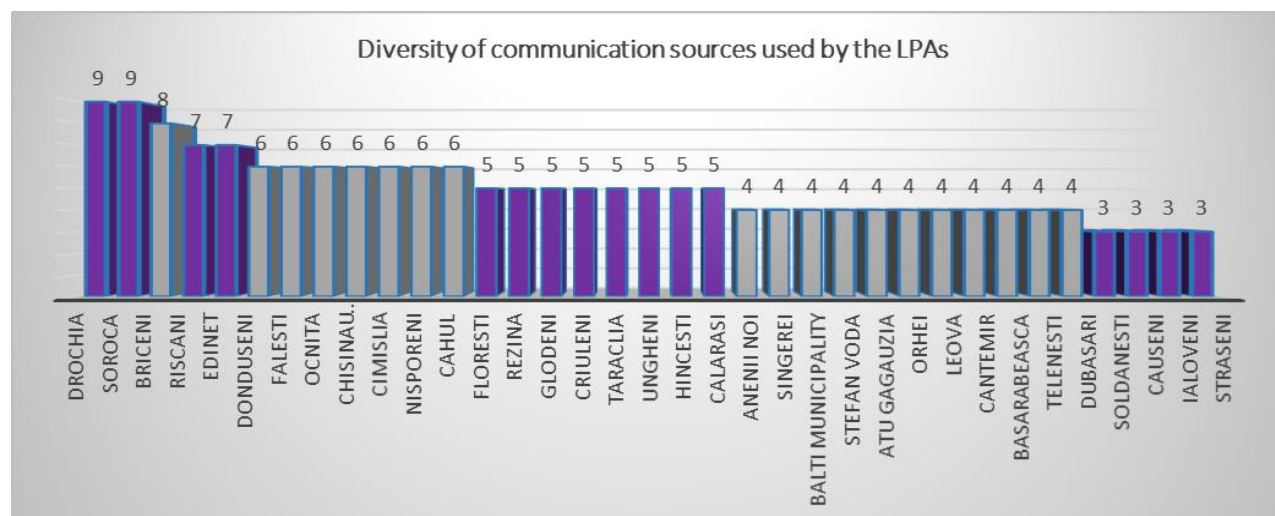
Social networks	21 (60.00%)	63 (64.94%)
Newspapers	28 (80.00%)	53 (54.63%)
Radio	7 (20.00%)	10 (10.30%)
TV	9 (25.71%)	19 (19.58%)
E-mail	31 (88.57%)	52 (53.60%)
Other ⁴	6 (17.14%)	20 (20.61%)
TOTAL	35 respondents	97 respondents

The interviewees could tick several options (see Table 1). Judging from the ticked options, the authority's website is the most popular source of information used both by the LPAs - 35 of 35 authorities (100%), and by the stakeholders - 92 of 97 persons (94.84%). Other communication channels preferred by APLs are: information board (91.42%) and e-mail (88.57%), followed by newspapers (80.00%) and social networks (60.00%). As for stakeholders, these are: social networks (64.94%), newspapers (54.63%), followed by e-mail (53.60%) and information board (51.54%).

Although communication preferences largely remained the same, compared to the first semester of 2018 in the case of LPA, the utilisation rate of the information board increased by (+5.71%), while the utilisation rate of social networks decreased by (-25.71%). On the other hand, the utilisation rate of the information board (+16.30%), e-mail (18.36%), as well as the alternative communication options (+11.09%) increased, especially direct communication with decision-makers.

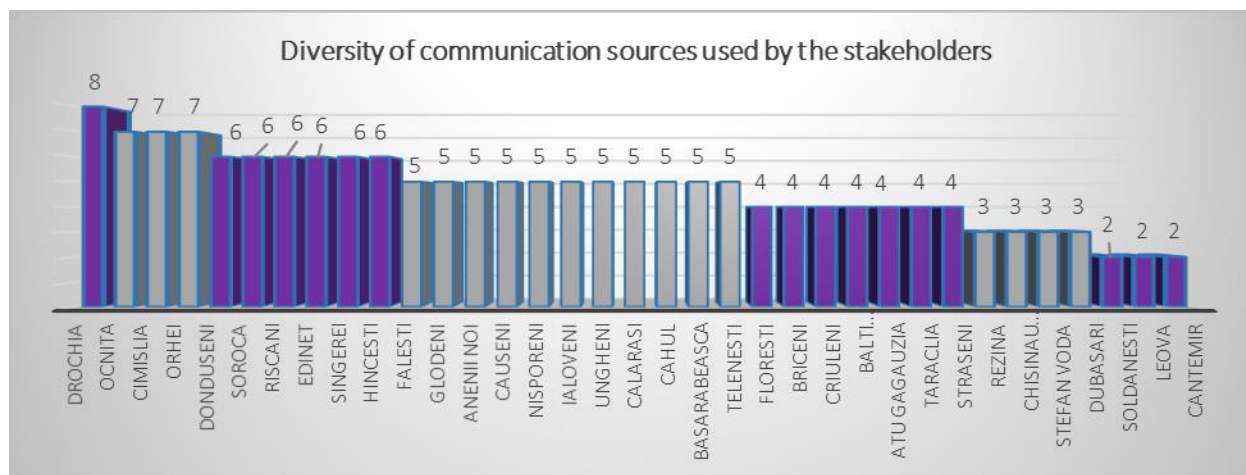
We also found a diversification of the sources of communication used by the LPAs (see Chart 1). The LPAs from Drochia, Sorooca, Riscani, Briceni and Edinet districts use between 7-9 communication sources. LPAs from Soldanesti, Causeni, Ialoveni, Straseneni districts use the fewest communication sources (3 communication sources per each).

Chart no. 1



Stakeholders use fewer sources of communication and information on the organisation and conduct of the decision-making process (see Chart 2).

⁴ As other sources of information for the communication used by LPA is the State Register of Local Acts, while for the stakeholders direct communication, by e-mail and telephone communication were mentioned.



Most communication sources are used by stakeholders from Drochia, Ocnita, Cimislia and Orhei districts (between 7-8 sources), while those from Soldanesti, Leova and Cantemir districts use maximum 2 communication sources, especially the website or direct address to the District Council representatives.

Generally, both LPAs and stakeholders prefer to get informed online (website, information board, social networks and e-mail) in proportion of 84.99% and 66.23%, respectively. Traditional “mass media” (TV, newspapers, radio) is ranked second in stakeholders’ communication preferences with 35.03%. In case of LPAs, even if the media has a 41.90% rate, this communication source is less used in comparison with the information board or newsletter, which are used in proportion of 58.56%. Thus, we note a discrepancy between the communication and information preferences of the stakeholders and the LPAs regarding the communication options of levels 2 and 3.

b. Promo-LEX thinks that another subject relevant for identifying the nature of communication between the citizens and LPAs is *determining the involvement of the stakeholders in the process of public consultation*. According to Law on Transparency in the Decision-Making Process, public consultation is a reciprocal communication between the citizens, legally created associations, other stakeholders, on the one part, and public authorities falling within the relevant legislation, on the other part, in the result of which both parties are informed and capable of influencing the decision-making process.

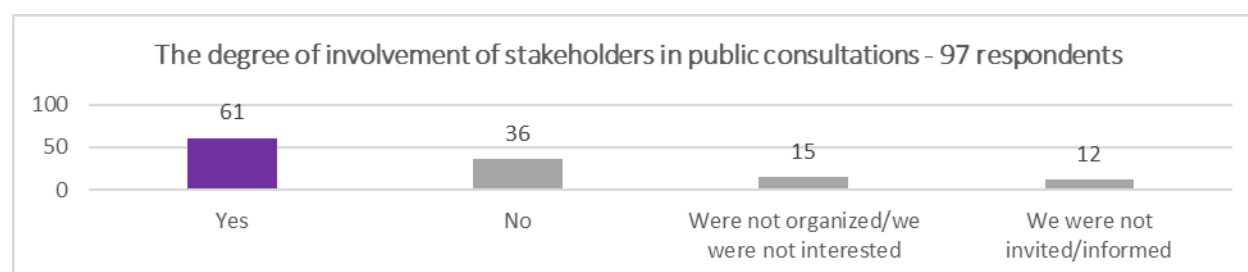
As regards public consultations, the most commonly used mechanism in the second semester of 2018 was holding public hearings and debates and requesting the opinions of civil society organisations, experts and professional association. These options, with small differences, were mentioned by the majority representatives of LPAs and stakeholders (see Table 2). Compared to the first semester of 2018, LPA representatives used less the mechanism of conducting opinion polls (-8.57%) and consulted less the public through other mechanisms (-8.57%), but held more public hearings (+31.43%), held more public debates (+17.15%) and asked more for the opinion of civil society (+14.29%). In the case of stakeholders, the use of other means of communication with LPA representatives decreased by (-5.17%), at the same time significantly increased the participation in public debates (+17.26%), in public hearings (+14.09%) and respectively the degree of seeking the opinion of civil society organizations, experts, professional associations (+11.40%).

Table 2. Public consultation methods used by LPA to ensure transparency of the decision-making process during the monitored period

Consultation Mechanism	LPA's opinion	Stakeholders' opinion
Seeking the opinions of civil society organisations, experts, professional associations	24 (68.57%)	36 (37.11%)
Organising public debates	24 (68.57%)	50 (51.54%)
Conducting public hearings	27 (77.14%)	46 (47.42%)
Conducting opinion polls	2 (5.71%)	4 (4.12%)
Other methods	13 (37.14%)	7 (7.21%)
TOTAL	35 respondents	97 respondents

In the same train of thoughts, out of the total number of interviewed stakeholders, 48 persons (49.48%) confirmed that they had participated in such activities (see Chart 3). Compared to the first semester of 2018, the share of people involved in public consultations increased significantly (from 22.85% to 49.48%). In Soroca, Riscani, Ocnita, Telenesti, Anenii Noi and Criuleni all three interviewed persons per ATU participated in public consultations.

Chart no. 3



Among the reasons for non-involvement in public consultations were mentioned the failure to organise them/lack of interest from parties (at least 22.44%) or lack of information/invitation (at least 16,32%). According to legal norms, the information of the stakeholders has to be target-specific, unlike the general information process, directed towards large, undefined public. Thus, we reiterate the lack of an institutionalised mechanism to inform permanently the stakeholders at level-two LPAs about the field-specific issues.

On the other hand, the interviews conducted with LPAs representatives, as compared to the monitoring period in the first semester of 2018, show a more positive trend regarding the degree of citizens' involvement in the decision-making process at the level-two administration (see Table 3). Thus, the citizens' involvement, compared to the first semester of 2018, increased significantly by (+20.00%) as regard to the degree of involvement, but decreased by (-34,29%) as regard to the relative degree of involvement. The interviewed civil servants also think that the majority of the citizens are not interested or they are relatively interested in the content of the decision-making process at the level-two administration (74.28%).

Table 3. Degree of citizens' participation in decision-making, according to the LPAs representatives

Degree of participation	Significant	Relative	Insignificant	Total
Number of options	9	9	17	35
Share	25.71%	25.71%	48.57%	100%

Among the reasons of citizens' "non-involvement" the LPAs' representatives mentioned: apathy, passivity and lack of interest and motivation; predominance of personal problems; low degree of trust of citizens towards public authorities and the socio-political situation in the country (see Chart 4). In conclusion, we note that stakeholders are less involved in the decision-making process, and the reasons for this situation is the absence of an institutionalised mechanism to inform permanently the stakeholders at the level of LPAs, and in the high level of passivity and lack of interest from the part of the citizens.

Chart no. 4



c. An efficient communication with public authorities depends on the *degree of accessibility and facilities of the LPAs' headquarters*. This does not necessarily apply to the stakeholders only, but rather to all the categories of citizens, and especially to the elderly and people with special needs. Aspects included in the observation grid include: access ramps at the entrance to the headquarters; ensuring one's comfort by placing chairs on the hallway; sufficient indoor lighting; user-friendly WC for persons with special needs; heating; room for mothers with minor children (see Table 4). Monitors used the direct observation method during the monitoring conducted in the second semester of 2018.

Table 4. Accessibility and facilities of LPAs' headquarters.

Region	District Municipality ATUG	Access Ramps	Sufficient artificial indoor lighting	Heating	Sufficient Number of chairs on the hallways	Room for mothers with children	User-friendly WC for persons with special needs	Degree of implementation
NORUJ	Briceni	YES	YES	YES	YES	NO	NO	4/6
	Donduseni	YES	YES	YES	YES	NO	NO	4/6
	Drochia	YES	YES	YES	YES	NO	NO	4/6
	Soroca	YES	YES	YES	YES	NO	NO	4/6

Region	District Municipality ATUG	Access Ramps	Sufficient artificial indoor lighting	Heating	Sufficient Number of chairs on the hallways	Room for mothers with children	User-friendly WC for persons with special needs	Degree of implementation
	Ocnita	YES	YES	YES	NO	NO	NO	3/6
	Riscani	YES	YES	YES	YES	NO	NO	4/6
	Edinet	YES	YES	YES	YES	NO	NO	4/6
North-East	Falesti	YES	YES	YES	NO	NO	NO	3/6
	Floresti	YES	YES	YES	YES	NO	NO	4/6
	Glodeni	NO	YES	YES	YES	NO	NO	3/6
	Balti municipality	YES	YES	YES	YES	NO	NO	4/6
	Singerei	NO	YES	YES	NO	NO	NO	2/6
	Telenesti	NO	YES	YES	YES	NO	NO	3/6
	Soldanesti	NO	NO	YES	NO	NO	NO	1/6
	Rezina	NO	YES	YES	NO	NO	NO	2/6
Center-South-East	Anenii Noi	YES	YES	YES	NO	NO	NO	3/6
	Causeni	YES	YES	YES	NO	NO	NO	3/6
	Stefan Voda	NO	YES	YES	YES	NO	NO	3/6
	Chisinau municipality	NO	YES	YES	YES	NO	NO	3/6
	Dubasari	NO	YES	YES	YES	NO	NO	3/6
	Criuleni	YES	YES	YES	YES	NO	NO	4/6
Center-South-West	Calarasi	YES	YES	YES	YES	NO	NO	4/6
	Hincesti	YES	YES	YES	YES	NO	NO	4/6
	Ialoveni	YES	YES	YES	YES	NO	NO	4/6
	Nisporeni	YES	YES	YES	YES	NO	NO	4/6
	Orhei	YES	YES	YES	YES	NO	NO	4/6
	Ungheni	YES	YES	YES	YES	NO	NO	4/6
	Straseni	YES	YES	YES	YES	NO	NO	4/6
South	Basarabasca	YES	YES	YES	YES	NO	NO	4/6
	Cahul	YES	YES	YES	YES	NO	NO	4/6
	Cantemir	YES	YES	YES	YES	YES	NO	5/6
	Cimislia	YES	YES	YES	YES	NO	NO	4/6
	Leova	YES	YES	YES	YES	YES	NO	5/6
	Taraclia	YES	YES	YES	YES	NO	NO	4/6
	ATU Gagauzia	YES	YES	YES	YES	NO	NO	4/6
	Total	YES-27 NO-8	YES-34 NO-1	YES-35 NO-0	YES-28 NO-7	YES-2 NO-33	YES-0 NO-35	

Following the monitoring it was found that compared to the first semester of 2018, LPAs headquarters from Cantemir and Leova districts made progress in ensuring a room for mothers

with children, which is appreciated. However, in terms of facilitating the conditions for people with special needs, we find that the LPAs headquarters still lack user-friendly WC for persons with special needs. This issue reduces not only the accessibility of headquarters, but also makes difficult to involve certain categories of population (mothers with children, people with special needs) in the decision-making processes and in public consultations. Thus, indirectly, the lack of such facilities may lead to non-observance of legal provisions⁵ that ensures the right of every citizen to participate at any stage of the decision-making process. Or, without ensuring minimum accessibility, these categories of people and their opinion are left outside the public participation process.

As compared to the first semester of 2018, the accessibility of LPA buildings has increased due to their endowment with a sufficient number of seats on the hallways inclusive (28 out of 35, with three district councils more than in the second semester of 2018 – Briceni, Drochia and Edinet).

These minor progresses are encouraging and prove that the participation of certain categories of people in decision-making can be ensured with minimum efforts. It is also encouraging that the premises of all LPAs are equipped with heating, which ensures comfortable conditions for both visitors and civil servants who work in these buildings.

In conclusion, the LPAs from Leova and Cantemir districts have the highest level of accessibility with a score of 5/6, due to the fact that they provided rooms for mothers with children. On the other hand, the lowest accessibility was registered in headquarters of LPAs from Soldanesti with a score of 1/6, followed by Singerei and Rezina with a score of 2/6.

d. *Cooperation with the civil society* is another important aspect in ensuring the transparency of the decision-making process by public authorities. In this respect, we analysed *the reasons for non-compliance with the legislation, the stakeholders' participation in the decision-making process, and the assessment of the role and influence that stakeholders have in the decision-making process*. Promo-LEX Association believes that civil society must play an important role in communication with LPAs and the provisions on transparency of decision-making must be observed by both LPAs and civil society.

However, both LPAs and stakeholders consider that the provisions in the field of decision-making transparency are not observed. Moreover, both LPAs and stakeholders invoke almost the same reasons for non-compliance with these provisions.

One of the reasons invoked in this respect is *the insufficient financing of LPAs*. Both LPAs and stakeholders ticked most of the responses for this option (see Charts 5 and 6). Other reasons invoked by LPA are: lack of human resources, passivity of civil society through non-involvement, etc. Among the reasons cited by the stakeholders are: lack of human resources, passivity of civil society through non-involvement, indifference from LPA officials, etc.

These options are followed by the need for a LPA reform, LPA representatives ticked 6 responses, and stakeholders - 25. Also LPAs invoked the exaggerated legal provisions in terms of number and content while stakeholders - the lack of real policies and actions of the state in the field of decision-making transparency.

⁵ art. 6, para. (a) of the Law no. 239 of 13.11.2008 on Transparency in the Decision-Making Process.

Chart no. 5

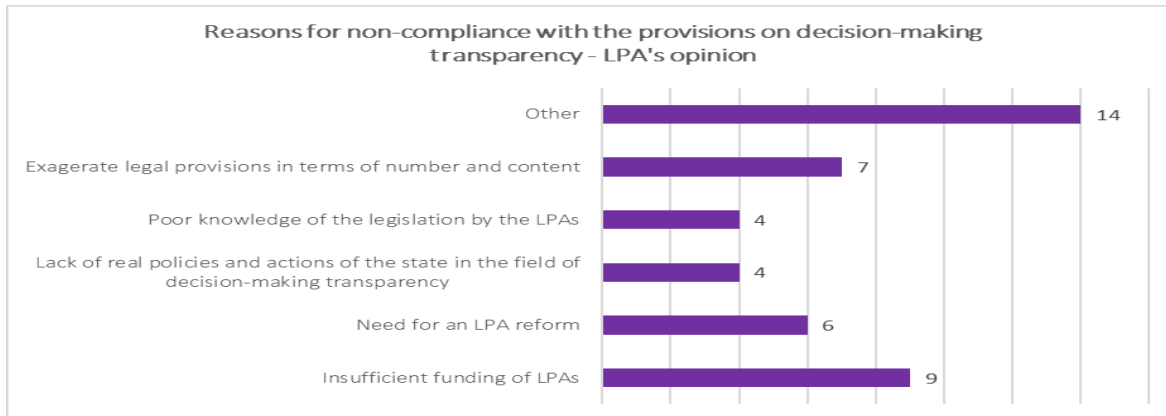


Chart no. 6

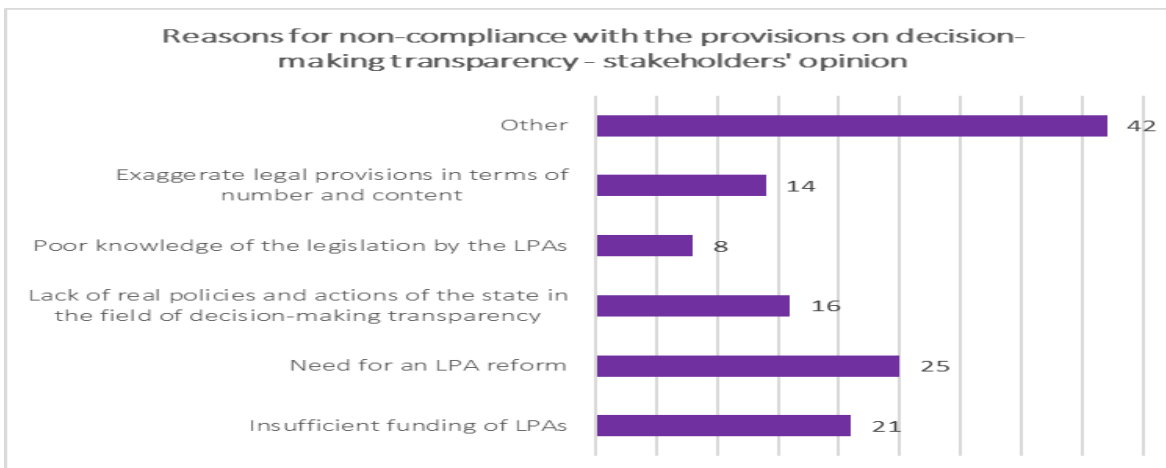
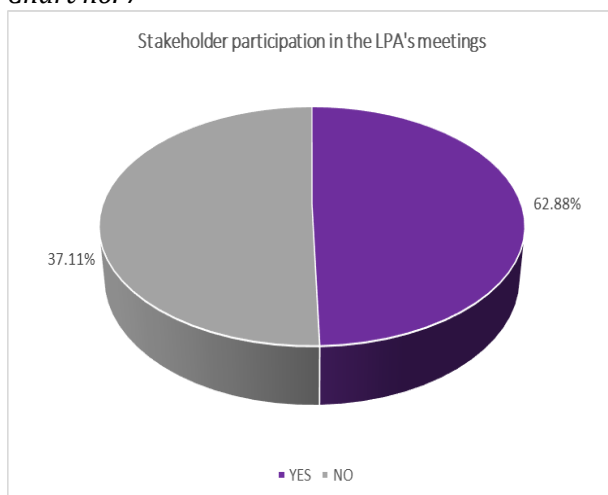


Chart no. 7



As regards the participation in the decision-making process, we found that half of the interviewed stakeholders participated in the meetings of the District Council. Thus, 62.88% (61) of the respondents said that during the monitoring period they attended the meetings of LPAs, while 37.11% (36), said that they did not attend any of the meetings of LPAs (see Chart 7).

The lack of an invitation/announcement or the lack of topics of interest on the agenda were among the reasons for non-participation. Thus, we can conclude that stakeholders attend the

meetings of LPAs only if they address topics of their interest.

Moreover, 80.41% of the interviewed stakeholders believe that the LPAs inform the citizens about the draft decisions to be discussed on the District Council's agenda. In the case of Taraclia, Basarabasca, Edinet, Ocnita, Briceni, Orhei, Soldanesti, Causeni, Nisporeni, Ialoveni and Stefan Voda, stakeholders reported the failure to observe this provision.

Generally, we can conclude that in the majority of cases the LPAs observe the legal provisions, which provides for the information, in the prescribed manner, on the organisation of decision-making process.⁶

In the same train of thoughts, the 97 persons from the monitored regions were asked to assess the role of the organisations they represented in decision-making. In 50.51% of the cases (i.e. 49 persons), the self-assessment regarding the power to influence administrative decisions was positive. These respondents believed that the organisation they represent or they themselves, have an important role in decision-making (see Table 5). On the other hand, 24 interviewees (24.74%) think that their opinion is not taken into account in the decision-making process at the level-two administration. Note that compared to the first monitoring semester of 2018, the share of the representatives of stakeholders who believe that they have an insignificant role in decision-making has decreased from 31.14% to 24.74%.

Table 5. Self-assessment regarding the role that organisations play in decision-making (stakeholders' opinions)

Assessment/Role	Significant	Relative	Insignificant	Total
Number/Share of assessments	49 (50.51%)	24 (24.74%)	24 (24.74%)	97 (100%)

Concluding about the communication sources we note that LPAs prefer to get informed on websites and information board, on average of 95.71%, while stakeholders in most of the cases, prefer to get informed online on social networks and websites, on average of 79.89%, respectively.

Although the communication preferences mostly remained the same, and the website remained the most used communication source by both parties, compared to the first semester of 2018 in the case of LPA, we note the decrease in the utilisation rate of the communication source on social networks (-25.71%). As regards stakeholders, the utilisation rate of both the information board (+16.30%) and the e-mail (18.36%) increased.

As regards public consultations, the most commonly used mechanism in the second semester of 2018 was holding public hearings and debates. Compared to the first semester of 2018, LPA representatives used less the mechanism of conducting opinion polls (-8.57%), but held more public hearings and debates on average by +24.29%). In the case of stakeholders, significantly increased the participation in public hearings and debates on average by +31.35%). However, among the reasons for non-involvement in public consultations, stakeholders have mentioned the failure to organise them/lack of information/invitation to consultations by LPAs or the fact that they were not interested in the topic of consultations, on average by 19.38%. Thus, we reiterate the need for an institutionalised mechanism to inform permanently the stakeholders at level-two LPAs about the field-specific issues.

⁶ art.7 item b.) of the Law no. 239 on Transparency in the Decision-Making Process

In terms of accessibility of the LPA headquarters, progress was made in ensuring the level-two LPA headquarters with a specially equipped room for mothers with children, compared to the first semester of 2018, when no LPA has provided any specially equipped rooms, in the second semester of 2018, LPAs from Cantemir and Leova districts have provided such a room. Due to this, the LPAs from Leova and Cantemir districts gained the highest score in terms of accessibility of LPA headquarters. On the other hand, the lowest accessibility was registered in headquarters of LPAs from Soldanesti, followed by Singerei and Rezina.

Generalizing the LPA's performance as regards the communication with the stakeholders for each criterion relating to: diversity of communication sources used by the LPAs; number of persons involved in public consultations; LPAs that have a significant degree of involvement of citizens, from the point of view of LPAs; accessibility of LPA headquarters; participation of stakeholders in LPA meetings and significant role played by stakeholders in the decision-making process, we find that for the second semester of 2018, LPA from Soroca district is the only ATU that registered the highest score, accumulating 4 criteria with a positive result followed by LPAs from Criuleni, Causeni, Telenesti, Singerei, Balti municipality, Falesti, Floresti, Ocnita, Drochia and Riscani with 3 positive criteria per LPA.

II. COMPLIANCE OF THE CONTENTS OF THE LPA AUTHORITIES' WEBSITES, IN TERMS OF "TRANSPARENT" DECISION-MAKING, WITH THE RELEVANT LEGISLATION

Considering the current developments in communication technologies, using online information sources is no longer seen as a luxury, but rather as a need and an opportunity to solve the issues of communication with organisations, including the public ones, and the external world. A website is important as it stimulates and develops a business, and it is the easiest way to inform and provide offers to users. It will increase the credibility, potential and visibility of the owner. It is an unlimited space for communicating with users. Thus, tapping the opportunities provided by the internet is a must for modern public administrations. Online communication provides a range of opportunities to highlight the principle of administrative transparency.

Article 3(4) of the Law No. 239 on Transparency in Decision-Making Process provides that the LPA shall consult with the citizens, associations established in line with the law, other stakeholders about draft regulations, draft administrative documents that can have social, economic, environmental impacts (on lifestyle and human rights, on culture, health and social protection, on local groups, public services). Concurrently, according to the items 5 and 6 of the Government Decision (GD) No. 967 on the Mechanism for Public Consultations with the Civil Society in Decision-Making provides that the LPA shall ensure access to draft decisions and related documents by publishing them on the official website, as well as it shall approve internal rules concerning the procedures on decision development, information, consultation and adoption of decisions in compliance with the law in force.

To abide by those provisions, the LPA authorities have to take measures to make sure the citizens, associations established in line with the law, other stakeholders can participate, including by publishing the following information on the website: *internal rules on the procedures of information, consultation and participation in decision-making; first name, last name, position and contact data of the person responsible of the decision-making process; information about the (quarterly/annual) draft decision development schedules; announcements that the development of a decision is about to start; announcements that draft decisions were withdrawn, announcements regarding the organisation of*

public consultations; draft decisions and related documents; the results of public consultations, the annual report of the public authority on transparency in decision-making (item 14 of the Regulation on public consultations with civil society during the decision-making process approved by GD No. 967 of 9 August 2016). Promo-LEX monitors checked and reported whether such pieces of information were published on the websites of the authorities (data disaggregated by ATU, on the basis of Promo-LEX regions are provided in Annexes 5).

In accordance with the items 6 and 14 of the Regulation approved by GD no. 967, the LPA shall approve and publish on the website *the internal rules concerning the procedures on decision development, information, consultation and adoption* in compliance with the law in force as well as the contact that of *the person in charge of the decision-making process*.

According to the reports of Promo-LEX monitors, the internal rules on information, consultation and participation in decision-making procedures were approved and published on the website by 12 LPAs, and the contact details of the person in charge of the decision-making process were published by 12 LPAs (see Charts 8 and 9).

Compared to the first semester of 2018, we find that the number of LPAs that published the internal rules (3 LPAs- Criuleni, Calarasi and Leova), and the contact details regarding the decision-making process (8 LPAs - Riscani, Balti, Falesti, Singerei, Criuleni, Dubasari, Orhei and Ungheni) increased.

Chart no. 8

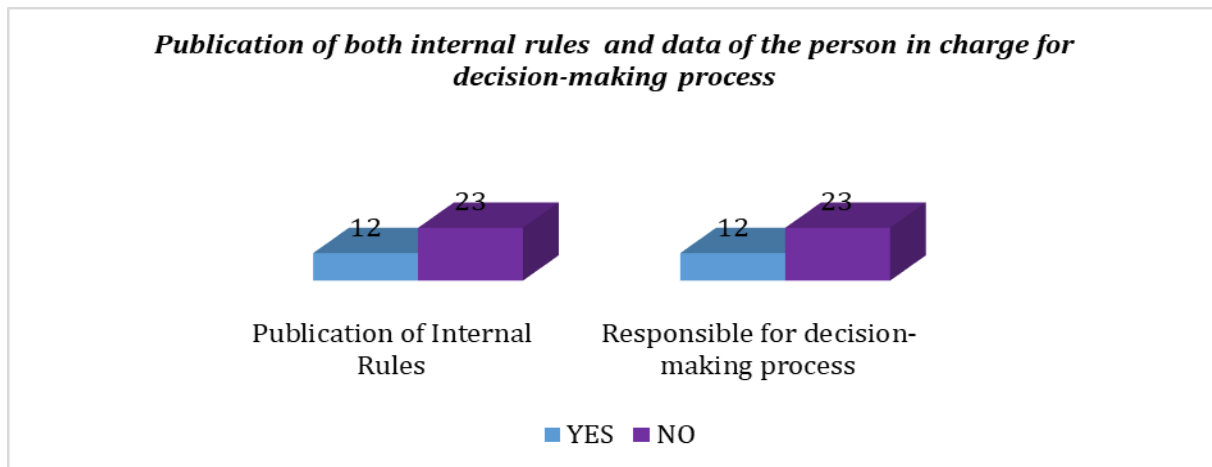
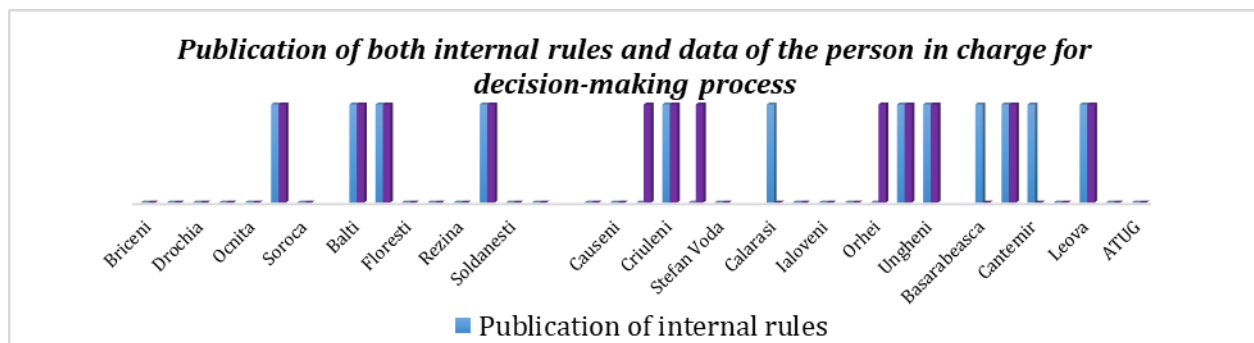


Chart no. 9



Additionally, we note that, in the case of some LPAs, even though they published the necessary information on the website regarding *the internal rules and the person in charge of the decision-making process*, the identification and consultation of the information thereof is very difficult. Thus, for example, in the case of LPA from Criuleni, the data are reflected in the heading entitled *ANNOUNCEMENTS*. Therefore, it is possible to identify the contact details of the person in charge of the decision-making process only if several pages of the announcements published will be listed in order to reach for the date when the announcement has been placed. In another case – LPA from Singerei, as regards the internal rules on public consultation in the decision-making process can be found only under the heading - adopted decisions, classified by the date on which the council meetings took place.

In order to facilitate stakeholders’ access to decision-making information, according to item 14(3) of the Regulation approved by GD No. 967, the LPAs shall publish on the official website *information about the (quarterly/annual) draft decision development schedules*, specifying the drafts that will be subject to public consultations, and according to the item 14(4) of the same regulatory act - publication of *the announcements about the initiation of decisions development*.

At the same time, according to Article 9(1) of the Law No. 239, once *the drafting of a decision began, the LPA shall publish an announcement in this regard on its official website*, within 15 business days at most and shall send it immediately to the stakeholders by e-mail, and shall post it up at its headquarters in a visible place and/or shall broadcast it on the local or national media.

According to the reports developed by Promo-LEX monitors, it was found that only 12 LPAs published *draft decision development schedules* and, only 11 LPAs published *the announcements about the initiation of decisions development* (see Charts 10 and 11). Compared to the first semester of 2018, the number of LPAs that have complied with the legal provisions on both publishing *the draft decision development schedules* increased (by 5 LPAs), as well as regards the *publication about the initiation of decisions development* increased (by 7 LPAs).

Chart no. 10

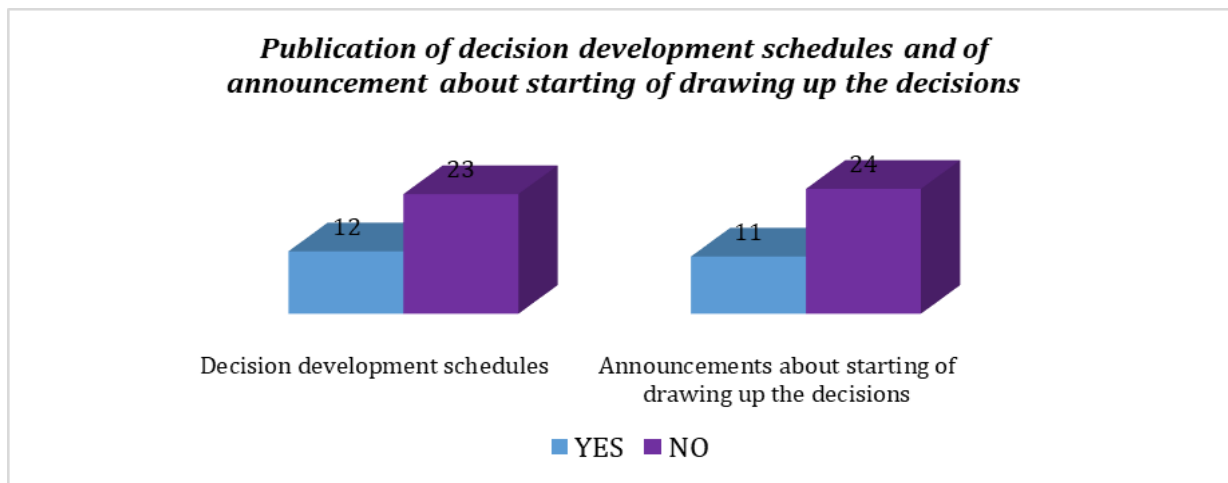
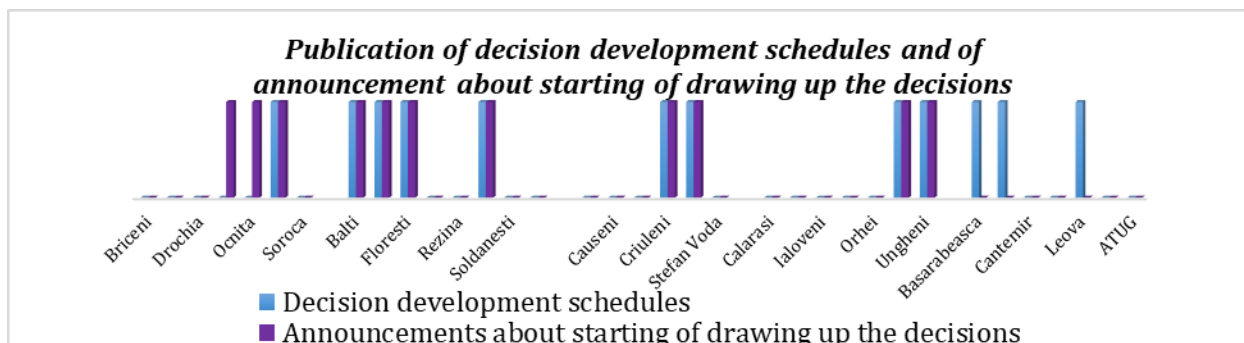


Chart no. 11

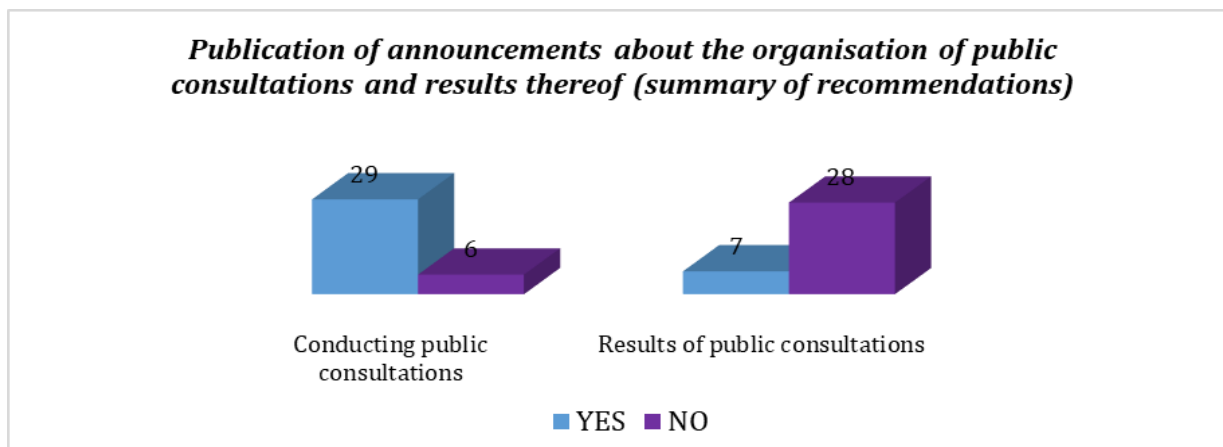


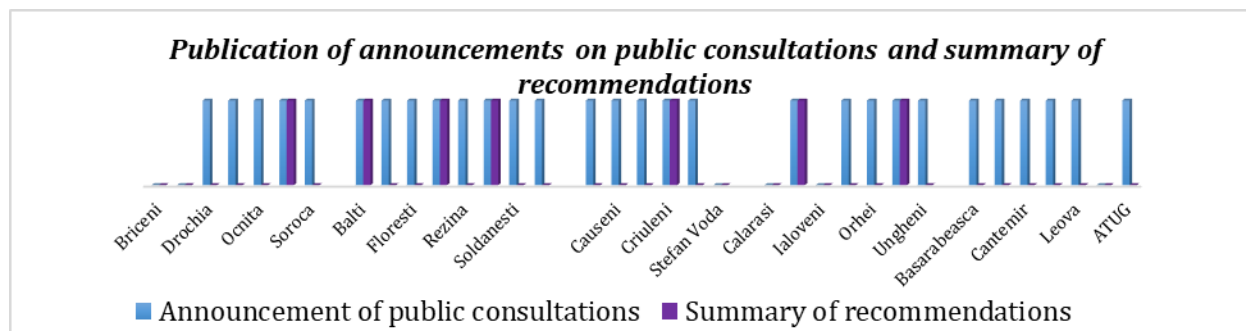
According to article 12¹ of the Law no. 239, should a draft decision be withdrawn, the LPA shall put an announcement about it on its official website, specifying the reason for that too. As reported by Promo-LEX monitors and having checked the websites, none of the LPAs posted on its website such announcements regarding the withdrawal of draft decisions in the second semester of 2018 (like in other monitored periods).

Article 11 of the Law No. 239 provides that the LPAs shall organise public consultations for the developed draft decisions. For this purpose, the authorities shall publish the announcement that public consultations will be held, as well as the related documents, 15 working days before finalising the draft decision. At the same time, according to the Article 12 of the Law No. 239, LPAs shall publish the summary of recommendations received during the public consultations on the website.

As put down in the reports of Promo-LEX monitors, during the second semester of 2018, only 29 LPAs published announcements on public consultations in the decision-making process, and only 7 of them published the results of these consultations – summary of recommendations (see Charts 12 and 13). Compared to the first semester of 2018, we notice a major decrease in the number of LPAs that published announcements on public consultations: from 11 LPAs (first semester of 2018) to 29 LPAs (second semester of 2018). Also, we notice a relatively modest increase in the number of LPAs that published summary of recommendations (from 6 to 7 LPAs).

Chart no. 12





In case of some LPAs, for example – LPA from Cantemir, under the heading entitled *ANNOUNCEMENTS*, draft decisions (web format⁷), which can not be downloaded as a file are placed a few days before the council meeting. The drafts thereof are not accompanied by any details on the purpose of placement – they are submitted for public consultation or for information, terms of reference only, etc. Therefore, we find that there is no clarity as regards both the position of the LPA and what its appeal is in relation to civil society.

Article 15 of the Law no. 239, provides that the LPAs *shall publish the draft decisions, the decisions and the related materials*, and the article 16, para. (2) of the Law no. 239, provides that before the first semester of the new year is over, LPAs must publish *the Annual Report on Transparency in Decision-Making* (for the previous year). This report must include the following: number of decisions passed during the reporting period; total number of received recommendations as part of the decision-making process; number of consultative meetings, public debates and public meetings held; number of cases when the actions or decisions of the authorities were challenged, etc. At the same time, according to the Article 14(9) of the Regulation approved by GD No. 967, the Report shall be published on the website.

Promo-LEX monitors reported about the publication of *draft decisions* in case of 30 LPAs, *decisions passed and related materials* in case of 32 LPAs, and respectively, the publication of *annual reports on decision-making transparency* – in the case of 18 LPAs (see Charts 14, 15 and 16). Compared to the first semester of 2018, the number of LPAs that published *the adopted decisions* increased by 1 (from 31 – to 32), and, respectively, the number of LPAs that published *the Annual Report on Transparency in Decision-Making* increased by 6 (from 12 – to 18).

⁷ Draft decisions can not be downloaded as Word, pdf or any other file. The draft can be viewed strictly on the website.

Chart no. 14

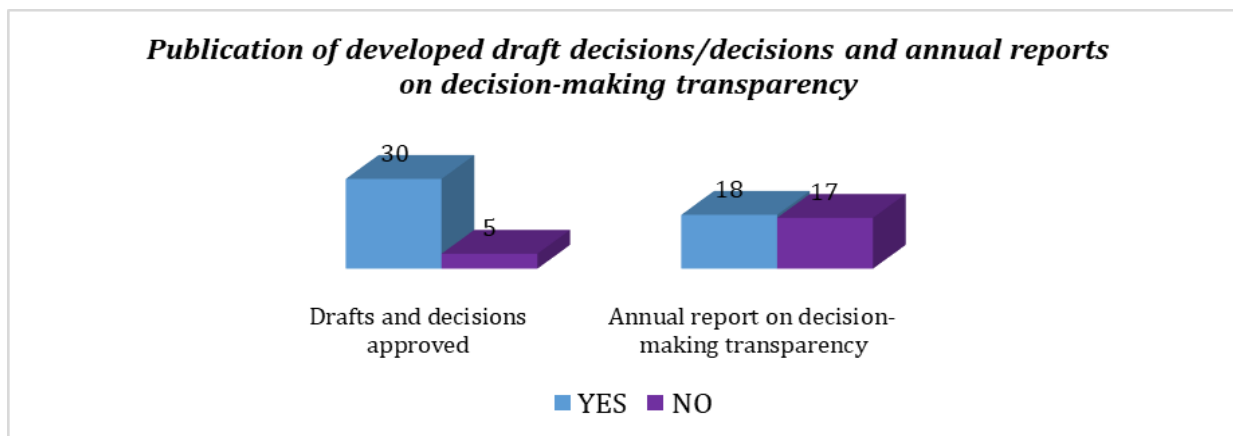


Chart no. 15

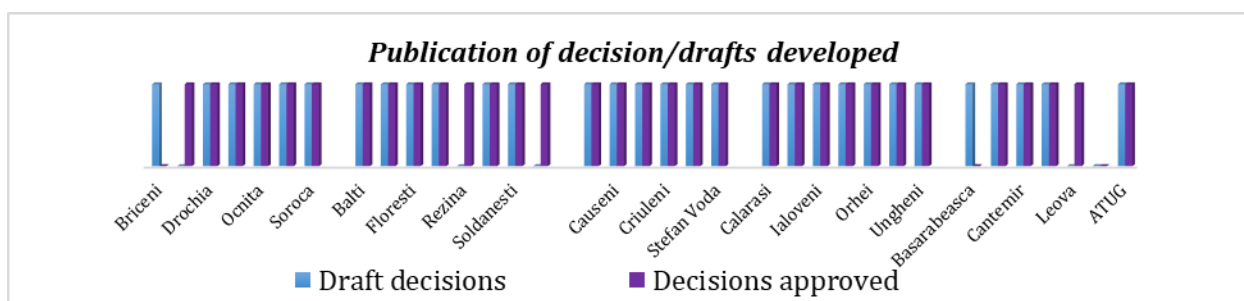
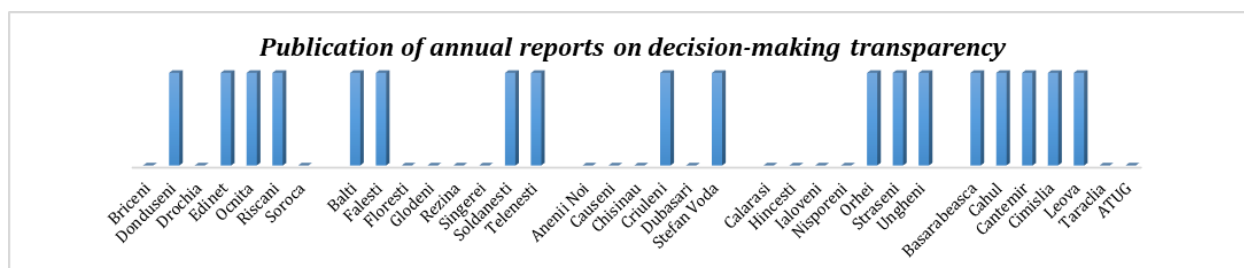
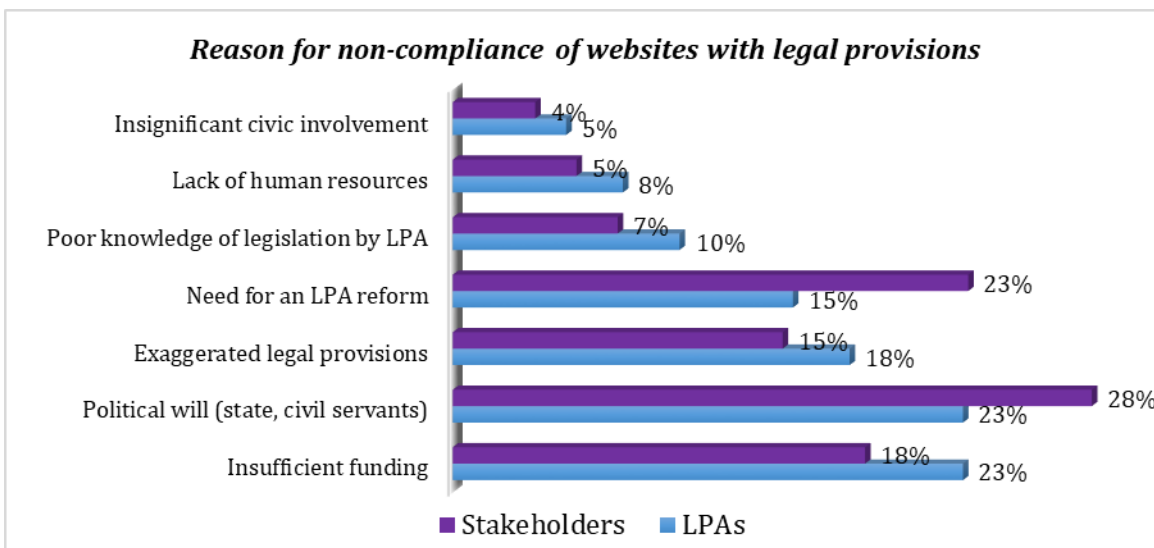


Chart no. 16



With reference to the publication of LPAs' decisions, we find that in the case of some authorities (LPAs from Criuleni, Ialoveni, etc.) they are published selectively (not all decisions adopted in the meetings of councils are published on the website).

To identify the causes of websites' non-compliance with the legal provisions, 97 interviews were carried out with stakeholders and 35 interviews - with the representatives of the 35 monitored LPAs. As a result, it was found that the main reason for non-compliance of the websites - mentioned by both stakeholders and LPAs - is *the lack of real state policies and actions in the field of decision-making transparency, lack of the authorities' will*, followed by *the insufficient funding of LPAs* (see Chart 17).

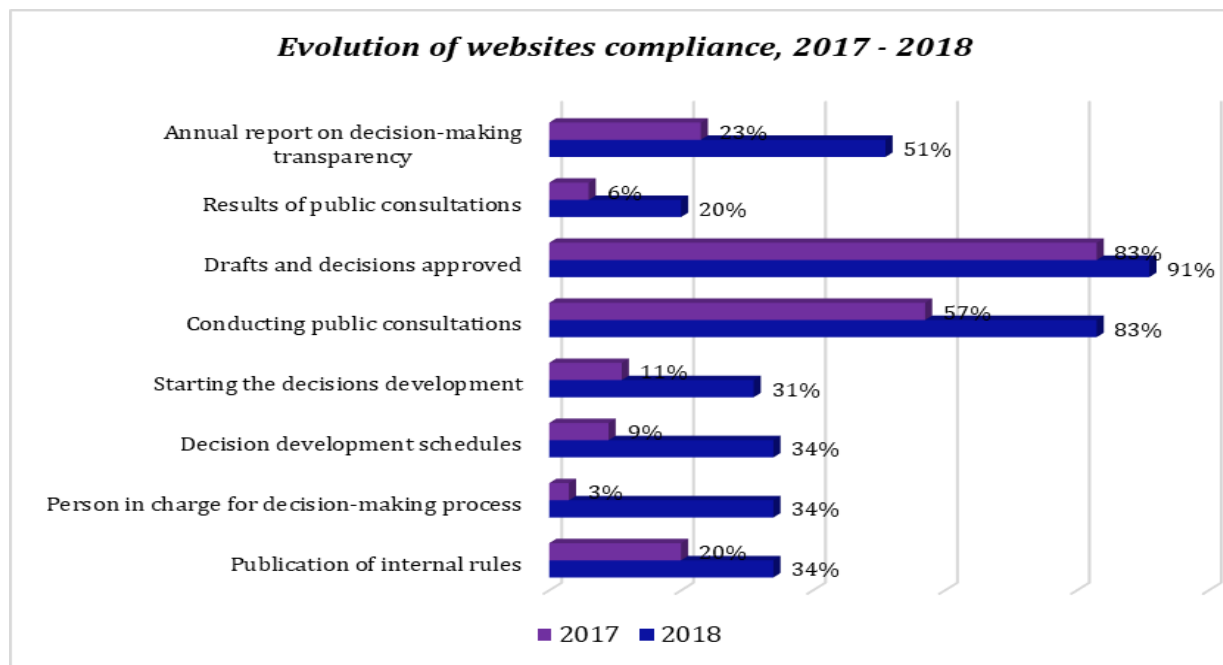


Considering the aforementioned, compared to previous periods, we see a slight increase in the compliance of the contents of the LPA authorities' websites, in terms of "transparent" decision-making, with the relevant legislation. One of the positive aspects is that 91% of the LPAs published the draft decisions and the related materials, while 83% of the LPAs published the announcements on public consultations.

On the other hand, 80% of the LPAs did not observe the provision regarding the publication of the results of public consultations on the website (summary of recommendations received from the stakeholders), while 69% - did not publish the announcements on the initiation of draft decisions development.

Only 34% of the LPAs publish the information on the internal rules concerning the procedures on decision development, the contact data of the person responsible for the decision making process, as well as the development programs (quarterly/annual) of draft decisions. The obligation to publish Annual Reports on Transparency in Decision-Making is observed only by 51% of the LPAs.

To create an overall picture of the compliance of LPAs' websites, Chart no. 18 reflects their evolution over 24 months (2017-2018). Thus, although the level of transparency remains low, we note an improvement of certain aspects (drafts/decisions adopted, Annual Reports on Transparency in Decision-Making, summary of recommendations, etc.), but also a worsening of the public consultation process.



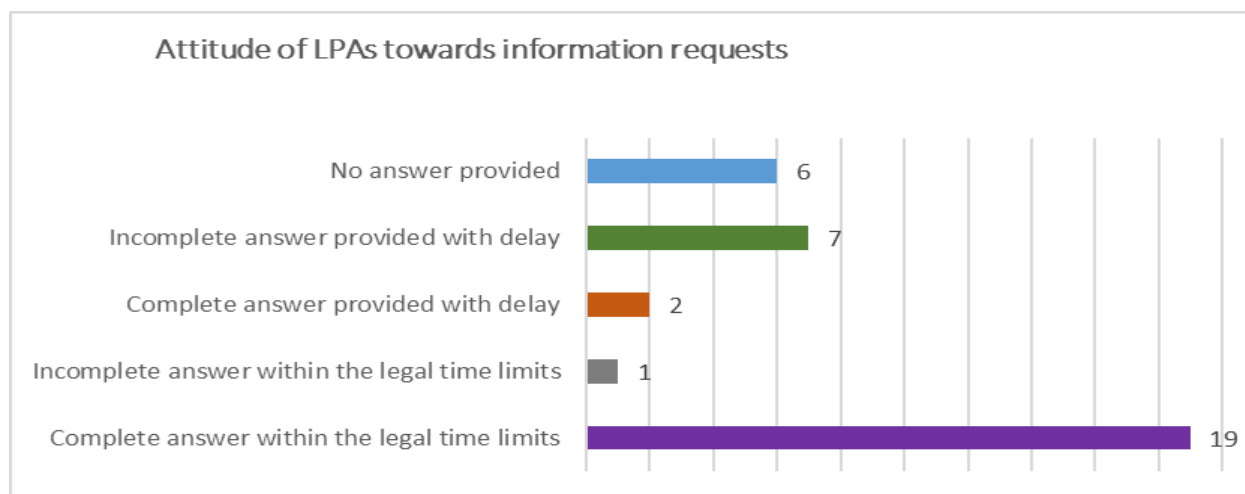
The analysis of the outcomes per LPA, represented in the charts based on the 9 types of information, proved that the authorities from Strasenii, Riscani, Criuleni districts and Balti municipality are doing best in complying with the LPA website content requirements on decision-making transparency. At the opposite extreme – the weakest results were registered by LPAs from Taraclia, Briceni, Donduseni, Rezina and Ialoveni districts (see Annex no. 5).

III. THE ATTITUDE OF LPA TOWARDS THE REQUEST OF OFFICIAL INFORMATION

The provision of official information is also an important indicator of the degree of transparency and openness of the LPA. To assess how information providers observe the obligation to ensure access to official information, Promo-LEX requested information from each of the 35 ATUs. The request for official information was developed in line with the legal requirements and make-up recommendations in the field.

In total, 35 such requests were filed (in line with the legal provisions, as the requested information was not the classified kind) - 1 request to each LPA. All the requests were sent by the Promo-LEX monitors. Generally, in 19 cases (54.28%) the LPAs answered within the legal time limit, and in only one case the LPAs answered within the legal time limit providing incomplete data (2.85%). 2 responses having a complete content were delivered in violation of legal deadlines (5.71%) and other 7 responses were delivered with incomplete data (20%). Note that in other 6 cases (17.14%) no response was delivered after the information was requested (see Chart 19). We reiterate that Promo-LEX believes that these data are alarming considering the state of affairs of the transparency of LPA activity as well as the provision of quality public services.

In this regard we can largely observe the repetition of the results from the first semester of 2018, which may be a concerning fact given the failure of LPAs to become more responsible since the first semester of 2018, including the following LPAs from Rezina, Anenii Noi, Taraclia districts and Chisinau municipality.



We mention that ignoring requests for access to information is against the legal provisions in force⁸ according to which the refusal of access to information shall be justified in written form. Moreover, according to article 21 para. (3), item e) of the same law, the violation of the right of access to information can be challenged before courts of law.

Table 6. Attitude of LPA towards the requests of access to official information

Region	Within legal time limits and complete content	Within legal time limits and incomplete content	With delay and complete content	With delay and incomplete content	No answer provided
North				Soroca Drochia Riscani Donduseni Edinet Ocnita Briceni	
North-East	Balti municipality Soldanesti Telenesti Glodeni Floresti Singerei Falesti				Rezina

⁸ <https://bit.ly/2u1x8Mk> Article 19 para. (1) of the Law no. 982 of 11.05.2000 guaranteeing access to information, (1) *The refusal to provide the information to an official document shall be made in writing, stating the date of the refusal, and the name of the responsible person, the reason for the refusal, and making it into a mandatory reference to the regulatory act (title, number, adoption date, source of official publication) on which the refusal and the appeal proceedings, including the limitation period thereof is being based.*

Center-South-East	Criuleni Stefan Voda				Chisinau municipality Dubasari Anenii Noi Causeni
Center-South-West	Calarasi Hincesti Straseni Orhei Ialoveni Ungheni Nisporeni				
South	Cahul Leova ATU Gagauzia	Cantemir	Basarabeasca Cimisia		Taraclia
	19	1	2	7	6

In conclusion, compared to the previous monitoring period, the Promo-LEX Association found partial progresses in the relations between the level-two LPAs authorities and the information requesters in the process of ensuring and implementing the constitutional right of access to information, as the number of cases of providing answers in violation of legal deadlines, compared to the first semester of 2018, increased from 6 (17.14%) to 9 (25.71%) cases.

As part of the monitoring, 35 requests for official information were sent to LPAs as information providers. In 19 cases (54.28%) full answers were provided within the legal deadlines and only one incomplete answer was also provided within the legal deadline (2.85%). 2 responses having a complete content were delivered in violation of legal deadlines (5.71%) and other 7 responses were delivered with incomplete data (20%). Note that in other 6 cases (17.14%) no response was delivered after the information was requested. We are speaking about LPAs from Rezina, Chisinau municipality, Dubasari, Anenii Noi, Causeni and Taraclia.

IV. DEGREE OF TRANSPARENCY OF THE PROCESS OF PREPARING AND HOLDING THE MEETINGS OF LPAS' DELIBERATIVE AUTHORITIES

Transparency in decision-making is essentially based on two principles: a) informing the citizens, associations set up in line with the law and other stakeholders about the initiation of drafting up decisions and about public consultations with regards to these decisions, and b) providing equal opportunities to citizens and associations set up in line with the law and other stakeholders to participate in decision-making. Thus, identifying the degree of transparency in preparing and holding the meetings of LPAs' deliberative authorities was identified on the basis of the following procedures: *announcement of the meetings; deliberative nature of the meeting; approval of the agenda during the meetings of the deliberative authorities; free participation and observation of the meetings, live broadcasting and publication of the adopted decisions.*

One of the essential elements of the engagement of the stakeholders in the decision-making process is the direct participation in the meetings of the public authorities during which the decisions themselves are discussed and adopted. In this respect, Article 13(1) of Law No. 239 on Transparency in Decision-Making provides that the meetings of the public authorities concerning decision-making are public, except in cases provided for by the law.

Law No. 436 on Local Public Administration guarantees the open and public nature of the local council's meetings as well⁹. The respective LPAs' authorities and ATUs' civil servants must take necessary measures to ensure effective opportunities for participation of citizens and all stakeholders in decision-making. Moreover, impediments to the free access to the local council's meetings or compromising of the decision-making process by deliberate actions of hiding the information of public interest is sanctioned in accordance with the law in force.

On the basis of the aforesaid, Promo-LEX Association, as a stakeholder, opted for the rights guaranteed by the legislation and assessed the degree of compliance of the procedures of preparing and holding the meetings of LPAs' local councils (district, municipal, ATUG) with the legislative provisions in decision-making transparency.

The following monitoring methods were used: direct observation of the meetings (attending the meetings) by Promo-LEX monitors, communication with LPAs' officials and stakeholders, as well as analysis of online resources. The meetings were monitored by using a Monitoring Form as a working tool, which comprised several important indicators of compliance of the procedures of meetings' organisation and holding: *type of session; degree of ensuring the publication; presentation of information about the agenda; presence in the meeting; publishing the decisions*. By summing up and analysing the information gathered using these Monitoring Forms, we managed to get an overall picture, both in the country and in each ATU in part, regarding the openness to the public of the meetings, presentation of information about the items on the agenda, as well as regarding the attendance of the involved actors at the meetings.

To start with, we should mention that during the monitored period, LPAs' deliberative authorities (including People's Assembly of ATUG) had at least 138 meetings, by 26 more as compared to the first semester of 2018. Most meetings were held in Balti municipality (9), Causeni (6), Chisinau municipality, Edinet, Glodeni, Singerei, Telenesti, Anenii Noi, Hincesti, Cantemir (5 in each LPA). The smallest number of meetings were held in Dubasari (1). (see Table 7).

Table 7. Nature of LPAs' meetings (disaggregated by ATU)

	ATU	Total number of meetings	Number of deliberative meetings	Number of ordinary meetings	Number of extraordinary meetings
North	Briceni	3	3	3	0
	Donduseni	2	2	2	0
	Drochia	2	2	1	1
	Soroca	4	4	4	0
	Ocnita	4	4	2	2
	Riscani	4	4	3	1

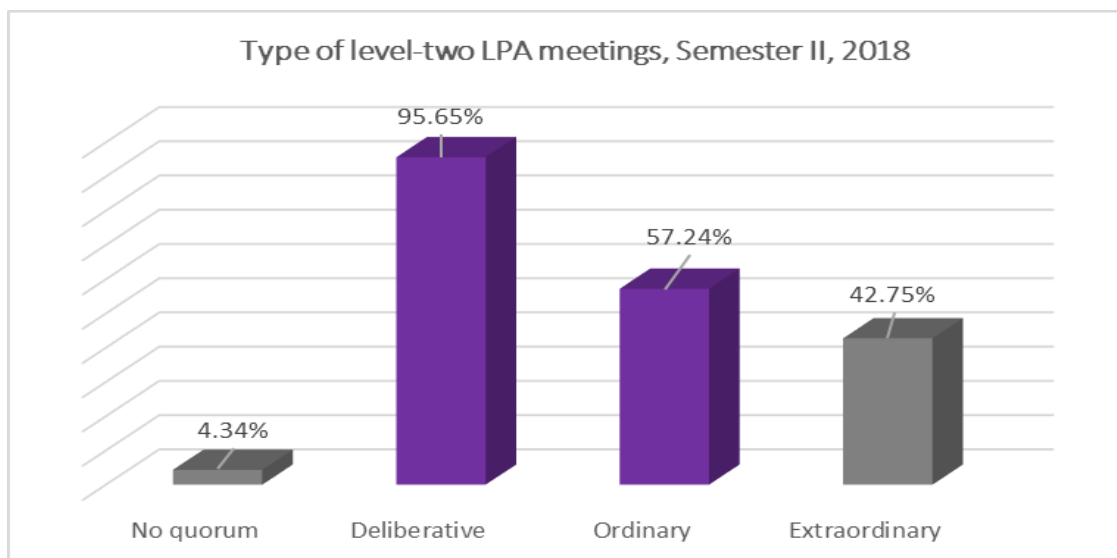
⁹ According to art. 47 of the Law no. 436 on Local Public Administration, the provisions related to the organisation and operation of the local council, except for those related to its powers, shall be the same for the district council. Likewise, the provisions of art. 17 of the Law no. 436 sets out that any stakeholder may attend the meetings of the local council. The citizens, stakeholders shall have the right: a) to attend, under the conditions laid down by law, all stages of the decision-making process; b) to have access to information indicating the budget of the region concerned and use of budgetary resources, draft decisions and agenda of the meetings of both local council and mayor's office; c) to propose to initiate the development and adoption of decisions; and d) to submit to local public authorities recommendations, on their own behalf or on behalf of groups of residents of the respective communities, on various draft decisions subject to discussion.

	ATU	Total number of meetings	Number of deliberative meetings	Number of ordinary meetings	Number of extraordinary meetings
	Edinet	5	5	5	0
North-East	Falesti	4	4	3	1
	Floresti	4	4	2	2
	Glodeni	5	5	2	3
	Balti municipality	9	6	5	4
	Singerei	5	5	3	2
	Telenesti	5	5	3	2
	Soldanesti	3	3	2	1
	Rezina	3	3	2	1
Center-South-East	Anenii Noi	5	5	2	3
	Causeni	6	6	2	4
	Stefan Voda	4	4	2	2
	Chisinau municipality	5	4	1	4
	Dubasari	1	1	1	0
	Criuleni	3	3	2	1
Center-South-West	Calarasi	3	3	2	1
	Hincesti	5	5	2	3
	Ialoveni	4	4	2	2
	Nisporeni	3	3	2	1
	Orhei	4	4	3	1
	Ungheni	4	4	3	1
	Straseni	3	3	2	1
South	Basarabeasca	3	1	0	3
	Cahul	4	4	2	2
	Cantemir	5	5	2	3
	Cimislia	3	3	2	1
	Leova	3	3	2	1
	Taraclia	4	4	1	3
	ATU Gagauzia	4	4	2	2
Total		138	132	79	59

We remind that Article 45(1) of Law No. 436 on Local Public Administration stipulates that district councils shall have ordinary meetings every 3 months (valid for the Chisinau and Balti municipal councils as well). Thus, during a semester, each of those 35 representative bodies, except for the People's Assembly of ATUG, should have had 2 ordinary meetings. However, we found that District Council from Drochia, Chisinau municipality, Dubasari and Taraclia had only one ordinary meeting, with 5 district councils less as compared to the first semester of 2018.

The deliberative nature of the meetings. According to Article 13 of the Law on Local Public Administration, council meetings are deliberative if at least two thirds of the council members participate in it. Of the 138 meetings that Promo-LEX monitored, 132 were deliberative (95.65%) and in only 6 cases (4.34%) there were not enough councillors to hold the meeting (see Chart 20). Most of the meetings did not have the necessary quorum and namely 3 of them; 1 was held in Balti municipality, 2 in Basarabasca and 1 in Chisinau municipality. Thus, we note a more passive participation rate of local officials, as compared with the first semester of 2018, with only 4 meetings that did not have the necessary quorum.

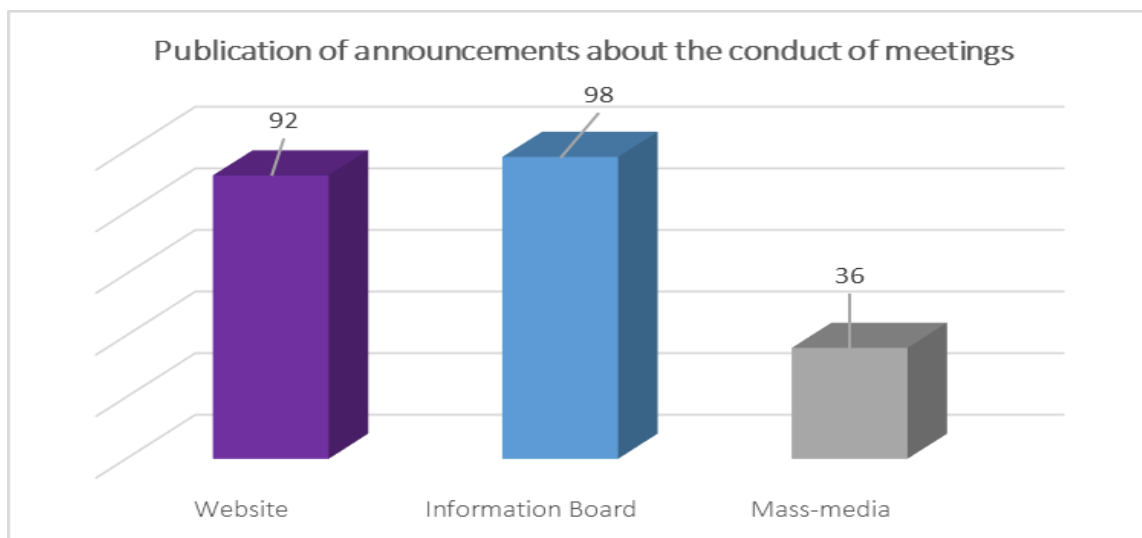
Chart no. 20



Announcements of the meetings. According to Article 13(2) of the Law No. 239 on Transparency in Decision-Making Process, the announcement of a public meeting has to contain data, time and place of the public meeting, its agenda, and also should be:

- published on the public authority's official website;
- sent to the stakeholders via e-mail;
- posted at the headquarters of the authority, in a publicly accessible place;
- and/or broadcast by the central or local media, as may be required.

During the monitoring, the Promo-LEX Association assessed the extent to which LPAs published the announcements on the meeting on the website, on the information board and in the media. Thus, out of the 138 meetings, in the case of 92 (66.66%) meetings, the announcements were placed on the website, in the case of 98 (71.01%) - on the information board and in the case of 36 (26.08%) - in the media (see Chart 21). Compared to the first semester of 2018 the publication rate of the announcements on the information board increased by +4.05%, while the publication rate of the announcements on the website decreased by -10.13% and in the media by -10.53%, respectively.



Note that in case of 23 meetings (16.66%) the announcement was placed on all three monitored sources and only in case of 13 meetings (9.42%) the announcement was not placed on any monitored source. The legal norms on the placement of announcements (placement on the website and on the information board) were observed in case of 65 meetings (47.10%).

Per LPA, only in the case of Falesti, Ungheni and ATU Gagauzia, the announcements on the conduct of all the meetings were placed on all three monitored sources (website, information board and media). While in the case of LPAs from Falesti, Soroca, Straseni, Orhei, Ungheni, Basarabasca, Cimisilia and ATU Gagauzia, the announcements on the conduct of all the meetings were placed on the website and on the information board, which is in line with the legal norms (see Table 8).

On the other hand, LPAs from Briceni, Soldanesti, Ialoveni and Taraclia did not place on the website any announcements on the conduct of the meetings, even if they took place. In case of LPAs from Drochia, Anenii Noi, Causeni, Stefan Voda, Chisinau municipality, Dubasari, Criuleni, Ialoveni and Nisporeni, no announcement was placed on the information board (see Table 8).

From what has been said, as compared to the first semester of 2018 we see an increase in the number of announcements placed on information boards, which is contrary to the trends that were mentioned in the previous Reports – where in communication with the external environment, the priority was given to online platforms and namely to the website. We also find that the placement of announcements in the media is less popular, although it is one of the sources of communication and information preferred by the stakeholders (see Chapter 1).

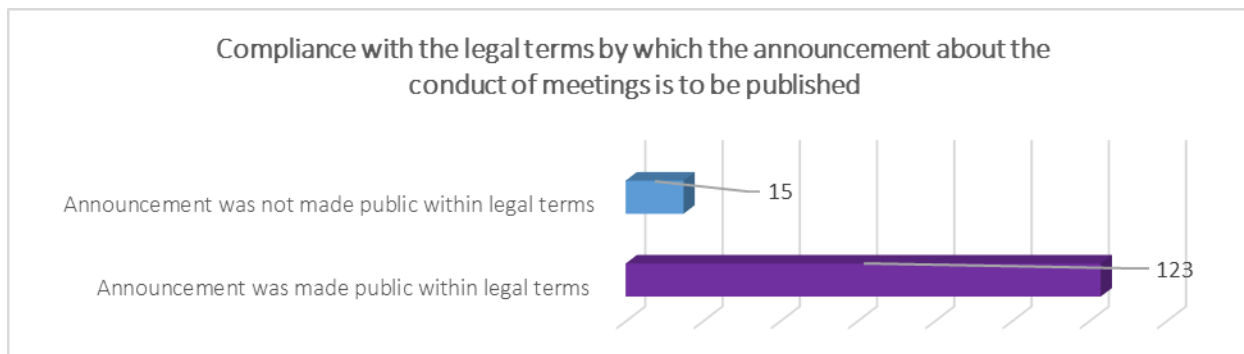
Table 8. Placement of announcements about LPAs' meetings (disaggregated by ATU)

District/Municipality/A TUG		Number of meetings	No. of meetings, with the announcement published on the website	No. of meetings, with the announcement posted on the information board	No. of meetings, with the announcement distributed in the media	No. of meetings with the announcement made public within legal terms
North	Briceni	3	0	3	0	3
	Donduseni	2	1	2	0	2
	Drochia	2	1	0	0	2
	Soroca	4	4	4	0	4
	Ocnita	4	3	4	0	4
	Riscani	4	2	4	0	4
	Edinet	5	3	5	0	5
	Falesti	4	4	4	4	4
North-East	Floresti	4	3	4	1	4
	Glodeni	5	1	5	4	5
	Balti municipality	9	5	9	9	9
	Singerei	5	1	5	4	5
	Telenesti	5	3	4	0	5
	Soldanesti	3	0	3	0	3
	Rezina	3	2	3	1	3
Center-South-East	Anenii Noi	5	5	0	0	5
	Causeni	6	5	0	0	4
	Stefan Voda	4	4	0	0	4
	Chisinau municipality	5	5	0	0	5
	Dubasari	1	1	0	0	1
	Criuleni	3	3	0	0	3
Center-South-West	Calarasi	3	1	1	0	1
	Hincesti	5	4	5	0	5
	Ialoveni	4	0	0	0	0
	Nisporeni	3	2	0	0	2
	Orhei	4	4	4	0	4
	Ungheni	4	4	4	4	4
	Straseni	3	3	3	0	3
South	Basarabasca	3	3	3	2	3
	Cahul	4	3	4	4	4
	Cantemir	5	2	4	0	2
	Cimislia	3	3	3	0	3
	Leova	3	2	3	0	3
	Taraclia	4	0	1	0	1
	ATU Gagauzia	4	4	4	4	4

Total	138	91	98	37	123
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Another criterion proving that the procedures for organising and holding meetings are in line with the legislation in the area of transparent decision-making is the number of days within which the announcements of meetings need to be made public (see Table 8). Article 13(2) of the Law No. 239 on Transparency in Decision-Making Process provides that the announcement of public meetings shall be made public at least 3 business days before the date the meeting is supposed to take place on.

Chart no. 22

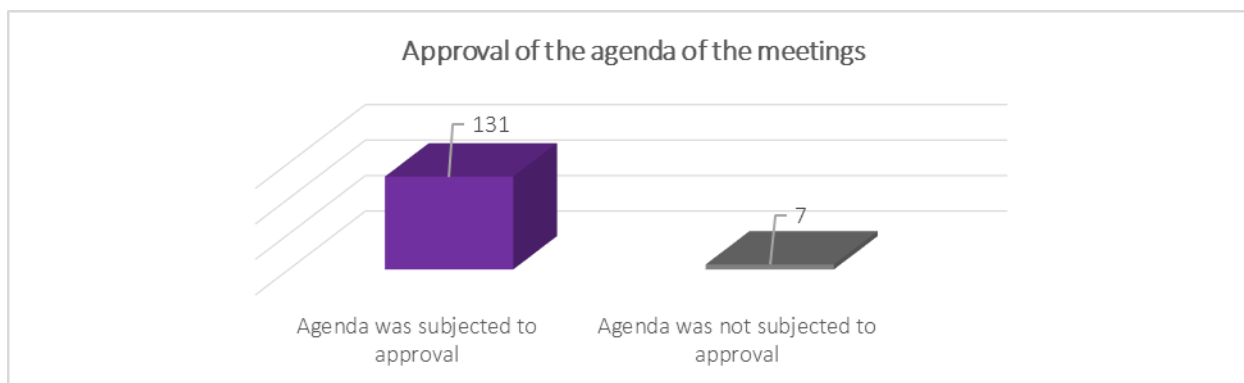


Having analysed the data collected for the 138 monitored meetings, which took place during the second semester of 2018, Promo-LEX Association found that in 123 (89.13%) of the cases the deadline was observed (see Chart 22). As compared to the previous monitoring period a 1.63% increase was registered in this respect.

The approval of the agenda during the meetings of deliberative authorities in a public and open way is also a procedure inherent to a transparent administration. Both Article 13(2) of the Law on Transparency in Decision-Making Process, and Article 17(3)(b) of the Law on Local Public Administration guarantees the access of the general public to the topics included on the agenda and to be discussed during the meeting. It is worth mentioning that the meeting of the council is carried out according to the agenda proposed by the mayor (the situation of Chisinau municipality and Balti municipality) or the councillors who requested the meeting. The agenda shall be amended or supplemented only at the beginning of the meeting and by vote of a majority of councillors.

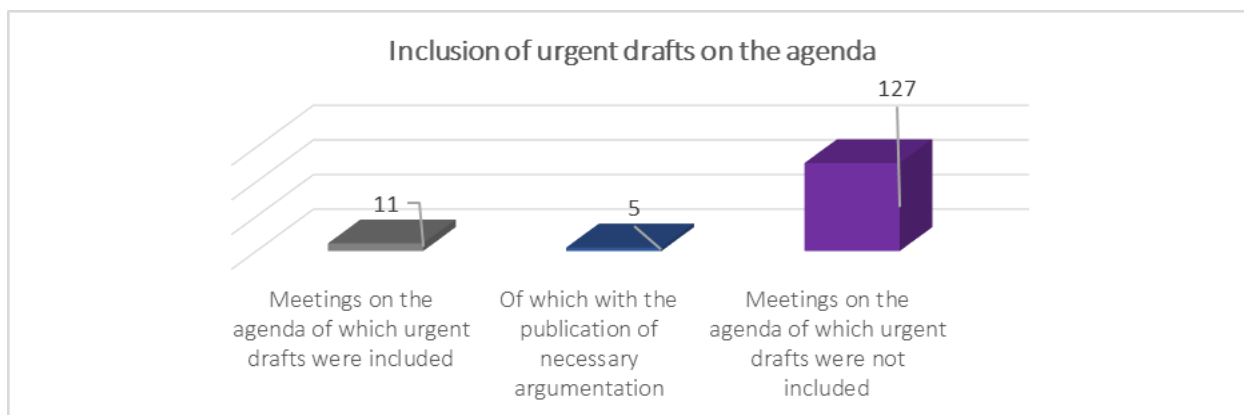
Thus, of the 138 meetings held during the monitored period, in the case of 131 (94.92%) meetings, the agenda was subject to approval at the beginning of the meeting, and only in 7 cases (5.07%) this was not done (see Chart 23). Out of 7 meetings, one (Basarabeasca) was deliberative. Thus, the positive trend in approving the agenda at the beginning of the meeting also continued in this semester.

Chart no. 23



In exceptional situations, urgent draft decisions may be drafted and adopted without observing the stages provided for by the Law on Transparency in Decision-Making Process. However, the law requires that the provision of arguments on the need to adopt the decision as a matter of urgency, without consulting the citizens, associations established under the law, and stakeholders, be made public within 10 working days at most from the date of its adoption, by placing them on the public authority’s website, by displaying them at its headquarters in a publicly accessible place, and/or by broadcasting by the central or local media.

Chart no. 24



Thus, out of 132 deliberative meetings, 11 (8.33%) had urgent draft decisions on the agenda (see Chart 24). However, only in 5 cases (45.45%) the legal provisions were observed, namely the need to adopt the decision as a matter of urgency. LPAs that did not comply with these legal provisions include Cantemir (2 meetings), Balti municipality, Leova, Singerei, Briceni (one meeting each). (see Table 9)

The free participation and observation of the meetings was a key aspect of the monitoring. We would like to note that Promo-LEX monitors had free access to the meetings held by district and municipal councils, and by People’s Assembly of Gagauzia, no impediments being encountered. They also had free access to the meetings with a lack of quorum, being allowed to assist and observe the work of councillors. The monitors also noted an increased activity of councils' subdivisions. Thus, their

representatives also attended the meetings, along with the mayors, heads of the territorial offices of the State Chancellery, as well as of other institutions.

The live broadcasting of meetings is an element that increases the transparency in the decision-making process. Although it is a relatively new procedure for the Republic of Moldova, some district and municipal councils as well as the People's Assembly widely use the live broadcasting of the meetings either on online portals or on TV. Thus, 43 (31.15%) of the 138 meetings were broadcast live and the citizens were able to watch local deliberative bodies (Chart 25). Compared to the first semester of 2018, the percentage of live broadcasts increased by 1.69%. LPAs that use broadly the live broadcast include: Balti municipality, Chisinau municipality, Falesti, Soroca, Taraclia, ATU Gagauzia, Nisporeni, Soroca, Orhei and Drochia.

Chart no. 25

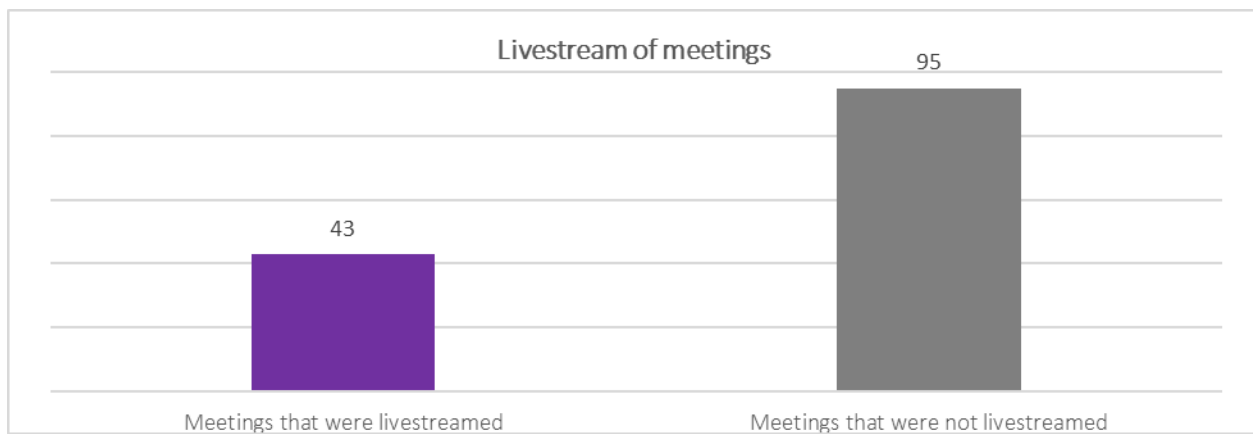


Table 9. Approval of LPAs' meeting agenda and publication of decisions passed in respect thereof (data disaggregated by ATU)

District/Municipality/ ATUG		Number of meetings	Number of deliberative meetings	No. of meetings when the agenda was approved at the beginning of the meeting	No. of meetings with urgent drafts	No. of meetings when arguments on the need to include urgent drafts in line with legal provisions were provided	No. of meetings the decisions of which were published on the website	No. of days when decisions were published on the website	No. of meetings, when decisions were included in the State Register of Local Acts	No. of days when decisions were included in the State Register of Local Acts
North	Briceni	3	3	3	1	0	0	x/x/x	1	65
	Donduseni	2	2	2	0	0	2	8/7	1	9
	Drochia	2	2	2	0	0	1	5	0	x
	Soroca	4	4	4	0	0	4	7/7/6/7	2	9/7
	Ocnita	4	4	4	0	0	4	6/7/7/6	1	8
	Riscani	4	4	4	0	0	1	6	4	3/5/5/3
	Edinet	5	5	5	0	0	2	5/6	3	8/7/10
North-East	Falesti	4	4	4	0	0	4	9/9/10/7	2	4/7
	Floresti	4	4	4	0	0	3	6/12/9	3	4/2/5
	Glodeni	5	5	5	0	0	5	9/8/12/10/10	2	1/3
	Balti municipality	9	6	6	1	0	5	18/12/42/38/11	5	3/5/16/29/36
	Singerei	5	5	5	0	0	5	12/11/10/12/10	3	4/4/13
	Telenești	5	5	5	0	0	5	7/9/9/8/9	3	3/1/3
	Soldanesti	3	3	3	0	0	3	11/11/8	1	4
	Rezina	3	3	3	0	0	3	10/8/30	2	5/4
Center-South-East	Anenii Noi	5	5	5	0	0	4	6/5/4/6	2	6/5
	Causeni	6	6	6	0	0	3	14/15/15	4	4/8/12/13
	Stefan Voda	4	4	4	0	0	4	4/2/7/2	2	9/6
	Chisinau municipality	5	4	4	0	0	4	2/10/8/5	3	9/3/10
	Dubasari	1	1	1	0	0	1	8	0	x

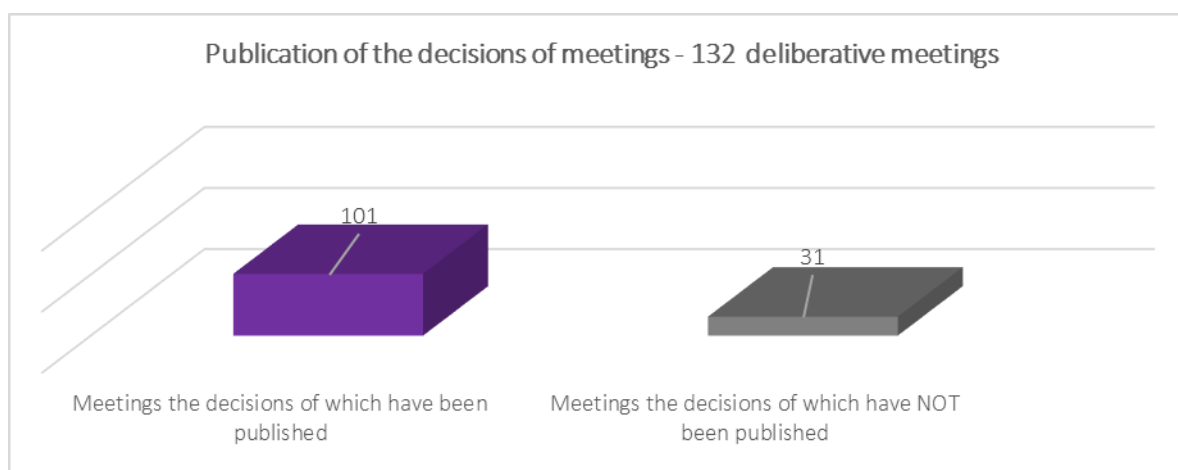
	Criuleni	3	3	3	0	0	3	5/1/5	3	6/1/4
Center-South-West	Calarasi	3	3	3	0	0	2	13/9	1	3
	Hincesti	5	5	5	0	0	5	5/5/5/5/5	4	5/5/3/19
	Ialoveni	4	4	4	0	0	1	10	2	11/2
	Nisporeni	3	3	3	0	0	2	6/14	0	x
	Orhei	4	4	4	0	0	4	7/5/7/5	2	5/6
	Ungheni	4	4	4	0	0	4	7/7/7/7	2	4/5
	Straseni	3	3	3	0	0	3	1/3/6	2	1/2
	South	Basarabasca	3	1	0	0	0	No decisions were passed	x	0
Cahul		4	4	4	2	2	4	6/5/2/10	3	7/2/7
Cantemir		5	5	5	2	0	0	x/x/x/x/x	4	12/8/19/18
Cimislia		3	3	3	0	0	3	6/4/5	2	5/5
Leova		3	3	3	3	2	3	5/4/4	2	7/7
Taraclia		4	4	4	0	0	0	x	2	5/14
ATU Gagauzia		4	4	4	1	1	4	12/2/2/4	0	x
Total	139	132	131	10	5	101		73		

Publication of adopted decisions. Public authorities must grant access to the adopted decisions by publishing them as prescribed by the law, by placing them on the official website, by displaying them at their headquarters in a publicly accessible place and/or by broadcasting them via the central or local media, as appropriate, as well as via other means established by law¹⁰.

While in accordance with art. 46 para. (2) and (3) of the Law no. 436 on Local Public Administration, within a period of not more than 5 days from the date of signing of the decision by the chairman of the meeting, and countersigning by the secretary of the district council, the latter ensuring the inclusion of the decisions of the council in the State Register of Local Acts, as well as displaying the decisions of a legislative nature of the council, in a publicly accessible place.

Thus, of 132 deliberative meetings, only in 101 cases the LPAs published the adopted decisions on their official website (see Chart 26). This means that 76.51% of the decisions were adopted and published, and we believe this is an alarming trend for transparent decision-making. Moreover, in comparison with the first semester of 2018, publication rate of the decisions placed on the website decreased by 7.74%. Among LPAs that did not publish the decisions of the meetings on their websites are the following: Briceni, Cantemir and Taraclia, while among LPAs that published partially the decisions of the meetings are: Drochia, Riscani, Edinet, Floresti, Balti municipality, Chisinau municipality, Anenii Noi, Causeni, Calarasi, Ialoveni and Nisporeni. (see Table 9).

Chart no. 26



According to the data reported by the monitors, LPAs published the adopted decisions within different time-frames, starting with one day (Criuleni and Straseni) and ending with 42 days, which is the latest publication (Balti municipality). Even if the legal provisions¹¹ regarding the maximum 5 - day deadline for the publication of decisions entered into force on 28 October 2018, only LPAs from Leova, Hincesti and Criuleni complied with this deadline for all the monitored meetings.

Note, in this context, that the information about the time when decisions were published does not refer to the ATUG, since the decisions of People's Assembly are published in an official local publication according to a separate procedure.

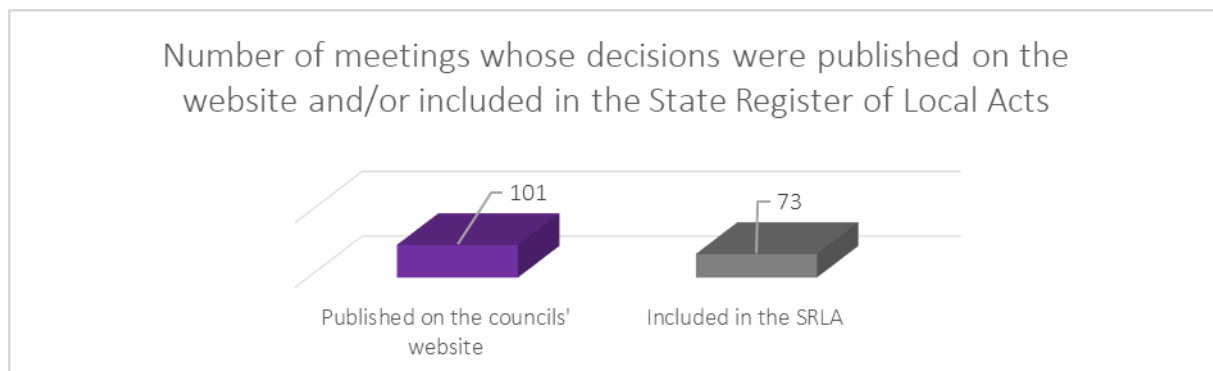
For the period of the second semester of 2018, we also monitored the process of inclusion of decisions of district councils in the State Register of Local Acts. This obligation is incumbent on the

¹⁰ Art. 15 of the Law on Transparency in Decision-Making Process.

¹¹ Art. 46 of the Law on Local Public Administration no. 436 of 28.12.2006, (2) Decisions shall be signed by the chairman of the meeting and countersigned by the secretary of the council no later than 5 days after the date of the meeting of the District Council. (3) No later than 5 days from the date of signature, the secretary of the District Council ensures the inclusion of council decisions in the State Register of Local Acts, as well as displays the decisions of the normative nature of the council in a publicly accessible place.

secretary of the council, in accordance with the legal provisions in force of 28 October 2018. (see Chart 27)

Chart no. 27¹²



According to the statistics in Table No. 9, we note that all decisions monitored and approved were included in the SRLA, after the entry into force of the new provision (art. 46 para. (2) and (3) of Law No. 436).

We are of the opinion that the inclusion of decisions in the SRLA, is a progress for the decision-making transparency, since the decisions approved at meetings monitored after October 2018, inclusive, are being included in the SRLA by the District Council Secretaries. However, the 5-day SRLA inclusion period is not observed in all cases. Thus, among LPAs that have fully complied with the time limit for the inclusion of the decisions in the SRLA were those from: Riscani, Floresti, Glodeni, Telenesti, Soldanesti, Rezina, Calarasi, Ungheni, Straseni, Cimislia, while among the LPAs that did not comply with the time limit thereof were: Briceni (65 days of delay), Balti (36), Cantemir (19), Hincesti (19). (see Table 9).

We will be able to perform a statistic with 100% coverage on compliance with the inclusion of decisions in the SRLA by the LPAs, in the report for the monitoring period of the first semester of 2019. At the same time, we would like to mention that the format of publication of decisions in SRLA is uniform, in PDF format, scanned with the signature of the chairman of the meeting and the council secretary.

Based on the findings of the monitoring of transparency in preparing and holding the meetings of LPAs' deliberative authorities, it is worth mentioning that the transparency in the local decision-making process is mostly observed. According to Promo-LEX monitors, during the second semester of 2018, the deliberative authorities of LPA met in at least 138 meetings (of which 132 deliberative, 79 ordinary meetings and 49 extraordinary meetings.) Promo-LEX has access to all the meetings for monitoring purposes.

Placement of announcements regarding the conduct of meetings was carried out, mainly on the information board (71.01%). Compared to the first semester of 2018 the publication rate of the announcements on the information board increased by +4.05%, while the publication rate of the announcements on the website decreased by -10.13% and in the media by -10.53%, respectively. We also find that the placement of announcements in the media (26.08%) is less popular, although it is one of the sources of communication and information preferred by the stakeholders. The term of 3 business days for publishing the announcement was observed in case of 123 meetings (89.13%), which represents an increase of 1.63% against the previous monitoring period.

¹²100% of the monitored meetings after the entry into force on 28 October 2018 of art. 46 of the Law on Local Public Administration, the scanned and stamped decisions were included in the SRLA. This explains a smaller number of decisions included in the SRLA than those published on the website.

The number of meetings remained relatively stable, after the councils published the adopted decisions. Decisions were made public only in the case of 101 (76.51%) deliberative meetings (out of 132). We believe this is an alarming trend for transparent decision-making, the more so that, as compared to the first semester of 2018, the publication rate of the decisions on the website decreased by 10.13 %. Among LPAs that did not publish totally the decisions of the meetings are the following: Briceni, Cantemir and Taraclia, while among LPAs that published partially the decisions of the meetings are the following: Drochia, Riscani, Edinet, Floresti, Balti municipality, Chisinau municipality, Anenii Noi, Causeni, Calarasi, Ialoveni and Nisporeni.

Decision-making transparency is progressing when we refer to the inclusion of decisions in the SRLA, a provision that entered into force on 28 October 2018. The decisions approved at meetings monitored after October 2018, inclusive, are being included in the SRLA by the District Council Secretaries. However, the 5-day SRLA inclusion period is not observed in all cases.

Regretfully, the number of meetings with urgent matters to be examined on the agenda is still very high, and in the case of 11 meetings (8.33%) the general public was not informed about the need to include and adopt certain urgent decisions, which is a violation of the legal norms. LPAs that did not comply with these legal provisions include Balti, Briceni, Leova (one meeting each) and Cantemir (2 meetings). Compared to the first semester of 2018, during the monitoring period, the number of meetings with urgent matters on the agenda increased by (+1.85%), at the same time with the required argumentation rate, which increased by (+1.93%).

The Promo-LEX Association values and welcomes the live broadcasting of the meetings of level-two deliberative authorities and believes that this is an element of maximum transparency of the decision-making process. Thus, 43 (31.15%) of the 138 meetings were broadcast live and the citizens were able to watch local deliberative bodies. Compared to the first semester of 2018, the percentage of live broadcasts increased by 1.69%. LPAs that use broadly the live broadcast include: Balti municipality, Chisinau municipality, Falesti, Soroca, Taraclia, ATU Gagauzia, Nisporeni, Soroca, Orhei and Drochia (all the meetings were broadcast live).

Generalizing the LPA's performance as regards transparency of meetings, we find that for the second semester of 2018, LPA of Leova district registered the highest score (see Annex 8).

V. ASPECTS OF PROFESSIONAL INTEGRITY

Integrity should be a descriptor of any administrative modernization and consolidation of public authorities. Actually, integrity is the main principle of professional conduct of civil servants and/or persons holding public dignity positions. In an administrative decision-making process, integral conduct is an extremely important factor in the context of the use of public goods and finances. As part of the issue, the conflict of interests means a conflict between the public debt and the personal interests of a public official. A conflict of interests arises when the interests of a public official, as a private person, influence or may influence inappropriately the fulfilment of his/her official obligations and responsibilities.

To ensure a transparent activity of the local public authorities from the point of view of professional integrity, Promo-LEX monitors looked into the following aspects: *an Institutional Ethics Code in place; the publication of CVs of heads of the authorities monitored; the submission for publication of the declaration of assets and personal interests on the website of the National Integrity Authority (of presidents and deputy-presidents); the person responsible for the anti-corruption module; the institutional integrity plan in place; the anti-corruption and/or information hotline in place.* The following work tools were used: review of LPA's and of National Integrity Agency's (NIA) websites, and of other public information sources. At the same time, discussions with the duty bearers within the monitored LPAs were held.

a) *The existence of an Institutional Code of Conduct* within the LPAs was the first aspect of the issue addressed by Promo-LEX monitors. We urge again LPAs, including on the basis of this monitoring, to take into account the opportunity to promote and observe the principles of professional integrity through an LPAs' Institutional Code of Conduct.

In this context, the Promo-LEX Association notes that the number of LPAs that have such a Code is only increasing by 1 LPAs more than in the first semester of 2018. Thus, 10 LPAs (28.57%) reported the existence of the institutional Code of Conduct. LPAs that have adopted such a document are: Riscani, Singerei, Ungheni, Straseni, Orhei, Basarabasca, Leova, Cimislia, Cantemir and Cahul. (see Table 10).

b) *The publication of the CVs of the heads of monitored authorities* is the second relevant aspect. According to legal provisions,¹³ information on the heads of public administration authorities shall be published on the official website of the public administration authority.

In this respect, the CVs of district presidents and deputy-presidents; of mayors and deputy mayors of municipalities (level-two administrations); of the Governor of ATUG and of the president of People's Assembly were analysed. Following the monitoring, we see a setback in this chapter, comparing with the monitoring period from the first semester of 2018. Only 22 LPAs (62.85%) published the CV of the management, representing a decrease of 2.86% compared to the first semester of 2018. LPAs that do not comply with this legal provision are: Soroca, Drochia, Donduseni, Edinet, Falesti, Anenii Noi, Causeni, Nisporeni, Ialoveni, Hincesti, Taraclia, Cantemir and Cahul.

¹³ Item 15 of the Regulation approved by GD on the Official Websites of Public Administration Authorities on the Internet, approved by Government Decision no. 188 of 03.04.2012 <https://bit.ly/2VMRqFC>

Table 10. Aspects of professional integrity and conflict of interest

Region	ATU	Institutional Ethics Code	CVs of LPAs heads	Declaration of assets and personal interests	Person responsible for anti-corruption module	Institutional Integrity Plan	Anti-corruption hotline	Report on the implementation of the Anti-Corruption Plan	Degree of implementation
North	Soroca	NO	NO	YES	NO	YES	NO	NO	2/7
	Drochia	NO	NO	YES	NO	NO	NO	NO	1/7
	Riscani	YES	YES	YES	YES	YES	YES	NO	6/7
	Donduseni	NO	NO	YES	YES	YES	NO	YES	4/7
	Edinet	NO	NO	YES	NO	NO	NO	NO	1/7
	Briceni	NO	YES	YES	NO	NO	NO	NO	2/7
	Ocnita	NO	YES	YES	NO	NO	NO	NO	2/7
North-East	Rezina	NO	YES	YES	NO	YES	NO	NO	3/7
	Soldanesti	NO	YES	YES	NO	NO	NO	NO	2/7
	Balti municipality	NO	YES	YES	NO	YES	YES	YES	5/7
	Floresti	NO	YES	YES	NO	YES	NO	NO	3/7
	Falesti	NO	NO	YES	YES	YES	YES	YES	5/7
	Glodeni	NO	YES	YES	NO	YES	NO	NO	3/7
	Singerei	YES	YES	YES	NO	YES	YES	NO	5/7
	Telenesti	NO	YES	YES	YES	NO	YES	NO	4/7
Center-South-East	Chisinau municipality	NO	YES	YES	NO	NO	YES	NO	3/7
	Anenii Noi	NO	NO	YES	NO	NO	NO	NO	1/7
	Dubasari	NO	YES	YES	NO	NO	NO	NO	2/7
	Criuleni	NO	YES	YES	YES	YES	YES	YES	6/7
	Causeni	NO	NO	YES	NO	YES	NO	NO	2/7
	Stefan Voda	NO	YES	YES	NO	YES	NO	NO	3/7
Center-South-West	Ungheni	YES	YES	YES	NO	YES	YES	YES	6/7
	Straseni	YES	YES	YES	YES	YES	NO	YES	6/7
	Orhei	YES	YES	YES	NO	NO	NO	NO	3/7
	Nisporeni	NO	NO	YES	NO	YES	YES	YES	4/7
	Ialoveni	NO	NO	YES	NO	NO	NO	NO	1/7

Region	ATU	Institutional Ethics Code	CVs of LPAs heads	Declaration of assets and personal interests	Person responsible for anti-corruption module	Institutional Integrity Plan	Anti-corruption hotline	Report on the implementation of the Anti-Corruption Plan	Degree of implementation
	Hincesti	NO	NO	YES	NO	YES	NO	NO	1/7
	Calarasi	NO	YES	YES	NO	NO	NO	YES	3/7
South	Basarabasca	YES	YES	YES	NO	YES	NO	YES	5/7
	Leova	YES	YES	YES	NO	YES	NO	NO	4/7
	ATU Gagauzia	NO	YES	YES	NO	NO	NO	NO	2/7
	Cimislia	YES	YES	YES	NO	YES	NO	NO	4/7
	Taraclia	NO	NO	YES	NO	YES	NO	NO	2/7
	Cantemir	YES	NO	YES	NO	NO	NO	NO	2/7
	Cahul	YES	NO	YES	NO	YES	NO	NO	3/7
Total		YES-10 NO -25	YES - 22 NO - 13	YES - 35 NO - 0	YES - 6 NO - 29	YES -21 NO -14	YES -9 NO - 26	YES-9 NO-26	

c) Third, the publication of the declaration of assets and personal interests of the presidents and deputy-presidents published on the page of the National Integrity Authority was examined. In this respect, the situation remained the same as in the first semester of 2018, the declarations of assets and interests being published on NIA's website in the case of all 35 (100%) LPAs.

Note that, in accordance with the legal provisions¹⁴ the persons holding public dignity positions (district presidents and deputy presidents; mayor general, mayor and deputy mayors; ATUG Governor and president of the People's Assembly) shall have the obligation to fill in and submit the Declaration of Assets and Personal Interests. The declaration is to be submitted every year by 31 March, and the NIA publishes the declarations received on its official website within 30 days from the declarations submission deadline. In addition, in the case of employment, validation of mandate or appointment, if necessary, the declaration shall be submitted within 30 days from that date.

In the same train of thoughts, we encourage LPA authorities to publish the declarations on their own websites, too, which are often used by the general public. During the monitored period, 9 LPAs (25.71%) published the declarations of assets and interest of the presidents and deputy-presidents on their own website, namely: ATU Gagauzia, Soldanesti, Glodeni, Rezina, Floresti, Singerei, Telenesti, Falesti and Balti municipality. As compared with the monitoring period from the first semester of 2018, progress is being made in this area through the increased number of LPAs publishing the declarations of assets and interest of the presidents and deputy-presidents on their own website, from 3 to 9 LPAs.

d) A fourth analysed criterion is the *publication of data on the person responsible for the anti-corruption module*. We specify that the anti-corruption module contains all the data on the institution's anti-corruption activity, which includes: person in charge, integrity plan, report on the implementation of the Integrity Plan, report on the implementation of the National Anticorruption

¹⁴ <https://bit.ly/2X30011> Law no. 133 of 17.06.2016 on the Declaration of Assets and Personal Interests.

Strategy, information on the establishment of specialised anti-corruption and/or information telephone lines, as well as other information of public interest relevant to the field.

During the monitored period, progress was made on the issue regarding the publication and designation of the person responsible for the anti-corruption module. We remind that according to legal provisions laid down in the Regulation on the Official Websites of Public Administration Authorities on the Internet, data on the anti-corruption module, including the data of the responsible person shall be published on the official website of the public administration authority. Compared to the monitoring period in the first semester of 2018, in which no LPA had published data on the person/persons concerned, in the second semester of 2018, 6 LPAs (17.14%) have designated and published data on persons responsible for the anti-corruption module.

e) Indicator number five refers to *the existence and publication of an institutional integrity plan*. In the second semester of 2018, 21 LPAs (60%) published such a Plan on their websites. As compared to the previous monitoring period a 5.72% increase was registered in this respect.

Among the LPAs that did not publish the institutional integrity plan are the following: Drochia, Edinet, Briceni, Ocnita, Soldanesti, Telenesti, Chisinau municipality, Anenii Noi, Dubasari, Orhei, Ialoveni, Calarasi, ATU Gagauzia and Cantemir.

f) The indicator of *reporting the implementation of the plan*, in the second semester of 2018 is also making progress. A number of 9 (25.71%) LPAs have published reports on the implementation of the Integrity Plan, compared to the first semester of 2018, when only LPA from Stefan Voda has published this report.

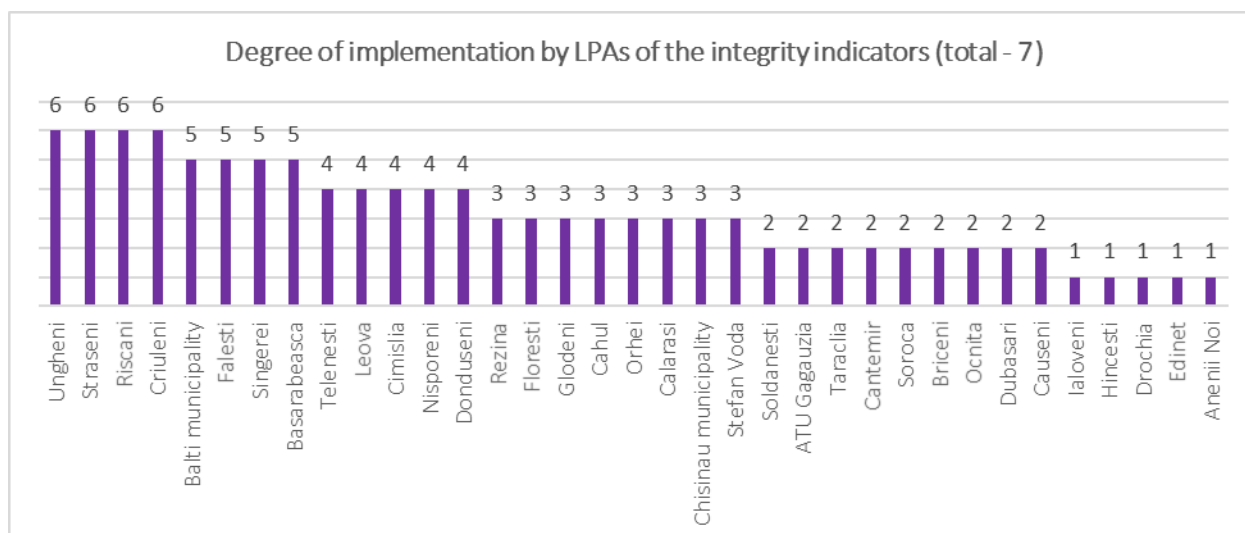
g) The last indicator analysed relates to the *existence of the specialised anti-corruption and/or information hotline*. According to the legal provisions¹⁵, LPAs shall place the information on anti-corruption and/or information hot-lines on their official website.

According to the results of the monitoring, during the second semester of 2018, 9 LPAs (25.71%) published the anti-corruption hotline on their websites, which is with 4 LPAs (11.43%) more, compared to the previous monitoring period. The LPAs that published the anti-corruption hotline on their websites are the following: Riscani, Balti municipality, Falesti, Singerei, Telenesti, Chisinau municipality, Criuleni, Ungheni, Nisporeni.

Generalising the score obtained by LPA in terms of integrity indicators, we found that the highest score was registered by Ungheni, Straseni, Riscani and Criuleni - 6/7, while the lowest score was registered by Ialoveni, Hincesti, Drochia, Edinet and Anenii Noi - 1/7 (see Chart no. 28).

It is worth mentioning that, to the indicator related to the person responsible for the anti-corruption module, compared to the monitoring period of the first semester of 2018 in which no LPA placed this information on the website, in the second semester of 2018, this information was placed by 6 LPAs.

¹⁵ Regulation on the Official Websites of Public Administration Authorities on the Internet, approved by Government Decision no. 188 of 03.04.2012 <https://bit.ly/2VMRqFC> and Regulation on the Functioning of Anti-Corruption Hot-lines System, approved by Law no. 252 of 25.10.2013 <https://bit.ly/2VW38mq>



To ensure the transparency of local public authorities from the point of view of professional integrity, Promo-LEX monitors analysed 7 indicators. In case of 6 indicators (an Institutional Ethics Code in place; the publication of CVs of heads of the authorities monitored; the institutional integrity plan in place; reporting the implementation of the plan; the anti-corruption and/or information hotline in place) positive trends were registered +10.47% on average. Regarding the publication of the declaration of assets and personal interests on the website of the National Integrity Authority (of presidents and deputy-presidents), LPA from Hincesti, failed to comply with the legal provisions in respect thereof (-2.86%). The highest increase (+22.86%) was registered in case of reporting on the implementation of the institutional integrity plan and registration of the person responsible for the anti-corruption module (+17.14%).

Among LPAs that registered the highest score in terms of integrity are the following: Ungheni, Straseni, Riscani and Criuleni. On the other extreme there are: Ialoveni, Hincesti, Drochia, Edinet and Anenii Noi.

If during the monitoring period of the first semester of 2018, the situation concerning the placement on the website of the information about the person in charge of anti-corruption module was an alarming one, in so far as no LPA has complied with this legal provision, in the second semester of 2018, progress is being made, the provision being observed by 6 LPAs. At the same time, we are aware that the capacities of LPAs to cope with the number of legal requirements in the field is reduced, and we appreciate the positive trend registered in the second semester of 2018 in aligning with the integrity criteria.

VI. TRANSPARENCY OF COMPETITIONS FOR CIVIL SERVICE POSITIONS

The transparency of competitions for civil service positions is another important aspect of Promo-LEX monitoring. A civil servant is an individual appointed to a civil service position under the provisions of the law, who in turn, represents all the duties and obligations established under the law in order to achieve the prerogatives of public power. The Law No. 158/2008 on Civil Service and Statute of Civil Servants and the Regulation on Competition-Based Employment in Civil Service, provide for the requirements for the employment in a civil service position¹⁶.

It should be mentioned that according to Article 4 of the Law No. 158/2008, its provisions and, respectively, those of the Regulation on Competition-Based Employment in Civil Service, are applicable also to the civil servants from LPA authorities, from the autonomous territorial units with special status and their decentralized services. In other words, civil servants from the structures subordinated to the LPAs are appointed on the basis of competitions organised in accordance with the aforementioned law and regulation. Note, in this context, that district administration hires its technical staff on the basis of the Labour Code, i.e. no competition needs to be organised.

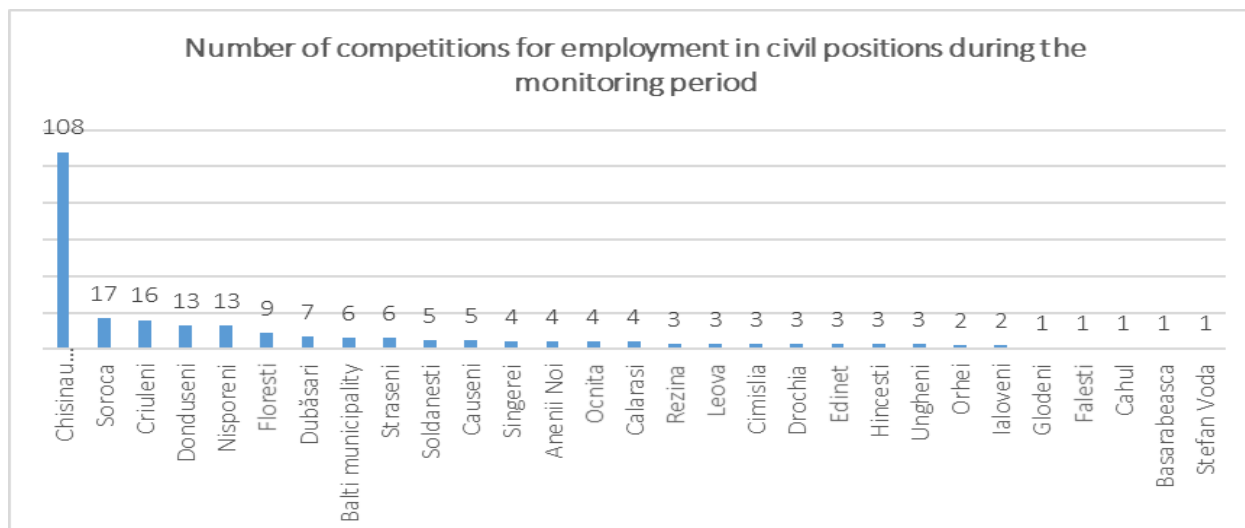
According to Article 29 para. (3) of the Law No. 158/2008, the competition for employment in a vacant or temporarily vacant civil service position is based on the principles of open competition, transparency, competence and meritocracy, and on the principle of citizens' equal access to civil service. The public authority starting a competition is under the obligation to make public all the conditions of the competition on the governmental portal of public positions (cariere.gov.md), on its website, and on the information board at the LPA's headquarters, in a visible and publicly accessible place, at least 20 calendar days before the date the competition is to take place on.

Following the modification of the Regulation on Competition-based Employment in Civil Service by Government Decision 527 of 6 June 2018, in force as of 8 June 2018, the Item 7 no longer requires to publish the announcement in the Official Gazette or to publish it in a widely circulated newspaper if there is no website. Thus, following the approved amendments, Item 7 contains a provision similar to that from the Article 29 of the Law No. 158/2008.

In order to clarify the transparency and publicity of the announcements about the organisation of competitions for employment in public positions, Promo-LEX monitors interviewed the representatives of district administrations and learned how many competitions did they organise, to what extent and by what ways the announcements about the organisation of competitions were made public. In addition, the governmental portal of public positions was scanned to identify the number of LPAs that placed announcements on the organisation of competitions for employment in vacant public positions.

Thus, the data provided by the interviewed LPA servants and included in Table 11, show that only six out of 35 LPAs did not organise competitions for employment in civil positions - Riscani, Briceni, Telenesti, ATU Gagauzia, Cantemir and Taraclia. A number of 251 competitions were organised in those 29 ATU. Most of the competitions were organised in Chisinau municipality (108), Soroca (17), Criuleni (16), Donduseni and Nisporeni (13 each) (see Chart 29).

¹⁶ the Regulation on Competition-Based Employment in Civil Service, approved by GD No. 201 of 11.03.2009 <https://bit.ly/2HA7N4Q>



As regards the dissemination of announcements about the organisation of competitions for employment in civil service, it should be noted that according to the legal provisions the former shall be published on the governmental portal, website, and on the information board at the public authority headquarters, in a visible and publicly accessible place. Public authorities may publish the conditions for conducting competition for employment in a civil service position in a periodical or other information means.

Out of 29 administrations that organised competitions all of them published the announcements on their website (see Table 11). The information boards near the headquarters of public authorities, being at first sight the simplest and most accessible method of distributing information, were used by 17 LPAs (58.62%). Only 7 LPAs (24.13%) out of 29 placed the announcements on the governmental portal, namely: Cimislia, Hincesti, Dubasari, Causeni, Singerei, Donduseni and Drochia. As many as 11 (37.93%) out of the 29 councils used periodical publications (local and district newspapers) as a platform for the dissemination of the announcements.

Having analysed the data disaggregated by ATU on the observance of legal provisions with regards to making public the process of employment in civil service within LPAs, we found out that only 4 (13.79%) out of 29 administrations (Donduseni, Hincesti, Drochia and Singerei) that organised competitions observed the legal requirements related to employment transparency and displayed the announcements and the conditions by using all the 3 mandatory information channels and additionally in the media, only Drochia and Singerei have published the information thereof (see Table 11). In the case of 17 LPAs (58.62%), announcements were published on the website and on the information board, and in the case of 7 LPAs (24.13%), the announcements were published on the website, information board and in the media. Thus, we state that the governmental portal of public positions is not a popular instrument among LPAs for the dissemination of the information on the organisations of the competitions.

Table 11. Publication of announcements and conditions of employment in civil service

ATU		The announcement and conditions were published on the authority's website	The announcement and conditions were published on the authority's information board	The announcement and conditions were published on the governmental portal (carriere.gov.md)	The announcement and conditions were published in the local and regional media ¹⁷	
North	Donduseni	YES	YES	YES	YES	
	Drochia	YES	YES	YES	NO	
	Soroca	YES	YES	NO	NO	
	Riscani	No competitions were organised	No competitions were organised	No competitions were organised	No competitions were organised	
	Briceni	No competitions were organised	No competitions were organised	No competitions were organised	No competitions were organised	
	Edinet	YES	YES	NO	NO	
	Ocnita	YES	NO	NO	NO	
North-East	Floresti	YES	YES	NO	NO	
	Singerei	YES	YES	YES	NO	
	Balti municipality	YES	YES	NO	NO	
	Soldanesti	YES	YES	NO	NO	
	Falesti	YES	YES	NO	YES	
	Rezina	YES	YES	NO	YES	
	Glodeni	YES	YES	NO	YES	
	Telenesti	No competitions were organised	No competitions were organised	No competitions were organised	No competitions were organised	
	Center-South-East	Criuleni	YES	YES	NO	NO
		Anenii Noi	YES	NO	NO	YES
Chisinau municipality		YES	NO	NO	NO	
Stefan Voda		YES	NO	NO	YES	
Causeni		YES	NO	YES	NO	
Dubasari		YES	NO	YES	YES	
Center-South-West	Nisporeni	YES	NO	NO	YES	
	Ialoveni	YES	NO	NO	NO	
	Ungheni	YES	YES	NO	YES	
	Straseni	YES	YES	NO	NO	
	Orhei	YES	YES	NO	YES	
	Hincesti	YES	YES	YES	YES	
	Calarasi	YES	NO	NO	NO	
South	ATU Gagauzia	No competitions were organised	No competitions were organised	No competitions were organised	No competitions were organised	
	Taraclia	No competitions were organised	No competitions were organised	No competitions were organised	No competitions were organised	
	Cimislia	YES	NO	YES	NO	
	Leova	YES	YES	NO	NO	
	Cantemir	No competitions were organised	No competitions were organised	No competitions were organised	No competitions were organised	
	Cahul	YES	NO	NO	NO	
	Basarabasca	YES	NO	NO	NO	
Total	YES-29	YES-17	YES-7	YES-11		

Promo-LEX Association found that the transparency of competitions for employment in civil service is moderately positive. We note that all LPAs that have organized the contests thereof have placed the announcement and the conditions of contests on the website. At the same time, 17 (60.71%) LPAs placed the announcements on the information boards, but the situation is worse as regards their placement on the governmental board of the public functions - only 7 (24.13%) administrations out of 29. We perceive as positive the use of media to disseminate information on the organisation of

¹⁷ Publication in the local and regional media is voluntary and not mandatory

competitions - 11 LPAs (37.93%) out of 29 that organised competitions used this tool. Thus, we can state that the LPAs prefer to use the dissemination tools (website, information board and media) that are mostly used by the general public.

Thus, overall, we found out that 4 (13.79%) administrations (Donduseni, Hincesti, Drochia and Singerei) out of 29 that organised competitions observed the legal requirements related to employment transparency and displayed the announcements and the conditions thereof by using all the 3 compulsory information channels (authority's webpage, information board and governmental portal - www.cariere.gov.md).

VII. TRANSPARENCY OF PUBLIC PROCUREMENT PROCEDURES

Defined as a fundamental principle in the public procurement process (Article 6(b) of the Law No. 131 on Public Procurement), the transparency is a veritable control tool, a guarantee of efficient and lawful use of the financial resources of the contracting authorities (including LPAs), a key condition for integrity and prevention of corruption in public procurement. The plenary monitoring of decision-making transparency is possible only by taking into account the extent to which people and stakeholders know about the procurement procedures and the goods purchased by the public authorities.

The procurement process is regulated by Law No. 131 of 03 July 2015 on Public Procurements, GD No. 667 of 27 May 2016 Approving the Regulation on the Activity of the Procurement Working Group, GD No. 1419 of 28 December 2016 Approving the Regulation on Planning of the Public Procurement Contracts, GD No. 665 of 27 May 2016 Approving the Regulation on Low-value Public Procurements, as well as by other regulatory acts approved in order to enforce this law.

According to the monitoring methodology, the degree of transparency of the following documents specific to procurement procedures was identified: *the annual procurement plan; ad/invitation to participate; annual reporting; reports of the working group*. The following working methods were used: review of websites of the LPAs, and communicating with LPAs' civil servants, as needed.

As regards LPAs, the current law requires them to approve annually *the Procurement Plan*,¹⁸ with the possibility to periodically review it, and to publish it on their website¹⁹. Subsequently, when procurements start, institutions are also required to publish the announcements/invitations to participate in the planned and initiated procurement procedures.

According to Promo-LEX monitors, only 34 of 35 LPAs approved their *Annual Procurement Plans* for 2018 (Ocnita district did not approved the plan). Of these, 32 institutions published these Plans on their official website (LPAs from Ocnita, Donduseni and Anenii Noi districts did not publish the plans) (see Charts 30 and 31). Compared to the first semester of 2018, no change in approving and publicizing *the Annual Procurement Plans* was noted.

¹⁸ Government Decision no. 1419 of 28.12.2016 Approving the Regulation on Planning of the Public Procurement Contracts, Item 11.

¹⁹ Government Decision no. 188 of 03.04.2012 on the Official Websites of Public Administration Authorities on the Internet, Item 20¹.

Chart no. 30

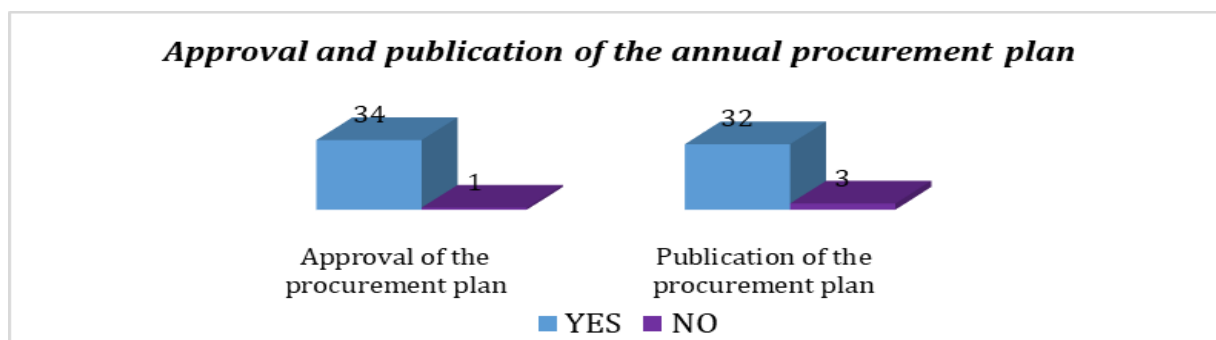
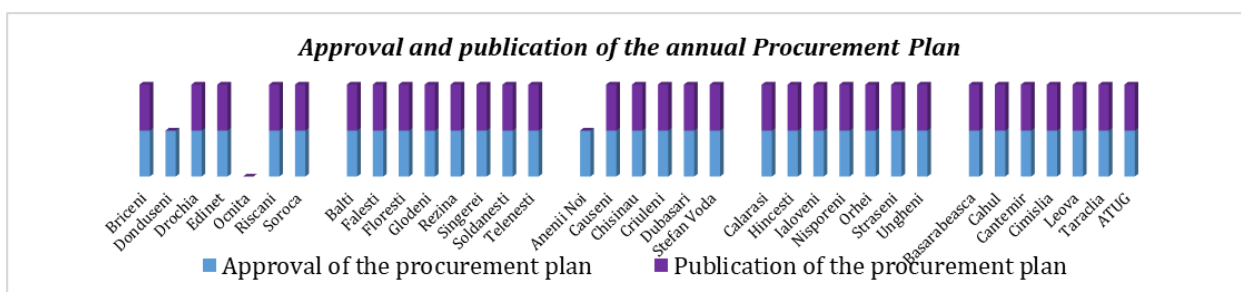


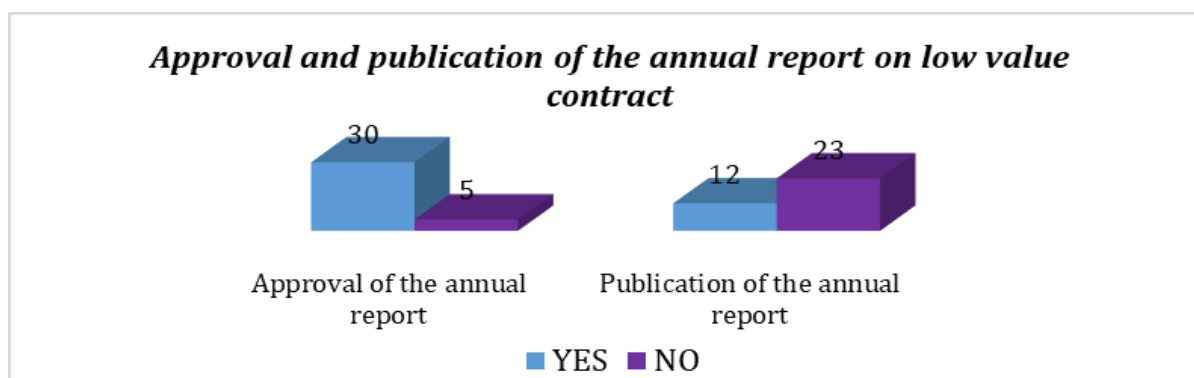
Chart no. 31



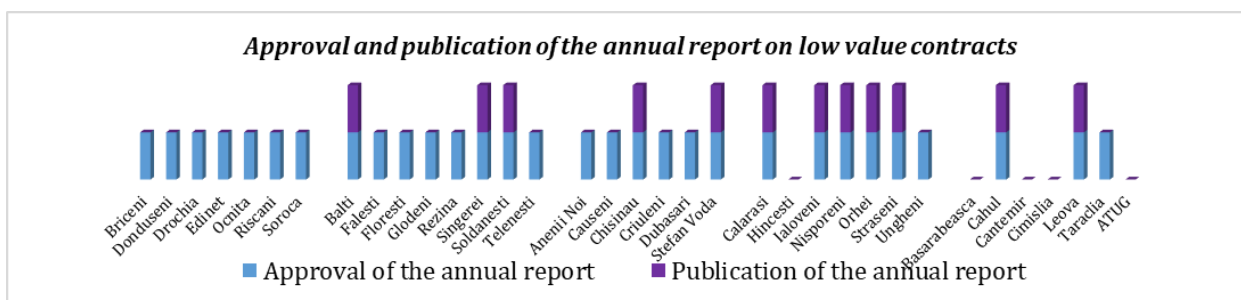
According to Item 24 of the GD No. 665 of 27 May 2016 Approving the Regulation on Low-value Public Procurements, LPAs are required to develop and submit annually to the PPA, by the 1st February of the following year, including in an electronic version, a *report on the low-value public procurement contracts* entered into and registered during the reference period.

According to Promo-LEX monitors, 30 LPAs developed and approved *the report thereof*. Of them, only 12 LPAs have published these reports on the official website of the institutions (see Chart 32).

Chart no. 32



Given the above, Promo-LEX Association found that the transparency of low-value public procurements made by the LPAs is low. Thus, compared to the number of LPAs that approved and published the report for 2017, the one for 2018 was approved by 3 LPAs less (from 33 to 30), and published – by 2 less (from 14 to 12). Chart no. 31 reflects the information on the approval and publication of the report per each LPA.

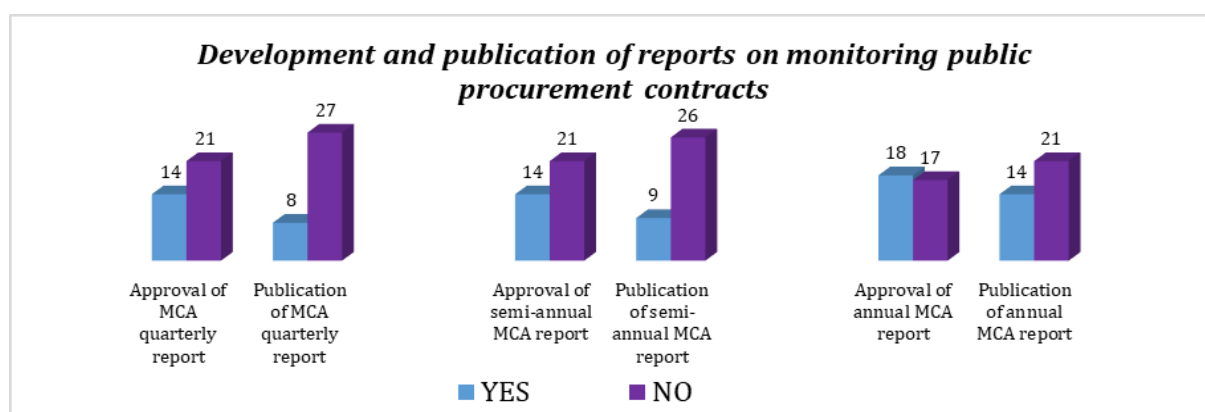


According to Item 34 of the Regulation on the Activity of Procurement Working Group approved by GD No. 667 of 27 May 2016, WG must monitor the implementation of public procurement contracts and develop *quarterly/biannual and annual reports* to this end. These reports, that must include information about the implementation phase of the contractual obligations, the causes of the failure to do so, the complaints submitted and the penalties applied, references to the quality of contract implementation, etc., will be published on the contracting authority’s website, and in the absence thereof on the official website of the central authority to which it is subordinated or of the level-two local public administration, including the ATUG.

According to the information submitted by Promo-LEX monitors, it was found the following (see Chart 34):

- 14 LPAs (2 more than in the previous period) developed quarterly reports on monitoring the implementation of public procurement contracts. Of these, only 8 (1 more than in the previous period) published the reports on their websites;
- 14 LPAs (similar to the previous period) developed semi-annual reports on monitoring the implementation of public procurement contracts. Of these, only 9 (2 more than in the previous period) published the reports on their websites;
- 18 LPAs (3 less than in the previous period) developed annual reports on monitoring the implementation of public procurement contracts. Of these, only 14 (7 more than in the previous period) published the reports on their websites.

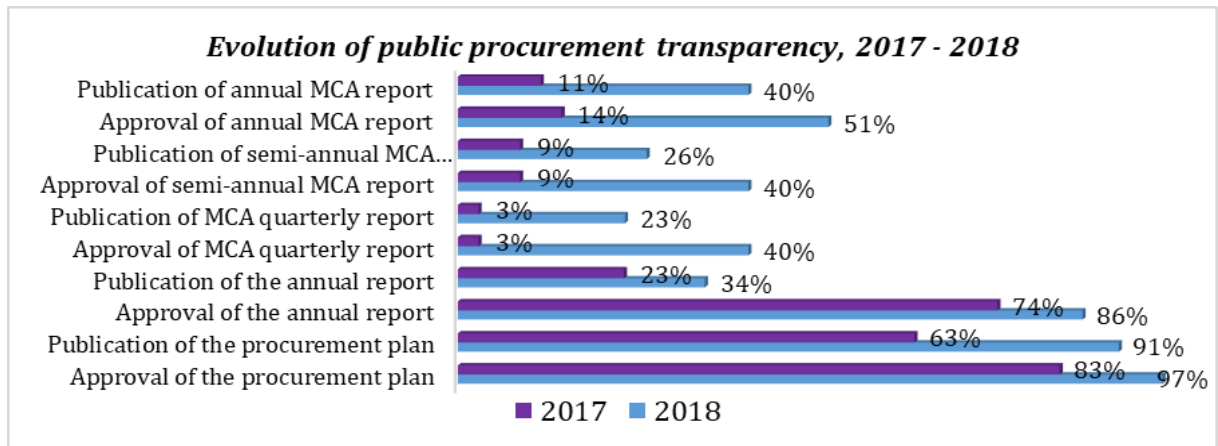
The detailed description of the situation concerning each ATU is reflected in the Annex 6.



As a result, we note a low transparency of the monitoring and reporting of the implementation of public procurement contracts concluded by the LPAs.

For the purposes of the foregoing, we conclude that LPAs' official websites ensure a low transparency of the procurement process, this being limited to the publication of the Procurement Plans (32 of 35 LPAs). In addition, the LPAs do not publish the reports on low-value public procurements (only 12 out of 35 LPAs published these reports) and, respectively, the quarterly/biannual and annual reports on the monitoring of the implementation of public procurement contracts (14 out of 35 LPAs) on their official website. However, compared to earlier periods, we note an increase in the number of LPAs that complied with the legal provisions (see Chart 35).

Chart no. 35



VIII. TRANSPARENCY OF THE BUDGET PROCESS

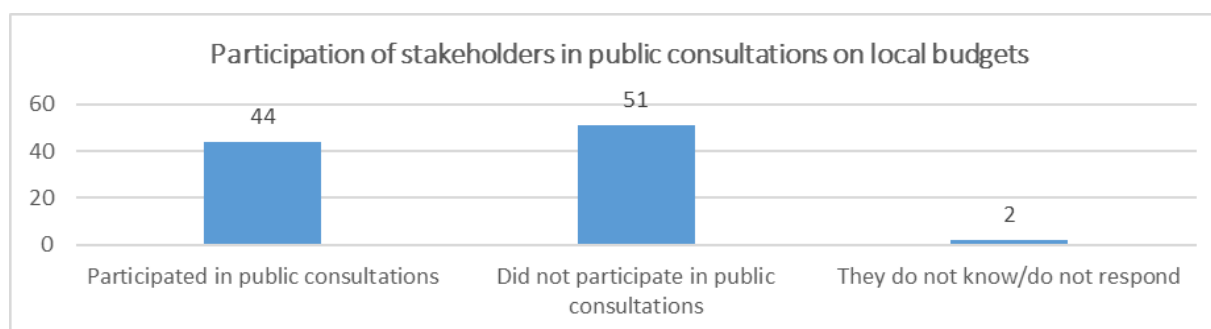
The budget process at ATU level is an inherent part of decision-making within the LPAs. The budget process is a sequence of budget drafting, reviewing, adopting, executing and reporting activities. ATU's budgets are a distinct part of the national public budget. The direct powers of LPAs executive and deliberative authorities in the field of budget process are described in: the Law No. 436 on Local Public Administration, Law No. 397 on Local Public Finance and Law No. 181 on Public Finances and Budgetary Fiscal Accountability.

According to Article 19 of the Law No. 397, LPAs shall develop and approve their own budgets, according to the legal provisions, on the basis of the budget classification and methodology approved by the Ministry of Finance. The law also stipulates that the executive authorities (district president, mayor of municipality and governor of ATUG) shall be responsible for developing and implementing the budgets, and representative and deliberative authorities shall be responsible for their review and approval (district and municipal councils, People's Assembly). As regards the public nature of ATU's budgets, the law stipulates that the budgets approved by these representative and deliberative authorities, as well as corrections to these budgets, shall be made publicly available. According to the Law on Transparency in Decision-Making Process, the draft budgets and the annual reports on budget implementation shall also be public.

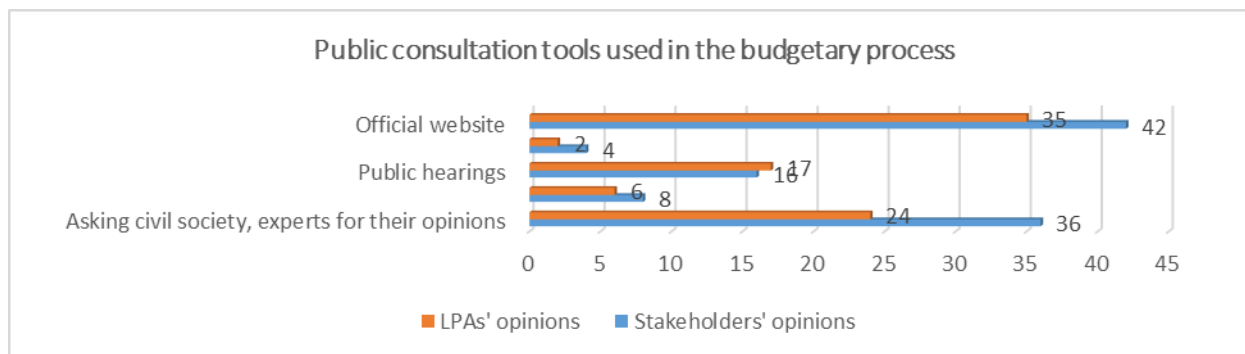
As methodological tools, interviews with LPA and stakeholders representatives, as well as the review of the monitored LPAs' websites were used. The interviews were meant to assess the degree of involvement of those interviewed in participative budgeting. LPAs' actions to involve the stakeholders in the budget process and stakeholders' actions for their direct participation in the budget process, were also assessed. On the other hand, web page scans allowed the de facto situation to be reflected in the transparency of the budgetary process on the basis of specific indicators: publication of the draft budget, adopted budget, and publication of budget rectifications.

The degree of stakeholders' involvement in public consultations on ATU budget development. As a result of the monitoring thereof, it was noted that only 44 (45.36 %) of 97 interviewees reported that they had taken part in the public consultation of the ATU draft budget for the current year (see Chart 34). However, from the analysis of the interview questionnaires, in terms of the transparency of the stakeholders' budgetary process for 2018, 44 (45.36 %) of 97 interviewees said that they had participated in the public consultation of the ATU draft budget for the current year. This is a progressive result when compared to the monitoring period of 2017.

Chart no. 36



The issue of using public consultation tools in budget development was analysed by interviewing both civil servants and civil society representatives (see Chart 37). According to the number of persons who confirmed their participation in the process, the opinion of 35 interviewees representing the LPAs and of 44 interviewees representing the stakeholders was taken into account.



On the basis of Chart 37, we may draw the following conclusions:

- basically, the following tools were used: the exchange of written/information materials by requesting opinions of civil society and experts on certain areas, website, public hearings and debates as well as public opinion surveys. Compared to the second semester of 2017, the number of stakeholders is rising constantly;

- we found that the differences between the answers given by representatives of the LPA and those of the stakeholders are not so big. The results are much better for the monitored period in terms of communication between the parties by seeking the views of civil society and experts, which makes us believe that we have a better understanding of the processes and an increased accountability for the subject of public consultation in the budget process;

- *the website* is still the most popular communication tool in the context of consultations on drafting and approving the budget, both in the opinion of LPAs (100%) and of stakeholders (95.45%). However, according to Promo-LEX, the stakeholders checked out the website to find out information, rather than to register proposals and suggestions;

- it is worth mentioning the organisation of and participation in *public hearings*. Taking into account that 17 LPAs (48.57%) mentioned about the organisation of public hearings during the budget process, note that only 16 (36.36%) out of those 44 stakeholders that attended the public consultations participated in these events;

- compared to the second semester of 2017, *public opinion surveys*, have increased as a tool for public opinion research on the budgetary process. From 0 on the part of both parties, to 2 and, respectively 4 for the second semester of 2018.

Another aspect of the transparency of the budget process monitored by Promo-LEX referred to the publication on the website by LPAs of the following: publication of the draft budget, adopted budget, and publication of budget rectifications (see Table 12).

Table 12. Published budget process on the website of LPA (data disaggregated by ATU)

ATU		Publication of the 2019 draft budget to initiate public consultations	Publication of the budget adopted for 2019	Publication of the decisions amending the local budgets for 2019	Degree of implementation
North	Donduseni	YES	YES	NO	2/3
	Drochia	YES	YES	NO	2/3
	Soroca	YES	YES	YES	3/3
	Riscani	YES	YES	YES	3/3
	Briceni	YES	NO	NO	1/3
	Edinet	YES	YES	YES	3/3

ATU	Publication of the 2019 draft budget to initiate public consultations	Publication of the budget adopted for 2019	Publication of the decisions amending the local budgets for 2019	Degree of implementation
Ocnita	YES	YES	YES	3/3
North-East	Floresti	NO	YES	2/3
	Singerei	YES	YES	3/3
	Balti municipality	YES	YES	3/3
	Soldanesti	NO	YES	2/3
	Falesti	YES	YES	3/3
	Rezina	NO	YES	2/3
	Glodeni	NO	YES	2/3
	Telenesti	NO	YES	2/3
	Center-South-East	Criuleni	YES	YES
Anenii Noi		NO	YES	2/3
Chisinau municipality		YES	YES	3/3
Stefan Voda		YES	YES	3/3
Causeni		YES	YES	3/3
Dubasari		YES	YES	3/3
Center-South-West	Nisporeni	YES	YES	3/3
	Ialoveni	YES	YES	3/3
	Ungheni	YES	YES	3/3
	Straseni	YES	YES	3/3
	Orhei	YES	YES	3/3
	Hincesti	YES	YES	3/3
	Calarasi	YES	YES	3/3
South	ATU Gagauzia	YES	YES	3/3
	Taraclia	YES	NO	1/3
	Cimislia	YES	YES	3/3
	Leova	YES	YES	3/3
	Cantemir	YES	NO	1/3
	Cahul	YES	YES	3/3
	Basarabasca	NO	NO	0/3
Total	YES-28 NO-7	YES-31 NO-4	YES-29 NO-6	

The draft budget, just like the other draft decisions, will go through all required stages to ensure a transparent drafting. According to Article 10 of the Law on Transparency of the Decision-Making Process, the public authority ensures access to the draft decisions and related materials by obligatory publication thereof on the official website of the public authority by providing access to the headquarters of the Authority as well as by posting or other available means at the request of whom it may concern. The draft decision and related documents are published on the official website of the responsible public authority at least for the period during which recommendations are made and examined.

According to the data provided in the Table 12, 23 (65.71%) LPAs fully complied with the requirements: Chisinau municipality, Balti municipality, Cahul, Cimislia, Leova, Stefan Voda, Causeni, Dubasari, Nisporeni, Ialoveni, Ungheni, Straseni, Orhei, Hincesti, Calarasi, ATU Gagauzia, Criuleni, Falesti, Singerei, Edinet, Ocnita, Soroca and Riscani. On the other hand, there is 1 level-two LPA that failed to comply with any requirement in this respect – Briceni.

In this regard, Promo-LEX monitors reviewed LPAs’ websites to see if the draft local budgets for 2019 meant to be subjected to public consultations were published. Thus, of 35 authorities: 28 (80%) published the draft budgets on their website, while 7 (20%) did not (see Table 12 and Chart 38). Compared to the second semester of 2017 the indicators improved; only 18 LPAs (51.42%) published the budget projects on the website.

After all phases are gone through, the adopted document is also to be published. Thus, Article 15 of the Law on Transparency in Decision-Making Process provides that public authorities shall ensure the access to the adopted decisions, by publishing them in a similar way to the drafts proposed for debate.

Following the monitoring, Promo-LEX found that 31 (88.57%) of 35 administrative units published the budgets on their official website, the budgets for 2019 were published on the official website and 4 units (11.42%) did not (See Chart 39). The situation in this regard has not improved, on the contrary, the publication rate of the adopted budget decreased by 2.87%, respectively by an LPA less than in the second semester of 2017.

Chart no. 38

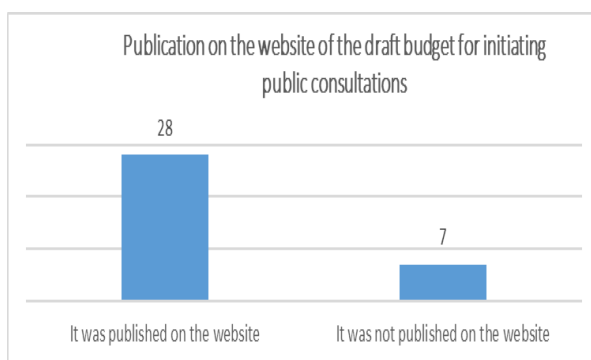
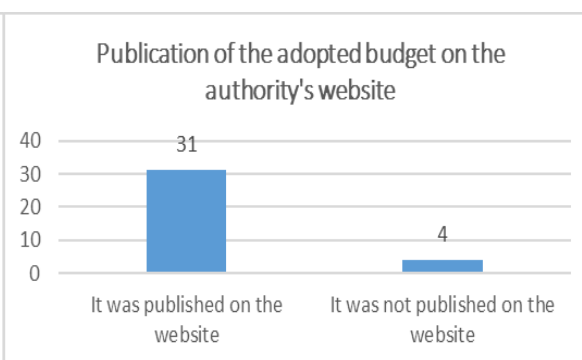


Chart no. 39



If during the year there is the need to make corrections to the already adopted budget, they should also be made public. Table 12 shows that: in 29 (82.85%) out of 35 ATUs, the deliberative authorities published on their website the decisions amending the budget for 2018; in 6 (17.14%) cases these decisions were not published (see Chart 40). In the second semester of 2018, we are witnessing decreases in the rate of publication of the budgetary corrections by 2.86 %, compared to the second semester of 2017.

Chart no. 40



At the end of each budget year, the territorial-administrative unit must develop a *report on budget implementation*, which is made public, according to legal provisions in force.²⁰

According to the data provided in the Table 13, 16 (45.71%) LPAs fully complied with the requirements: Drochia, Singerei, Balti municipality, Chisinau municipality, Falesti, Glodeni, Telenesti, Anenii Noi, Stefan Voda, Causeni, Dubasari, Ungheni, Straseni, Orhei, Hincesti and ATU Gagauzia. On the other hand, 5 (14.28 %) LPAs that failed to comply with any requirement in this respect are the following – Soldanesti, Criuleni, Taraclia, Cantemir and Basarabasca.

Table 13. Publication of budget implementation reports on the LPAs' websites

ATU		Publication of the budget implementation report (2018)	Publication of the quarterly budget implementation report (2018)	Publication of the semi-annual budget implementation report (2018)	9-month report on the implementation of the budget (2018)	Degree of implementation
North	Donduseni	YES	YES	YES	NO	3/4
	Drochia	YES	YES	YES	YES	4/4
	Soroca	NO	YES	YES	NO	2/4
	Riscani	YES	YES	YES	NO	3/4
	Briceni	NO	YES	YES	NO	2/4
	Edinet	YES	YES	YES	NO	3/4
	Ocnita	YES	NO	NO	NO	1/4
North-East	Floresti	YES	NO	YES	NO	2/4
	Singerei	YES	YES	YES	YES	4/4
	Balti municipality	YES	YES	YES	YES	4/4
	Soldanesti	NO	NO	NO	NO	0/4
	Falesti	YES	YES	YES	YES	4/4
	Rezina	NO	NO	YES	NO	1/4
	Glodeni	YES	YES	YES	YES	4/4
	Telenesti	YES	YES	YES	YES	4/4
Center-South-East	Criuleni	NO	NO	NO	NO	0/4
	Anenii Noi	YES	YES	YES	YES	4/4
	Chisinau municipality	YES	YES	YES	YES	4/4
	Stefan Voda	YES	YES	YES	YES	4/4
	Causeni	YES	YES	YES	YES	4/4
	Dubasari	YES	YES	YES	YES	4/4
South	Nisporeni	YES	NO	NO	YES	2/4
	Ialoveni	YES	NO	NO	YES	2/4

²⁰ <https://bit.ly/2QpWPBn> Art. 29 of the Law no. 397 of 16.10.2003 on Local Public Finance provides that (1) Finance Department and/or the financial unit of the administrative-territorial units shall prepare quarterly and annual reports on the implementation of the budgets concerned.

(2) Quarterly reports are reviewed and approved by the relevant executive body.

(3) Reports on the implementation of the budget of the administrative-territorial unit for both the first semester as well as for 9 months of the current year shall be heard at the meeting of its representative and competent body. (4) The annual report on the implementation of the budget of the administrative-territorial unit shall be considered and approved by its representative and competent body no later than February 15 of the year following the reporting year.

(5) Finance departments shall submit to the Ministry of Finance consolidated annual and quarterly reports on the implementation of budgets of first and second-level administrative-territorial units to be included in the report on the implementation of the national public budget within the time limits prescribed by the Ministry of Finance.

ATU		Publication of the budget implementation report (2018)	Publication of the quarterly budget implementation report (2018)	Publication of the semi-annual budget implementation report (2018)	9-month report on the implementation of the budget (2018)	Degree of implementation
	Ungheni	YES	YES	YES	YES	4/4
	Straseni	YES	YES	YES	YES	4/4
	Orhei	YES	YES	YES	YES	4/4
	Hincesti	YES	YES	YES	YES	4/4
	Calarasi	YES	NO	NO	YES	2/4
South	ATU Gagauzia	YES	YES	YES	YES	4/4
	Taraclia	NO	NO	NO	NO	0/4
	Cimislia	YES	NO	NO	YES	2/4
	Leova	YES	NO	NO	NO	1/4
	Cantemir	NO	NO	NO	NO	0/4
	Cahul	YES	NO	NO	YES	2/4
	Basarabasca	NO	NO	NO	NO	0/4
Total		YES-28 NO-7	YES-15 NO-20	YES-17 NO-18	YES-21 NO-14	

Taking into account the information above, we note that the involvement of citizens in developing local budgets is low.

Having analysed the stakeholders' interview questionnaires regarding the transparency of the local budget process, we saw that only 44 (45.36%) of 97 interviewees reported that they had taken part in the public consultation of the ATU draft budget for the current year. According to Promo-LEX, although it is growing compared to last year, it is still an insignificant result, especially given that not only public associations and media are part of the stakeholders, but economic agents as well.

As regards the publication of ATU's budget development, review, approval and reporting phases on authorities' website, we should mention that while 31 (88.57%) LPAs of the 35 administrative units published the approved budgets on their official website, only 20 (57.85%) LPAs published their quarterly, semi-annual and 9-month reports on budget implementation.

For the transparency of the decision-making process, it is fundamental to place not only the finished product, but especially the initial one, on the basis of which the public consultation will be carried out. However, note the positive trend identified by comparing the data from the monitoring period of the second semester of 2017 with the data from the second semester of 2018 - the number of LPAs that placed the budget and its project on the website increased.

To conclude, according to monitors, 12 LPAs complied with all the requirements and reflected all budget processes: Falesti, Balti municipality, Singerei, Causeni, Stefan Voda, Chisinau municipality, Dubasari, Hincesti, Orhei, Ungheni, Straseni and ATU Gagauzia. On the other hand, there is only one LPA that failed to comply with any requirements in this respect – Briceni.

RECOMMENDATIONS

To the Local Public Authorities (general recommendations)

1. Focus the efforts of LPAs to inform about their work through social networks.
2. Conduct public consultations through on-line surveys given the interest of citizens for this type of communication.
3. Observe the legal provisions ensuring the decision-making transparency:
 - a. Increase the communication between LPAs and local and national civic associations by using the targeted information mechanism by LPAs. Send the information about decision-making in public authorities to the specified stakeholders in the ways indicated by the stakeholders (via e-mail or sending letters to the address of stakeholders or to the one indicated by the requester of such information);
 - b. Identify enough financial and human resources to ensure compliance with legal requirements on decision-making transparency;
 - c. Focus the efforts of LPAs to inform about their work through social network sites, national and local media (TV, radio, newspaper);
 - d. Ensure a higher degree of accessibility to and comfort in LPAs' headquarters for citizens from certain categories: persons with special needs, the elderly, parents with small children, etc. In this context, it is important to pay attention to the following aspects: the possibility that persons with disabilities and parents with children in strollers could access and move around inside the buildings, placing a sufficient number of chairs on the hallway; fitting out a separate room for breastfeeding children; fitting out user-friendly WC, etc.
4. Publishing the declaration of income and personal interest on the LPA website to make information more accessible and increase the degree of transparency.
5. Publish the announcements/invitations to participate in the public procurement process on the websites in order to ensure effective competition.

To the Local Public Authorities (practical recommendations)

6. The headquarters of following LPAs should be provided with access ramps: Glodeni, Singerei, Telenesti, Soldanesti, Rezina, Stefan Voda, Chisinau municipality, Dubasari. Ensure sufficient artificial indoor lighting in the headquarters of Soldanesti District Council. The following LPAs should have sufficient number of chairs on the hallways: Falesti, Singerei, Soldanesti, Rezina, Anenii Noi and Causeni. Every LPA headquarters (with the exception of Cantemir and Leova LPAs headquarters) should have a special room for mothers with small children and user-friendly WC for persons with special needs.
7. The following LPAs should publish on their website the internal rules of the procedures of informing, consulting and participation in the decision-making process: Briceni, Donduseni, Drochia, Edinet, Ocnita, Soroca, Floresti, Glodeni, Rezina, Soldanesti, Telenesti, Anenii Noi, Causeni, Chisinau municipality, Dubasari, Stefan Voda, Hincesti, Ialoveni, Nisporeni, Orhei, Cimisia, Taraclia, ATUG.
8. The following LPAs should publish on their website the information about the first name, last name, position and contact number of a person responsible for the decision-making process: Briceni, Donduseni, Drochia, Edinet, Ocnita, Riscani, Soroca, Floresti, Glodeni, Rezina, Soldanesti, Telenesti, Anenii Noi, Causeni, Stefan Voda, Calarasi, Hincesti, Ialoveni, Nisporeni, Basarabasca, Cantemir, Cimisia, Taraclia and ATUG.
9. The following LPAs should publish on their website the draft decision development schedules, specifying the drafts that will be subject to public consultations: Briceni, Donduseni, Drochia, Edinet,

- Ocnita, Soroca, Glodeni, Rezina, Soldanesti, Telenesti, Anenii Noi, Causeni, Chisinau municipality, Stefan Voda, Calarasi, Hincesti, Ialoveni, Nisporeni, Orhei, Cantemir, Cimislia, Taraclia and ATUG.
10. The following LPAs should publish on their website the announcements about starting the process of decision drafting: Briceni, Donduseni, Drochia, Soroca, Glodeni, Rezina, Soldanesti, Telenesti, Anenii Noi, Causeni, Chisinau municipality, Stefan Voda, Calarasi, Hincesti, Ialoveni, Nisporeni, Orhei, Basarabeasca, Cahul, Cantemir, Cimislia, Leova, Taraclia and ATUG.
 11. The following LPAs should publish on their website the announcements regarding the organisation of public consultations: Briceni, Donduseni, Stefan Voda, Calarasi, Ialoveni, Taraclia.
 12. The following LPAs should publish on their website the draft decisions and related documents: Donduseni, Rezina, Telenesti, Leova, Taraclia, as well as the decisions adopted: Briceni, Basarabeasca and Taraclia.
 13. The following LPAs should publish on their website the results of public consultations: Briceni, Donduseni, Drochia, Edinet, Ocnita, Soroca, Falesti, Floresti, Rezina, Soldanesti, Telenesti, Anenii Noi, Causeni, Chisinau municipality, Dubasari, Stefan Voda, Calarasi, Ialoveni, Nisporeni, Orhei, Ungheni, Basarabeasca, Cahul, Cantemir, Cimislia, Leova, Taraclia and ATUG.
 14. The following LPAs should publish on their website the annual report of the public authority on transparency in decision-making: Briceni, Drochia, Soroca, Floresti, Glodeni, Rezina, Singerei, Anenii Noi, Causeni, Chisinau municipality, Dubasari, Calarasi, Hincesti, Ialoveni, Nisporeni, Taraclia and ATUG.
 15. Provide responses, complete and within the legal time limit, to the requests for official information received from the citizens of: Rezina, Cahul, Cantemir, Taraclia, ATUG, Leova, Basarabeasca, Cimislia, Chisinau municipality, Dubasari, Anenii Noi and Causeni.
 16. All the LPAs should publish on their website the data of the person responsible for the anti-corruption module, with the exception of the following LPAs from: Straseni, Criuleni, Telenesti, Falesti, Riscani and Donduseni.
 17. Drochia, Edinet, Briceni, Ocnita, Soldanesti, Telenesti, Chisinau municipality, Anenii Noi, Dubasari, Orhei, Ialoveni, Calarasi, ATUG and Cantemir should publish on their websites the Institutional Integrity Plan.
 18. All LPAs should publish the anti-corruption hotline on their websites, except for Riscani, Balti municipality, Falesti, Singerei, Telenesti, Chisinau municipality, Criuleni, Ungheni and Nisporeni.
 19. The CV of the following LPAs leaders should be published on the website: Soroca, Drochia, Donduseni, Edinet, Falesti, Anenii Noi, Causeni, Nisporeni, Ialoveni, Hincesti, Taraclia, Cantemir and Cahul.
 20. LPAs from Ocnita, Anenii Noi, Chisinau municipality, Stefan Voda, Causeni, Dubasari, Nisporeni, Ialoveni, Calarasi, Cimislia, Cantemir, Cahul and Basarabeasca should put on the information boards in their neighbourhood the announcement and conditions of the competition for employment in civil services.
 21. All LPAs should publish the announcements and the conditions for the competition for employment in civil service on the governmental portal cariere.gov.md, except for: Donduseni, Drochia, Singerei, Causeni, Dubasari, Hincesti and Cimislia.
 22. The following LPAs should observe the deadline for publishing the announcements on the conduct of all meetings: Causeni, Calarasi, Ialoveni, Nisporeni, Cantemir and Taraclia.
 23. LPAs from Balti municipality, Briceni, Leova and Cantemir should provide arguments for the introduction of urgent projects on the agenda, without consulting the stakeholders.
 24. The following deliberative authorities should publish on their website the information on the decisions adopted at *all* meetings conducted: Briceni, Cantemir and Taraclia, Drochia, Riscani,

Edinet, Floresti, Balti municipality, Chisinau municipality, Anenii Noi, Causeni, Calarasi, Ialoveni and Nisporeni.

To the Stakeholders

25. Develop and implement projects concerning the organisation of campaigns to inform citizens about the rights they have in ensuring the transparency of LPAs' decision-making process.

26. Involve more actively in the process of consulting draft decisions, not only by informing, but also by providing a feedback to the LPAs.

27. Participate more actively in the working groups' activity on public procurements.

LIST OF ABBREVIATIONS

PPA – Public Procurement Agency

para. – paragraph

NIA – National Integrity Agency

NGO – Non-Government Organization

CPA – Central Public Administration

LPA – Local Public Administration

art. – article

PPB – Public Procurement Bulletin

Mr. - Mister

WG – Working Group

GD – Government Decision

let. - letter

mun. - municipality

No. - number

t. - town

p. - item

d. – district

RM – Republic of Moldova

SRLA – State Register of Local Acts

v. - village

sem. – semester

SRPP IS – “State Register of Public Procurement” Information System

ATU - Administrative Territorial Unit

ATUG - Administrative Territorial Unit of Gagauzia

ANNEXES

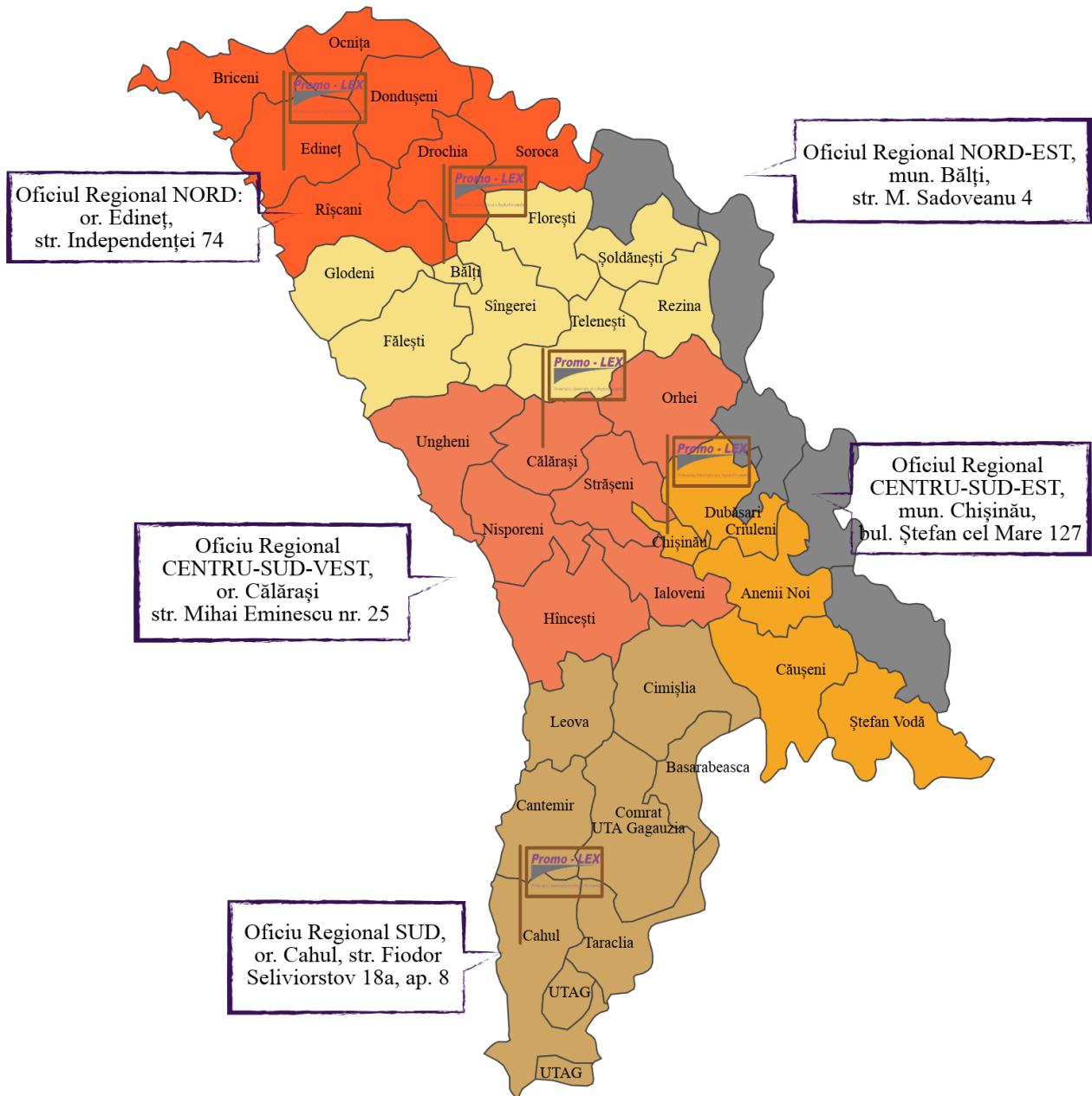
Annex 1. Legal Framework

- Law No. 239 of 13 November 2008 on Transparency in the Decision-Making Process.
- Law No. 982 of 11 May 2000 on Access to Information.
- Law No. 436 of 28 December 2006 on Local Public Administration.
- Law No. 764 of 27 December 2001 on the Administrative-Territorial Organisation of the Republic of Moldova.
- Law No. 158 of 4 July 2008 on Civil Service and Statute of Civil Servants.
- Law No. 847 of 24 May 1996 on Budgetary System and Budgetary Process.
- Law No. 181 of 25 July 2014 on Public Finances and Budgetary Fiscal Accountability.
- Law No. 397 of 16 October 2003 on Local Public Finance.
- Law No. 25 of 22 February 2008 on the Code of Conduct for Civil Servants.
- Law No. 133 of 17 June 2016 on the Declaration of Assets and Personal Interests.
- Law No. 252 of 25 October 2013 Approving the Regulation on the Functioning of Anti-corruption Hot-lines System.
- Law No. 131 of 3 July 2015 on Public Procurement.
- Law No. 121 of 25 December 2012 on Equality.
- Government Decision No. 967 of 9 August 2016 on the Mechanism for Public Consultations with the Civil Society in Decision-Making Process.
- Government Decision No. 188 of 3 April 2012 on the Official Websites of Public Administration Authorities on the Internet.
- Government Decision No. 201 of 11 March 2009 Implementing the Law No 158 of 4 July 2008 on Civil Service and Statute of Civil Servants.
- Government Decision No. 667 of 27 May 2016 Approving the Regulation on the Activity of the Procurement Working Group.
- Government Decision No. 1419 of 28 December 2016 Approving the Regulation on Planning of the Public Procurement Contracts.
- Government Decision No. 665 of 27 May 2016 Approving the Regulation on Low-value Public Procurements.

Promo - LEX

Promovarea democrației și a drepturilor omului

Oficiile regionale Promo-LEX



Annex 3. Questionnaire for interviewing LPAs representatives

Last name, first name (interviewed) _____

Position _____

District/Municipality/ATUG _____

Contacts _____

Interview Date _____

1. What public consultation methods did you use to ensure the transparency of decision-making while organising the meetings during the monitored period?²¹

Consulting Activity	Please tick the activity you conducted (YES/NO)	Please provide details (date, venue, participants)
asking civil society, experts, professional associations for their opinions		
organising public debates;		
conducting public hearings;		
conducting public surveys;		
other public consultation methods, please specify: _____		

2. What information sources did you use to transmit information to citizens or to other stakeholders about the conduct of decision-making within level-two LPA during the monitored period?

Information Source	Please tick the activity you conducted (YES/NO)	Please provide details (date, publication name)
Newsletter		
Information Board		
Authority's Website		
Social Media		
Newspapers		
Radio		
TV		
E-mail		
Other		

3. How do you appreciate the degree of citizens' participation in decision-making during the monitored period?

Significant	Relative	Insignificant
-------------	----------	---------------

4. What are the reasons for this attitude? Please explain.

²¹ The monitor will ask level-two LPAs' representatives to provide evidence supporting their statements.

5. During this semester, have actions or decisions of level-two LPAs been contested because of violations of the Law on Transparency in Decision-Making Process and the Law on Access to Information? If YES, please specify.

YES	NO
-----	----

If YES, please provide details:

6. Please provide information on the organisation of competitions for employment in civil service:

Were competitions organised during the monitored period?	YES	NO
How many competitions were organised during the monitored period?		
The announcement and conditions were published in the Official Gazette	YES/NO	Details_____
The announcement and conditions were published on the authority's website	YES/NO	Details_____
The announcement and conditions were published on the authority's information board	YES/NO	Details_____
The announcement and conditions were published in the local and regional media	YES/NO	Details_____

7. Did you work with local or national NGOs in order to ensure the transparency of level-two LPAs' activity during the monitoring period? If YES, please specify which one.

YES	NO
-----	----

Provide details: _____

10. State why the provisions on full transparency of decision-making are not fully observed by LPA authorities (multiple answer).

- poor knowledge of the legislation by the LPAs;
- insufficient funding of LPAs;
- need for an LPA reform;
- exaggerated legal provisions, in terms of number and content;
- lack of real policies and actions of the state in the field of decision-making transparency;
- Other (please specify)

**Annex 4. Questionnaire for interviewing stakeholders' representatives
on the appraisal of transparency of LPAs' activity**

Last name, first name (interviewee) _____
 Organisation, position _____
 District/Municipality/ATUG _____
 Contact data _____
 Interview date _____

1. Which ways of public consultation were used by LPAs to ensure transparency of the decision-making process during the monitored period?²²

Consulting Activity	Please tick the activity conducted (YES/NO)	Please provide details (date, venue, participants)
asking civil society, experts, professional associations for their opinions		
organising public debates;		
conducting public hearings;		
conducting public surveys;		
other public consultation methods, please specify: _____		

2. What kind of information sources did you use get to know the information disseminated by level-two LPAs on ensuring the transparency of the decision-making process during the monitored period?

Information Source	Please tick the activity you conducted (YES/NO)	Please provide details (date, publication name)
Newsletter		
Information Board		
Authority's Website		
Social Media		
Newspapers		
Radio		
TV		
E-mail		
Other		

3. Did you participate in public consultations during the monitored period?

YES	NO
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Please provide details:

4. How do you appreciate your role/organisation in the decision-making process at the district/city/ATUG level?

Significant	Relative	Insignificant
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²² The monitor will ask level-two LPAs' representatives to provide evidence supporting their statements.

Please provide details:

5. Have you attended the meetings organised by the District Council?

YES	NO
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Please provide details: _____

6. Do level-two LPAs inform citizens about the draft decisions to be discussed on the agenda of the District Council?

YES	NO
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Please provide details: _____

7. Are you familiar with the concept of participative budgeting? If YES, please specify.

YES	NO
-----	----

Please provide details: _____

8. Have you participated in the public consultation of the second-level ATU bill in/for the monitored period?

YES	NO
-----	----

10. State why the provisions on full transparency of decision-making are not fully observed by LPA authorities (multiple answer).

- poor knowledge of the legislation by the LPAs;
- insufficient funding of LPAs;
- need for an LPA reform;
- exaggerated legal provisions, in terms of number and content;
- lack of real policies and actions of the state in the field of decision-making transparency;
- Other (please specify)

Annex 5. Disaggregation of data on the decision making transparency of the level-two LPA website

Region	LPA	Publication of Internal Rules	Person responsible for decision-making process	Decisions development schedules	Announcements on initiation of decision-making	Announcement of public consultations	Draft Decisions	Decisions Approved	Summary of recommendations	Annual report on decisional transparency	Rating
North	Briceni	NO	NO	NO	NO	NO	YES	NO	NO	NO	1
	Donduseni	NO	NO	NO	NO	NO	NO	YES	NO	YES	2
	Drochia	NO	NO	NO	NO	YES	YES	YES	NO	NO	3
	Edinet	NO	NO	NO	YES	YES	YES	YES	NO	YES	5
	Ocnita	NO	NO	NO	YES	YES	YES	YES	NO	YES	5
	Riscani	YES	YES	YES	YES	YES	YES	YES	YES	YES	9
North-East	Soroca	NO	NO	NO	NO	YES	YES	YES	NO	NO	3
	Balți	YES	YES	YES	YES	YES	YES	YES	YES	YES	9
	Falesti	YES	YES	YES	YES	YES	YES	YES	NO	YES	8
	Floresti	NO	NO	YES	YES	YES	YES	YES	NO	NO	5
	Glodeni	NO	NO	NO	NO	YES	YES	YES	YES	NO	4
	Rezina	NO	NO	NO	NO	YES	NO	YES	NO	NO	2
	Singerei	YES	YES	YES	YES	YES	YES	YES	YES	NO	8
	Soldanesti	NO	NO	NO	NO	YES	YES	YES	NO	YES	4
Center-South-East	Telenesti	NO	NO	NO	NO	YES	NO	YES	NO	YES	3
	Anenii Noi	NO	NO	NO	NO	YES	YES	YES	NO	NO	3
	Causeni	NO	NO	NO	NO	YES	YES	YES	NO	NO	3
	Chisinau	NO	YES	NO	NO	YES	YES	YES	NO	NO	4
	Criuleni	YES	YES	YES	YES	YES	YES	YES	YES	YES	9
	Dubasari	NO	YES	YES	YES	YES	YES	YES	NO	NO	6
Center-South-West	Stefan Voda	NO	NO	NO	NO	NO	YES	YES	NO	YES	3
	Calarasi	YES	NO	NO	NO	NO	YES	YES	NO	NO	3
	Hincesti	NO	NO	NO	NO	YES	YES	YES	YES	NO	4
	Ialoveni	NO	NO	NO	NO	NO	YES	YES	NO	NO	2
	Nisporeni	NO	NO	NO	NO	YES	YES	YES	NO	NO	3
	Orhei	NO	YES	NO	NO	YES	YES	YES	NO	YES	5
	Straseni	YES	YES	YES	YES	YES	YES	YES	YES	YES	9
South	Ungheni	YES	YES	YES	YES	YES	YES	YES	NO	YES	8
	Basarabesc	YES	NO	YES	NO	YES	YES	NO	NO	YES	5
	Cahul	YES	YES	YES	NO	YES	YES	YES	NO	YES	7
	Cantemir	YES	NO	NO	NO	YES	YES	YES	NO	YES	5
	Cimislia	NO	NO	NO	NO	YES	YES	YES	NO	YES	4
	Leova	YES	YES	YES	NO	YES	NO	YES	NO	YES	6
	Taraclia	NO	NO	NO	NO	NO	NO	NO	NO	NO	0
ATUG	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	3

Annex no. 6. Transparency of public procurement based on 10 assessed aspects

Region	LPA	Approval of the Procurement Plan	Publication of the Procurement Plan	Approval of the Annual Report	Publication of the Annual Report	Approval of MCA quarterly report	Publication of quarterly MCA report	Approval of semi-annual MCA report	Publication of semi-annual MCA report	Approval of annual MCA report	Publication of annual MCA report	Rating
North	Briceni	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	3
	Donduseni	YES	NO	YES	NO	NO	NO	NO	NO	NO	NO	2
	Drochia	YES	YES	YES	NO	YES	YES	NO	NO	YES	YES	7
	Edinet	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	5
	Ocnita	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	1
	Riscani	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	9
	Soroca	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	9
North-East	Balti	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	10
	Falesti	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES	6
	Floresti	YES	YES	YES	NO	YES	NO	NO	NO	NO	NO	4
	Glodeni	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	9
	Rezina	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES	7
	Singerei	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	8
	Soldanesti	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	4
	Telenesti	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	5
Center-South-East	Anenii Noi	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	5
	Causeni	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	8
	Chisinau	YES	YES	YES	YES	YES	NO	YES	NO	YES	NO	7
	Criuleni	YES	YES	YES	NO	YES	NO	YES	NO	YES	NO	6
	Dubasari	YES	YES	YES	NO	YES	NO	YES	NO	YES	NO	6
	Stefan Voda	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	4
Center-South-West	Calarasi	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	4
	Hincesti	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	2
	Ialoveni	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	4
	Nisporeni	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	4
	Orhei	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	10
	Straseni	YES	YES	YES	YES	NO	NO	YES	YES	YES	YES	8
	Ungheni	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	3
South	Basarabasca	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	2
	Cahul	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	10
	Cantemir	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	2
	Cimislia	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	2
	Leova	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	4
	Taraclia	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	3
	ATUG	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	2

Annex no. 7. Communication between the level-two LPAs and the stakeholders in the decision-making process

Region	ATU	Diversity of communication sources ²³	Stakeholders involved in public consultations per LPA ²⁴	LPA with significant degree of involvement of citizens ²⁵	Accessibility ²⁶	Participation of stakeholders in LPA's meetings ²⁷	Significant role of stakeholders ²⁸	Total
North	Soroca	1	1			1	1	4
	Drochia	1				1	1	3
	Riscani	1	1				1	3
	Donduseni						1	1
	Edinet	1					1	2
	Briceni	1					1	2
	Ocnita		1			1	1	3
	Rezina				1			1
North-East	Soldanesti							0
	Floresti			1		1	1	3
	Falesti			1		1	1	3
	Balti municipality			1		1	1	3
	Glodeni						1	1
	Singerei			1		1	1	3
	Telenesti		1			1	1	3
Center-South-East	Chisinau municipality			1				1
	Anenii Noi		1					1
	Dubasari							0
	Criuleni		1			1	1	3
	Causeni			1		1	1	3
	Stefan Voda							0
Center-South-West	Ungheni						1	1
	Straseni			1				1
	Orhei						1	1
	Nisporeni						1	1
	Ialoveni						1	1
	Hincesti							0
	Calarasi						1	1
South	Basarabasca							0
	Leova				1			1
	ATU Gagauzia							0
	Cimislia					1		1
	Taraclia							0

²³ LPA with a diversity of communication sources between 7-9.

²⁴ LPA with the highest number of persons involved in public consultations, calculated on the basis of interviews with the stakeholders.

²⁵ Calculated on the basis of LPA interview.

²⁶ LPA with the highest score registered in terms of headquarters' accessibility.

²⁷ LPA the meetings of which registered the highest number of participants among stakeholders.

²⁸ LPA to which stakeholders have their significant role in the decision-making process.

Region	ATU	Diversity of communication sources ²³	Stakeholders involved in public consultations per LPA ²⁴	LPA with significant degree of involvement of citizens ²⁵	Accessibility ²⁶	Participation of stakeholders in LPA's meetings ²⁷	Significant role of stakeholders ²⁸	Total
	Cantemir				1			1
	Cahul			1			1	2

Annex no. 8. Transparency of meetings

Region	ATU	Announcement published on all three monitored sources	Announcement made public within legal terms for all the meetings	Inclusion of urgent drafts on the agenda with justification	Publish of decisions of all meetings	Publication of decisions within 5 days	Total
North	Soroca		1		1		2
	Drochia		1		0		1
	Riscani		1		0		1
	Donduseni		1		1		2
	Edinet		1		0		1
	Briceni		1	1	0		2
	Ocnita		1		1		2
North-East	Rezina		1		1		2
	Soldanesti		1		1		2
	Floresti		1		0		1
	Falesti	1	1		1		3
	Balti municipality		1	1	0		2
	Glodeni		1		1		2
	Singerei		1	1	1		3
Center-South-East	Telenesti		1		1		2
	Chisinau municipality		1		1		2
	Anenii Noi		1		0		1
	Dubasari		1		1		2
	Criuleni		1		1	1	3
	Causeni		0		0		0
	Stefan Voda		1		1		2
Center-South-West	Ungheni	1	1		1		3
	Straseni		1		1		2
	Orhei		1		1		2
	Nisporeni				0		0
	Ialoveni				0		0
	Hincești		1		1	1	3
	Calarasi				0		0
South	Basarabeasca		1		0		1
	Leova		1	1	1	1	4
	ATU Gagauzia	1	1		1		3
	Cimislia		1		1		2
	Taraclia				0		0
	Cantemir			1	0		1
Cahul		1		1		2	

Annex no.9. Assessing the degree of decisional transparency of LPA per indicator

Region	ATU	Communication between LPAs and stakeholders	Decisional transparency of the website	Attitude of LPA towards the request of official	Transparency of meetings	Integrity	Transparency of competition for public positions	Transparency of public procurement	Total
North	Soroca	1							1
	Drochia						1		1
	Riscani		1			1			2
	Donduseni						1		1
	Edinet								0
	Briceni								0
	Ocnita								0
North-East	Rezina								0
	Soldanesti			1					1
	Floresti			1					1
	Falesti			1					1
	Balti municipality		1	1	1			1	4
	Glodeni			1					1
	Singerei			1			1		2
	Telenesti			1					1
Center-South-East	Chisinau municipality								0
	Anenii Noi								0
	Dubasari								0
	Criuleni		1	1		1			3
	Causeni								0
	Stefan Voda				1				1
Center-South-West	Ungheni			1		1			2
	Straseni		1	1		1			3
	Orhei			1				1	2
	Nisporeni			1					1
	Ialoveni			1					1
	Hincesti			1			1		2
	Calarasi			1					1
South	Basarabeasca								0
	Leova			1					1
	ATU Gagauzia			1					1
	Cimislia								0
	Taraclia								0
	Cantemir								0
	Cahul				1			1	2