



**Promo - LEX**

*Advancing democracy and human rights*

**REPORT NO. 2**

**MONITORING THE TRANSPARENCY  
OF THE ACTIVITY OF LEVEL-TWO  
LOCAL PUBLIC ADMINISTRATION  
AND ATUG GAGAUZIA**

Monitoring period

01.07.2017 – 31.12.2017

Chişinău, 15 March 2018

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*The initiative to monitor the transparency of the activity of the level-two LPA and ATUG is funded by the United States Agency for International Development (USAID) under the 'Democracy, Transparency and Accountability' Program (August 2016 – July 2019).*

*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 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 2 on monitoring the transparency of the activity of the level-two LPAs and ATUG in the RM during 01.01.2017-30.06.2017 is the second 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 105 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, including the aspects of participative budgeting;
- 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 and focus groups 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 Association<sup>1</sup> 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 campaigns<sup>2</sup>.

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.

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<sup>1</sup> 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.

<sup>2</sup> <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 2017, and namely: 35 general monitoring forms; 162 forms for the monitoring of the meetings of representative and deliberative authorities; 35 forms for the interviews with the LPAs' representatives and 105 forms for interviews with the stakeholders; 223 forms for interviews with level-two LPA councillors on identifying the misuse of administrative resources.

Overall, we appreciate the effort made by level-two local public authorities and by the active citizens of from the monitored ATUs to ensure the compliance with legal provisions on transparency in the decision-making process. At the same time, we believe that the results are still insufficient to consider the activity of level-two LPAs a transparent one. Although some positive trends can be seen in comparison with the first semester of 2017 (e.g. publication of the approved project/budget on the website, publication of the institutional Ethics Code, etc.), these changes are not systemic and the overall situation still requires substantial improvements.

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 of LPAs).

The level-two local public administration, being closer to citizens and serving them, is bound to ensure an open and efficient communication with the citizens, including with the stakeholders, which are active elements of civil society that influence the decision-making process. Looking at the quality of **communication between the LPA authorities and stakeholders in the decision-making process**, we may conclude that the online communication channels are requested the most by citizens seeking information about the activity of level-two LPAs. According to the data provided in the Report No 2, 57.80% of the stakeholders prefer to get informed online (website, social networks and e-mail) and in only 23.55% – through 'traditional' information channels (TV, newspapers, radio). In addition, compared to the information provided in the Report No 1, we state that the role of social networks doubled among the preferences of the interviewed stakeholders, which according to Promo-LEX, should serve as an indicator for LPAs in formulating policies on communication with citizen.

A share of 32.38% of civil society representatives said that they attended the public consultations that took place, which basically reproduces the situation from the first semester of 2017. In this context, we reiterate the conclusion of the Report No 1 about the fact that the LPA authorities do not have an institutionalised mechanism to inform permanently the stakeholders regarding specialised issues. The most commonly used public consultation mechanism was holding of public hearings. This mechanism was mentioned by 62.86% of LPAs' staff and 41.90% of stakeholders. According to 5.72% of LPA civil servants, the degree of citizens' participation in the decision-making process is still insignificant. The main reasons of the citizens' 'insignificant' participation are: citizens' apathy, passivity and not wanting to participate in public issues.

The accessibility of level-two LPAs' headquarters and the facilities provided to citizens were monitored on the basis of the six indicators: presence of access ramps; heating; chairs on the hallways; room for mothers with minor children, sufficient indoor artificial lighting within offices; user-friendly WC for people with special needs. The conformity analysis reveals a precarious situation in this respect. *The observations allow us to make the conclusion that the highest rate with regards the accessibility and facilities is 4/6 is obtained by the following LPAs: Balti, Falesti, Floresti, Singerei, Criuleni, Basarabasca, Cantemir, Cimislia, Leova, ATUG. The lowest score – 1/6, was obtained by Soldanesti LPA.*

Compared with the first semester of 2017, we noticed a decrease in the number of LPAs that collaborated with NGOs – from 33 to 27. Also, note that compared to the data from the Report No 1, the share of the representatives of stakeholders who believe that they have an insignificant role in decision-making doubled, from 17 to 33 people.

**Compliance of LPA websites' content with the legal provisions in terms of decision-making transparency** was monitored on the basis of the following aspects, which must be placed on the website of the authority: *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) schedules on the development of draft decision; 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.*

In this respect, the situation is still precarious. We found that the contents of LPAs' websites have quite low a compliance with the principles of decision-making transparency. About 50% of level-two LPAs observe only 2 of 9 criteria. In this regard, we refer to the fact that 82.86% of the LPAs published the draft decisions and the related materials, and 57.14% published the announcements on the organisation of public consultations.

On the other hand, 80% of the LPAs did not observe the provision regarding the approval and publication of internal rules ensuring the decision-making transparency, 97.14% of the LPAs did not publish the contact data of the person responsible for the decision making process, 91.43% of the LPAs did not observe the approval and publication of (quarterly/annual) draft decision development schedules. The obligation to publish announcements regarding the initiation of draft decision development was observed only by 11.43% of the LPAs, while the results of public consultations (summary of recommendations received from the stakeholders) were published accordingly only by 8.57% of the LPAs. Only 22.86% of the LPAs develop and publish the annual reports on the transparency of the decision-making process.

The analysis of the causes of this situation, based on the interviews with the staff of local public authorities and on the opinion of the stakeholders from the territory, allows us to conclude that the cause of the problem may be the deficient policy in public administration. The interviewed persons mainly mentioned: the lack of real state policies to ensure transparency, insufficient financing of LPA competencies and the need for a reform of the local public administration.

The general analysis of the compliance of the content of LPAs' websites with the legal provisions on decision-making transparency based on those 9 indicators, shows that the best result was achieved by the authorities from Straseni (7 indicators out of 9), Falesti and Balti (6/9). On the other hand, four level-two LPAs – Briceni, Donduseni, Ialoveni and Taraclia did not observe any indicator.

To identify the LPAs' **attitude about the requests for official information**, LPAs were sent 71 requests for the access to official information, 2 per each LPA, except for ATUG, which received 3 requests. Unfortunately, the Promo-LEX Association notes a serious situation with respect to 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. In 42 cases (59.15%) out of 71, the answers were provided within legal deadlines and in 7 cases the answer came after the deadline (9.86%). Note that in 21 cases (29.58%) no answer was delivered after the information was requested.

The requests were sent both by Promo-LEX monitors and by citizens not involved directly in the monitoring. We found a differentiated approach for different categories of applicants. The number of refusals for citizens is twice higher than for Promo-LEX representatives.

Both requests of information were given a full answer within the legal time limits by the following 6 level-two LPAs (17.14%): Balti, Telenesti, Stefan Voda, Hincesti, Ialoveni, Straseni. On the other hand, 3 ATUs (8.57%) did not respond to both requests: Edinet, Anenii Noi and Orhei.

**On the basis of the findings of the monitoring of transparency in preparing and holding the meetings of level-two LPAs' deliberative authorities**, we must note that the legal provisions in this field are observed. According to Promo-LEX monitors, during the first semester of 2017, LPAs' deliberative authorities had at least 160 meetings (the information about two meetings held by Taraclia LPA was not provided). Of these, 83 were ordinary and 77 – extraordinary. As much as 153 meetings were deliberative (95.62%) and only in 7 cases there were not enough councillors to hold the meeting. Promo-LEX has access to all the meetings for monitoring purposes.

The announcements, like in the first semester of 2017, were published, as a matter of priority, through the online channels – on the website in case of 118 meetings out of 160 (73.75%). In LPAs' communication with the external environment we see the same trend of the increasing role of online means. The term of 3 business days for publishing the announcement was observed in case of 125 meetings (78.12%). Compared to the first semester, we noticed a decrease of about 11% in the number of meetings, which raises some concerns. At the same time, a certain positive trend takes shape as regards the number of meetings, after which the councils made public the decisions adopted. Thus, only 68.69% of the adopted decisions were published during the first semester, while during the period covered by this report the share of published decisions reached 83.01% (127 of the total of 153 deliberative meetings).

Unfortunately, the number of meetings with urgent matters to be examined on the agenda is still very high, and in the case of 11 meetings (64.70%) the general public was not informed about the need to include and adopt certain urgent decisions, which is a violation of the legal norms.

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 that increases the transparency of the decision-making process. Although it is a relatively new procedure for the Republic of Moldova, 30.71% of the meetings conducted during the monitored period were broadcast live either via online portals or live on TV.

Taking into account the findings and conclusions presented in the chapter on **transparency of the local budget process/participatory budgeting elements**, we note a small involvement of citizens in the process of drawing the local budgets and especially during the process of resource distribution. It's true that an appropriate regulation and dissemination of information and popularisation of the concept of participative budgeting among citizens and local administrations, are needed in order to ensure an active involvement and the implementation of participative budgeting. Even in Chisinau and Balti municipalities, which are an example of good practices, we note that the 'road' from discussion and approval to implementation is quite long. When this report was published, we only had information about one implemented project for each of those municipalities.

Having analysed the stakeholders' interview questionnaires regarding the transparency of the local budget process, we saw that only 30 (28.57%) of 105 interviewees reported that they had taken part in the public consultation of the ATU draft budget for this year. The study of the interviews' qualitative aspects shows, however, that their engagement consisted more in the information, rather than in providing a feedback.

As regards the publication of ATU's budget development, review, approval and reporting stages on the authorities' website, we should mention that while 32 (91.44%) LPAs of the 35 administrative units published the approved budgets on their official website, only 18 (51.42%) LPAs published the draft budgets. To ensure the transparency of the decision-making process, it is essential to publish not only the end product, but the initial one as well, on the basis of which the public consultation is supposed to be carried out. At the same time, note the positive trend identified by comparing the data of Report No 1 with the data from the current Monitoring Report – the number of LPAs that placed their budget and its draft on the website increased.

To conclude, according to monitors, the following 17 LPAs complied with all the requirements and reflected all the budget processes: Riscani, Balti, Falesti, Glodeni, Singerei, Causeni, Hincesti, Orhei, Straseni, Ungheni, Chisinau, Criuleni, Dubasari, Stefan Voda, Cantemir, Taraclia and ATU Gagauzia. On the other hand, two level-two LPAs failed to comply with any requirements in this respect – Drochia and Soroca.

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 6 indicators: *an Institutional Ethics Code in place; the publication of CVs of heads of the authorities monitored; publication of the declaration of assets and personal interests on the website of the National Integrity Authority (of presidents and vice-presidents); publication of the data of the person responsible for the anti-corruption module; the institutional integrity plan in place; the anti-corruption and/or information hotline in place*. The general picture looks to be hopeless. Thus, only in two of the six indicators the level of compliance with the requirements is higher than the level of non-compliance – publishing the CV of the managers (65.71%) and publishing the declarations of their assets and personal interests (91.43%).

In case of the other 4 indicators the situation is serious, the degree of performance ranging from 11.43% to 28.57%. In case of the Ethics Code we can invoke the fact that this is not a legal requirement, but in case of other three indicators, which are expressly provided for by the legal norm (person responsible for the anti-corruption module, institutional integrity plan, anti-corruption hotline), the low degree of compliance raises questions about the compliance of the legal provisions with the realities and institutional capacities of public authorities to comply with the legal rules on ensuring the transparency of the decision-making process regarding the professional integrity. Given that according to the provisions of GD No 188, the number of indicators shall increase (regarding the implementation of the Integrity Plan and the implementation of the National Anti-corruption Strategy), we have reasons to suspect that the situation may worsen.

Compared to the first semester of 2017, we can also identify positive trends regarding the publication of the Ethics Code (from 0 to 5 level-two LPAs) and the anti-corruption hotline (from 2 to 4 level-two LPAs).

Promo-LEX Association found that the **transparency of competitions for employment in a public position is moderately positive**. According to the monitors, most of the LPAs that started organising the competitions met the requirements of advertising the competition by placing the announcement and the conditions on their website, in the media and on the information boards. In particular, the placement of information, by information sources, ranged from 72.41% (the media) to 93.10% (website). In general, we may deduce that only 58.62% of the LPAs used all three communication channels established by law (website, the media and information boards).

**Transparency of the public procurement process** is unsatisfactory because it is limited to the partial publication of procurement plans (62.86% of LPAs) and announcements/invitations to participate in the procurement process (54.29% LPAs). Although the legislation in force does not require the LPAs to publish on the official website the announcements/invitations to participate in the public procurement process, we consider that this operation significantly increases the transparency of the procurement process of the contracting authorities and ensures a tight competition between the economic entities that participate in the process (especially in the case of procurement procedures that are not published in the Public Procurement Bulletin). Note that 16 LPAs, did not publish on their official websites the announcements/invitation to participate in the procurement procedures initiated by the authority despite the fact that the procurement contracts were signed and the procurement procedures took place. The most eloquent examples are level-two LPAs from Briceni (49 signed contracts), ATUG (38) and Hincesti (34), which did not published any announcements or invitations to participate in the procurement process, but signed the respective number of procurement contracts. In the case of Chisinau Municipality, we note that the biggest discrepancy between the number of signed contracts and the number of published announcements – 230 (425 signed contracts and 195 published announcements). However, we mention in all these cases that certain differences may occur due to signing contracts which, according to the legislation

in force, do not require the mandatory publication of announcements/invitations (for example, low-value contracts).

In addition, the LPAs do not publish the reports on low-value public procurements (only 8 out of 35 LPAs published these documents – 22.86%) and, respectively, the quarterly (1 of 35 – 2.86%)/biannual (3 of 35 – 8.57%) and annual reports (4 of 35 – 11.43%) on the monitoring of the implementation of public procurement contracts.

However, we consider it is necessary to note that the number of LPAs that comply with the requirements registered a moderate increase. This refers to the publication of the public procurement plans, which increased from 42.86% in the first semester to 62.86% in the second semester, and to the increase in the number of level-two LPAs that submitted annual reports – from 5.71% to 11.43%.

At the same time, while the websites of level-two LPAs can provide certain information on procedures, the situation is awful when it comes to the content of procurement contracts. Therefore, the quantitative and qualitative analyses of the content of public procurement procedures involving LPAs are not based only on the information from the LPAs' websites, but also on the information published by the Public Procurement Agency. On the basis of the said data, Promo-LEX Association found a high number of cases when procurement contracts were awarded on the basis of a very small number of bids participating in the tender, which does not ensure an effective competition in the procurement process. Thus, 14.95% of the procurement contracts (total amount – MDL 145 million), concluded by the LPAs after public tenders/requests for quotations or negotiations, were signed on the basis of a single bid participating in the tender (one business entity submitted the bid). Another concern of the Association is the increase in the value of procurement contracts in a very short period from their conclusion with the provider, which raises question marks about the correctness and objectivity of the respective procurement process.

Considering the situation from the first semester of 2017, as a category of public expenses, most of the public financial resources of level-two LPA – 70.21% were aimed at covering the expenses related to the construction works (buildings, lands, parks, stations, schools, roads, railways, etc.).

The analysis of the **perception of the degree of misuse of administrative resources** in the context of the activity of public representative and deliberative authorities fits organically in the monitoring of decision-making transparency. This issue was analyzed on the basis of interviews with representatives of all factions from level-two Councils and ATUG People's Assembly.

On the basis of the findings of the monitoring of the degree of misuse of administrative resources at local level, we would like to mention that the reported cases and the number of confirmations regarding the phenomenon of administrative resource misuse is alarming. Unfortunately, it was found that only 35-45% of all interviewed councillors said the rumours were not true about the existence of coercive models of misuse of administrative resources, such as the *threat to lose the job, initiation of criminal cases and physical/psychological intimidation*, while most of them confirmed the existence of such situations or avoided to give an answer.

Thus, according to the results of the interviews, the most common forms of abusive influence of local officials in level-two ATUs were physical or psychological intimidation and threats – 21% of the total number of interviewees mentioned this aspect. Influencing the political choice of the local officials by threatening them that they might lose their job – 15%, ranked second. According to the opinion of 11% of the interviewees, the initiation of politically grounded criminal/contravention cases, ranked third, while providing goods and services to influence the political choice of local officials was reported in only 6% of the interviews. All these actions were coercive.

In addition, the share of local officials who refused to give answers to the questions of Promo-LEX monitors is alarming. The fact that 45% of them refused to answer may reveal the sensitive nature of the misuse use of administrative resources in the current socio-political context of the Republic of Moldova and the climate of mistrust that exists in society as well as the lack of openness of local officials to clarify this issue. In conclusion, the analysis of the concrete circumstances and situations

described by the interviewees denotes that the alleged actions of misuse of the administrative resources fully concerned the councillors from the political opposition.

The Report No 2 comprises generalised disaggregated data on LPAs in order to underscore the authorities with best practices in the field. That analysis was reflected in Annex 13 and reveals a picture that tells us that the level-two local public authority from Balti municipality achieved the highest performance in terms of decision-making transparency during the second semester of 2017. The LPA authorities from Falesti, Straseni, Telenesti lag behind.

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

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, as the most active social subjects directly affected by the administrative decision-making process.

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 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 105 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

<b>Information source</b>	<b>Use by the LPAs</b>	<b>Use by the stakeholders</b>
Newsletter	5 (14.29%)	6 (5.71%)
Information board	30 (85.71%)	41 (39.05%)
Authority's website	35 (100%)	90 (85.71%)
Social media	24 (68.57%)	60 (57.14%)
Newspapers	24 (68.57%)	48 (45.71%)
Radio	5 (14.29%)	9 (8.57%)
TV	10 (28.57%)	20 (19.05%)
E-mail	24 (68.57%)	39 (37.14%)
Other	1 (2.86%)	14 (13.33%)
<b>TOTAL</b>	<b>35 respondents</b>	<b>105 respondents</b>

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 – 90 of 105 persons (85.71%). LPAs use other options as communication channels as well: information board (85.71%), newspapers, social media, e-mail (68.57%). Stakeholders, on the other hand, use the following information means: social media (57.14%), newspapers (45.71%), informative board (39.05%) and e-mail (37.14%). The data from the category *Other* reveal that an important information channel is the direct communication between the stakeholders and decision-makers within councils.

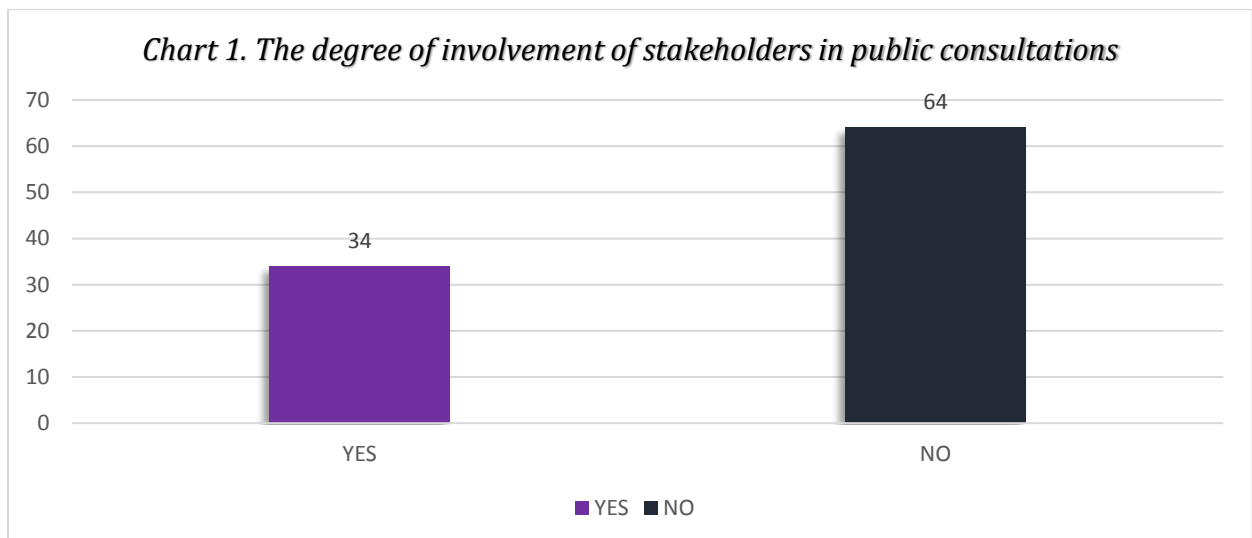
Considering the total number of options ticked, the most consulted sources of information about the LPAs activity used by the active citizens are the online ones (websites, social media and e-mail) – 189 ticked options of the total of 327 (57.80%) considering the possibility to provide a multiple answer.

The 'traditional' mass media (TV, newspapers, radio) are followed by about 23.55% – 77 options ticked of 327. On the other part, we see that the LPAs try to adapt to these trends. According to the officials, LPAs communicate with the external environment via virtual communication channels in a proportion of 52.53%, and via the traditional ones – in 24.68% of cases.

Compared to the first semester of 2017, in terms of communication channels, an increase in the importance of social media as a source of information about the LPA activity was noted during the second semester of the year. Mathematically, we found that the share of this communication channel used by stakeholders has doubled – from 28.57% to 57.14%. Also, note that the communication via e-mail is more active.

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 Decision-Making, 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.

In this respect, 34 persons (32.38%) confirmed that they had participated in such activities (see Chart 1). Compared to the first half of 2017, the share of people involved in public consultations decreased insignificantly (from 38.10% to 32.38%).



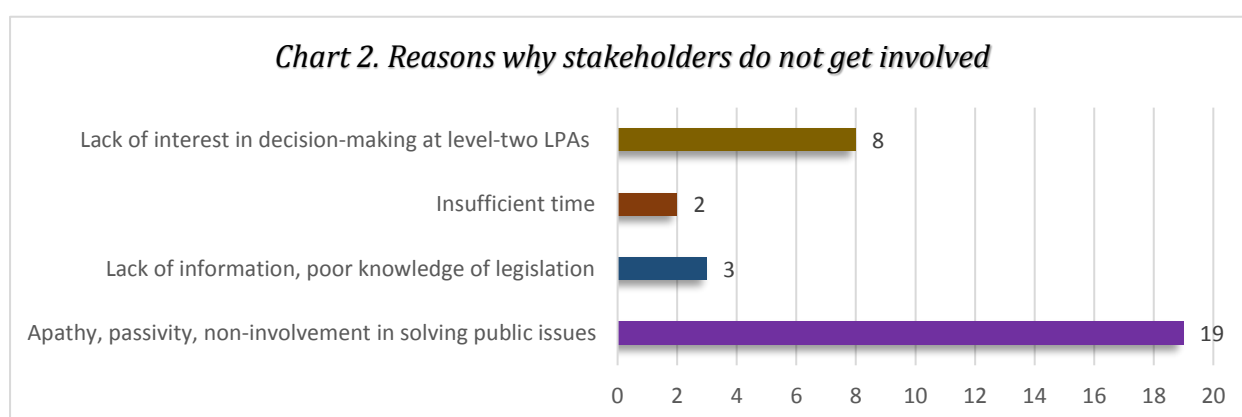
These figures, based on the opinion of stakeholders, reveal the fact that public consultations are part of the decision-making process at the level-two administration, and the participation and involvement of citizens is a satisfactory one. One of the reasons invoked to justify the non-participation is the lack of targeted informing from LPAs. We would like to remind that, according to legal rules, the information of the stakeholders has to be target-specific, unlike the general information process, directed towards a large, undefined public. Thus, we found there is no institutionalised mechanism to inform permanently the stakeholders of level-two stakeholders about the field-specific issues.

The interviews conducted with LPAs representatives show a more alarming trend regarding the degree of citizens' interest in the content of the decision-making process at the level-two administration (see Table 2). 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 (94.28%).

Table 2. Degree of citizens' participation in decision-making, according to the LPAs representatives

<b>Degree of participation</b>	<b>Significant</b>	<b>Relative</b>	<b>Insignificant</b>	<b>Total</b>
Number of options	2	17	16	35
Share	5.72%	48.57%	45.71%	100%

According to LPA, one of the most often invoked reasons of the citizens' 'insignificant' participation were the following: apathy, passivity and lack of desire to participate; disinterest in the decision-making process at the level-two administration; lack of information and not knowing the law (see Chart 2). Note that these answers were also found in the interviews conducted during the first part of 2017. Thus, the main cause of the insufficient involvement of citizens, according to the officials, is still the lack of interest in public matters, in this case, in the matters addressed at the level-two administration.



As regards the content of public consultations, the most commonly used mechanism during the second semester of 2017 was holding public hearings. This mechanism was mentioned by 62.86% of LPAs and 41.90% of stakeholders. Also, in some cases, public debates were organised and the opinions of civil society organisations, experts, and professional associations were sought (see Table 3).

Table 3. Public consultation methods used by LPA to ensure transparency of the decision-making process during the monitored period

<b>Consultation mechanism</b>	<b>LPA's opinion</b>	<b>Stakeholders' opinion</b>
Seeking the opinions of civil society organisations, experts, professional associations	15 (42.86%)	34 (32.38%)
Organising public debates	18 (51.43%)	38 (36.19%)
Conducting public hearings	22 (62.86%)	44 (41.90%)
Conducting opinion polls	3 (8.57%)	2 (1.90%)
Other methods	9 (25.71%)	17 (16.19%)
<b>TOTAL</b>	<b>35 respondents</b>	<b>105 respondents</b>

c. An efficient communication with public authorities depends on the *accessibility and facilities of the LPAs' headquarters* as well. This does not necessarily apply to the stakeholders only, but rather to all the categories of citizens, and especially to the elderly and disabled persons. Aspects included in the interview 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 2017. Remember that the interview was the methodological instrument used for the first report.

Table 4. Accessibility and facilities of LPAs' headquarters (data disaggregated by ATU)

Region	ATU	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
North, Edinet Regional Office	Briceni	NO	YES	YES	NO	NO	NO	2/6
	Donduseni	NO	YES	YES	NO	NO	NO	2/6
	Drochia	NO	YES	YES	NO	NO	NO	2/6
	Edinet	YES	NO	YES	NO	NO	NO	2/6
	Ocnita	NO	YES	YES	NO	NO	NO	2/6
	Riscani	NO	YES	YES	NO	NO	NO	2/6
	Soroca	NO	YES	YES	NO	NO	NO	2/6
North-East, Balti Regional Office	Balti	YES	YES	YES	YES	NO	NO	4/6
	Falesti	YES	YES	YES	YES	NO	NO	4/6
	Floresti	YES	YES	YES	YES	NO	NO	4/6
	Glodeni	NO	YES	YES	YES	NO	NO	3/6
	Rezina	YES	YES	YES	NO	NO	NO	3/6
	Singerei	YES	YES	YES	YES	NO	NO	4/6
	Soldanesti	NO	YES	NO	NO	NO	NO	1/6
	Telenesti	NO	YES	YES	YES	NO	NO	3/6
Center-South-East, Chisinau Regional Office	Anenii Noi	YES	YES	YES	NO	NO	NO	3/6
	Causeni	YES	YES	YES	NO	NO	NO	3/6
	Chisinau	NO	YES	YES	NO	NO	NO	2/6
	Criuleni	YES	YES	YES	YES	NO	NO	4/6
	Dubasari	NO	YES	YES	NO	NO	NO	2/6
	Stefan Voda	NO	YES	YES	YES	NO	NO	3/6
Center-South-West, Calarasi Regional Office	Calarasi	YES	YES	YES	NO	NO	NO	3/6
	Hincesti	YES	YES	YES	NO	NO	NO	3/6
	Ialoveni	YES	YES	YES	NO	NO	NO	3/6
	Orhei	YES	YES	YES	NO	NO	NO	3/6
	Nisporeni	YES	YES	YES	NO	NO	NO	3/6
	Straseni	NO	YES	YES	NO	NO	NO	2/6
	Ungheni	YES	YES	YES	NO	NO	NO	3/6
South, Comrat Regional Office	Basarabeasca	YES	YES	YES	YES	NO	NO	4/6
	Cahul	NO	YES	YES	YES	NO	NO	3/6
	Cantemir	YES	YES	YES	YES	NO	NO	4/6
	Cimislia	YES	YES	YES	YES	NO	NO	4/6
	Leova	YES	YES	YES	YES	NO	NO	4/6
	Taraclia	NO	YES	YES	YES	NO	NO	3/6
	ATUG	YES	YES	YES	YES	NO	NO	4/6
	<b>Total</b>	<b>YES - 20 NO - 15</b>	<b>YES - 34 NO - 1</b>	<b>YES - 34 NO - 1</b>	<b>YES - 15 NO - 20</b>	<b>YES - 0 NO - 35</b>	<b>YES - 0 NO - 35</b>	

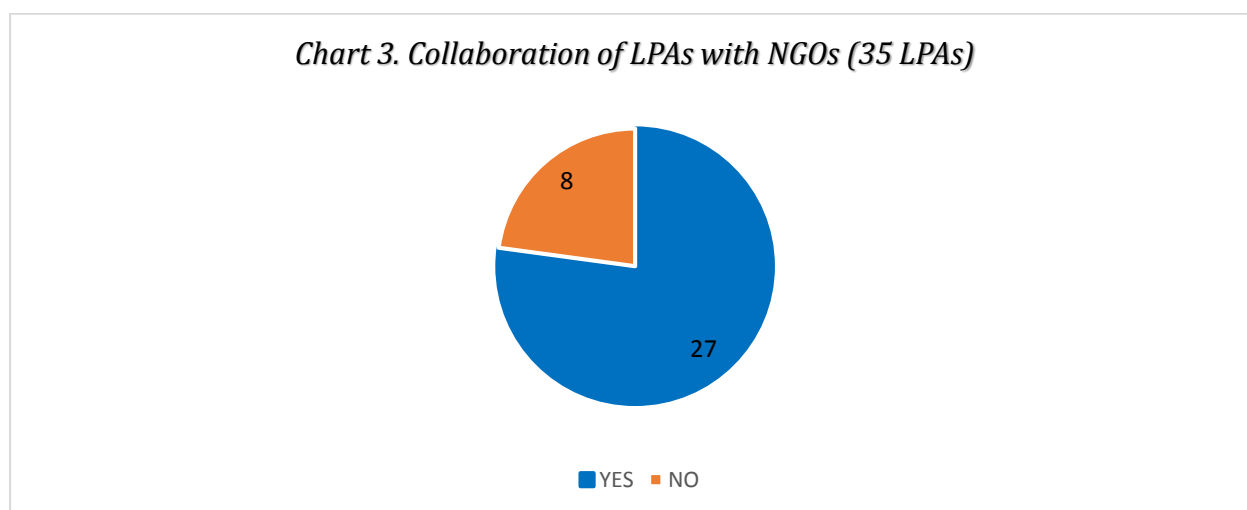
The analysis of the data generalised in Table 4 allows us to arrive at several conclusions. Thus, with regards to access ramps, which are otherwise necessary not only to ensure the access to the institution for persons with special needs, but also to ensure the access of parents with baby strollers, the situation is unsatisfactory. Even if most headquarters of level-two LPAs (57.14%) are fitted out with ramps, we believe that the fact that there still is an impressive number of headquarters without ramps, is a serious breach of the legislation on ensuring equality and a defiance of common sense by public authorities that are supposed to serve the people.

Another irregularity found is that some headquarters are poorly heated – Soldandesti District Council, which naturally would make it uncomfortable for citizens and civil servants form this institution, first of all, to be there. According to Promo-LEX Association, the insufficient number of chairs on the hallways of the monitored public institutions could be a problem that makes it uncomfortable for citizens to wait there.

To ensure decent conditions for citizens at the headquarters of public authorities, it is highly recommended to have a separate room for mothers with young children, for example, to ensure breastfeeding in a safe and hygienic place. Unfortunately, we found that none of the headquarters of level-two LPAs is endowed with such a facility. Last but not least, the monitoring questionnaire includes a question about the existence of a user-friendly WC for persons with special needs. Although we are aware of the low probability to find such facilities, we believe that the presence of such aspects in the monitoring methodology would inspire authorities to make changes.

The data provided in the table, reveal that the highest rate with regards to accessibility and facilities – 4/6, is obtained by the following LPAs: Balti, Falesti, Floresti, Singerei, Criuleni, Basarabeasca, Cantemir, Cimislia, Leova, ATUG. The lowest score – 1/6, was obtained by Soldandesti LPA.

d. Cooperation with the civil society associations is another important aspect in ensuring the transparency of the decision-making process by public authorities. Promo-LEX believes that civil society organisations must play an important role in communication with LPAs. Of 35 interviewed representatives of the public administrations, 27 said they had cooperated during the period concerned with various associations from the NGO sector (see Table 5).



Compared with the first semester of 2017, we noticed a decrease in the number of LPAs that collaborated with NGOs – from 33 to 27. Among national associations there are: Promo-LEX Association and IDIS Viitorul.

Table 5. List of civic associations that LPAs staff identified as participants in decision-making

Region	ATU	Civic associations
North, Edinet Regional Office	Briceni	'Uniunea Veteranilor de război din Afganistan' ['The Union of Veterans of War in Afghanistan'] from Briceni, 'Asociatia Veteranilor MAI' ['Association of Veterans of the Ministry of Interior'], 'IDIS Viitorul' NGO, Promo-LEX Association
	Donduseni	'Tinerele Femei' ['Young Women'] NGO from Cernoleuca, 'Toamna Varstei' [lit. 'Autumn of One's Life'] NGO, Promo-LEX Association
	Drochia	'Centrul ANA' ['ANA Center'] NGO, 'Ariadna' NGO, Promo-LEX Association
	Edinet	'Oameni Pentru Oameni' ['People for People'], 'DEMOS' NGO, 'Nexus' NGO, 'IDIS Viitorul', Promo-LEX Association
	Ocnita	'Paradis' ['Paradise'] NGO, 'IDIS Viitorul', Promo-LEX Association
	Riscani	'Moldova AID' NGO, 'Mostenitorii' ['The Inheritors'] NGO, Promo-LEX Association
	Soroca	'DACIA' NGO, 'IDIS Viitorul', Promo-LEX Association
North-East, Balti Regional Office	Balti	Promo-LEX Association, 'Tinerii pentru dreptul la viata' ['Youth for the Right to Life'], 'ATIS', 'Anima' NGO
	Falesti	'Cutezatorul' ['The Audacious'] NGO, 'Casmed' NGO
	Floresti	Parents associations from Floresti d., Promo-LEX Association
	Glodeni	'ACSA' NGO, 'SMIT' NGO, 'Casmed' NGO
	Rezina	Rezina Football Association, Rezina Youth Center
	Singerei	'SMIT' NGO, 'Casmed' NGO
	Soldanesti	'Renasterea-C' ['Renaissance-C'] NGO
	Telenesti	Promo-LEX Association and 'Concordia' NGO
Center-South-East, Chisinau Regional Office	Anenii Noi	'Mama si Copilul' ['Mother and Child'] NGO, 'Varnita' NGO, 'Astra' NGO
	Causeni	NO
	Chisinau	- (collaboration exists, but the associations they collaborated with were not mentioned)
	Criuleni	'Femeia si Copilul - Protectie si Sprijin' ['Woman and Child - Protection and Support'] NGO
	Dubasari	'Indigo' NGO, natives of Cosnita village
	Stefan Voda	'DEMOS' NGO Causeni, 'Rural 21', 'Muzeul Verde' ['Green Museum']
Center-South-West, Calarasi Regional Office	Calarasi	NO
	Hincesti	NO
	Ialoveni	'Eco-Razeni' NGO, 'Compassiune' ['Compassion'], 'Alternativa' ['Alternative'], 'Fondul tinerilor Ialoveni' ['Ialoveni Youth Fund']
	Orhei	NO
	Nisporeni	NO
	Straseni	NO
	Ungheni	'Sustainable Development Centre' NGO
South, Comrat Regional Office	Basarabasca	Association of Health Workers in Basarabasca District
	Cahul	'Perspectiva' ['Perspective'] NGO; 'Parteneriate pentru fiecare copil' ['Partnerships for Every Child'] NGO; 'Concordia. Proiecte Sociale' ['Social Projects. Concordia'] NGO; 'AZI' NGO
	Cantemir	NO
	Cimislia	'Pro Cimislia' NGO
	Leova	Promo-LEX Association
	Taraclia	NO
	ATU Gagauzia	Promo-LEX Association, 'Pilgrim-Demo' NGO

In the same train of thoughts, but from a different standpoint, the 105 persons from the monitored regions were asked to assess the role of the organisations they represented in decision-making. In 42.86% of the cases (i.e. 45 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 6). On the other hand, 33 interviewees (31.43%) think that their opinion is not taken into account in the decision-making process at the level-two administration. Note that compared to the data from Report I, the share of the representatives of stakeholders who believe that they have an insignificant role in decision-making has doubled from 17 to 33 people.

*Table 6. Self-assessment regarding the role that organisations play in decision-making (stakeholders' opinions)*

<b>Assessment/Role</b>	<b>Significant</b>	<b>Relative</b>	<b>Insignificant</b>	<b>Total</b>
<b>Number/Share of assessments</b>	45 (42.86%)	27 (25.71%)	33 (31.43%)	105 (100%)

*To conclude with regards to communication with level-two LPAs, we found that the information sources that the stakeholders check out most often are the ones from the virtual environment (57.80% – websites, social media and e-mail). At the same time, 23.55% of the active citizens prefer the 'traditional' mass-media (TV, newspapers, radio). For comparison, considering the conclusions of Report I, we found an increasing trend in the role of online communication mechanisms, and we particularly underscore that the role of social networks increased two times among the preferences of the interviewed stakeholders.*

*A share of 32.38% of civil society representatives said that they attended the public consultations that took place. The most commonly used mechanism during the second semester of 2017 was holding public hearings. This mechanism was mentioned by 62.86% of LPAs and 41.90% of stakeholders. Compared to the first half of 2017, the share of interviewed persons involved in public consultations decreased insignificantly (from 38.10% to 32.38%). In this context, we reiterate the conclusion of the Report I about the fact that the LPA authorities do not have an institutionalised mechanism to inform permanently the stakeholders regarding specialised issues. Instead, in the absolute majority of cases, the latter are informed about the decision-making processes via the sources meant for the general public.*

*According to 5.72% of LPA civil servants, the degree of citizens' participation in public consultations is still insignificant. The main reason of citizens' 'insignificant' participation are: citizens' apathy, passivity and lack of desire to participate in public issues.*

*The accessibility of level-two LPAs' headquarters and the facilities provided to citizens were monitored on the basis of the following indicators: access ramps at the entrance to the headquarters; ensuring the comfort by placing chairs on the hallway; sufficient artificial indoor lighting; user-friendly WC for persons with special needs; heating; room for mothers with minor children. The observations allow us to conclude that the highest score in terms of accessibility and facilities is 4/6 and was obtained by the following APLs: Balti, Falesti, Floresti, Singerei, Criuleni, Basarabasca, Cantemir, Cimislia, Leova, ATUG. The lowest score – 1/6, was obtained by Soldanesti LPA.*

*Compared with the first semester of 2017, there was a decrease in the number of LPAs that collaborated with NGOs – from 33 to 27. Among national associations there are: Promo-LEX Association and IDIS Viitorul. Also, note that compared to the data from Report I, the share of the representatives of stakeholders who believe that they have an insignificant role in decision-making has doubled from 17 to 33 people.*

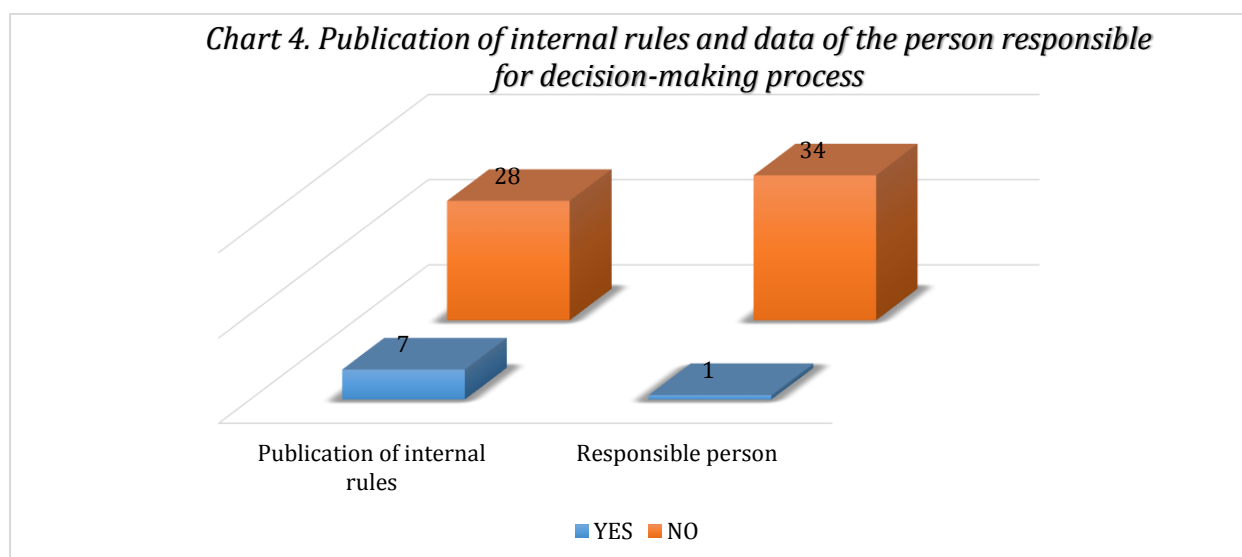
## II. COMPLIANCE OF THE CONTENTS OF THE LPA AUTHORITIES' WEBSITES, IN TERMS OF 'TRANSPARENT' DECISION-MAKING, WITH THE RELEVANT LEGISLATION

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. Having a website is important because it is an easy way to inform users, which increases the credibility, potential and visibility of the institution. It is an unlimited space for communicating with users. Thus, tapping into 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 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, 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.

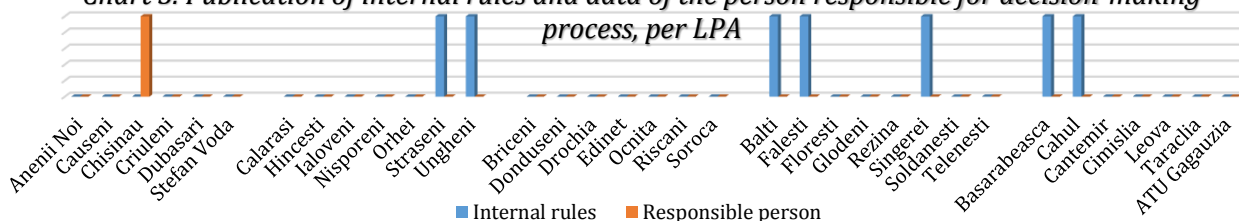
To abide by those provisions, the LPA authorities have to take measures to make sure the citizens, associations established in line with the law, other stakeholders can participate, including by publishing the following information on the website: *internal rules on the procedures of information, consultation 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 (GD No 967 of 9 August 2016, Item 14)*. 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 6 and 7).

In accordance with Items 6 and 14 of the 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 data of the *person in charge of the decision-making process*.



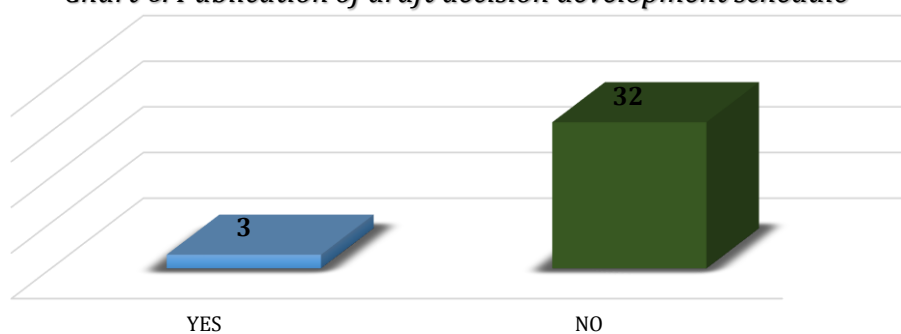
According to the reports of Promo-LEX monitors, the internal rules on information, consultation and participation in decision-making procedures were approved and published on the website by 7 LPAs, and the contact details of the person in charge of the decision-making process were published by one LPA – Chisinau (see Charts 4 and 5).

**Chart 5. Publication of internal rules and data of the person responsible for decision-making process, per LPA**

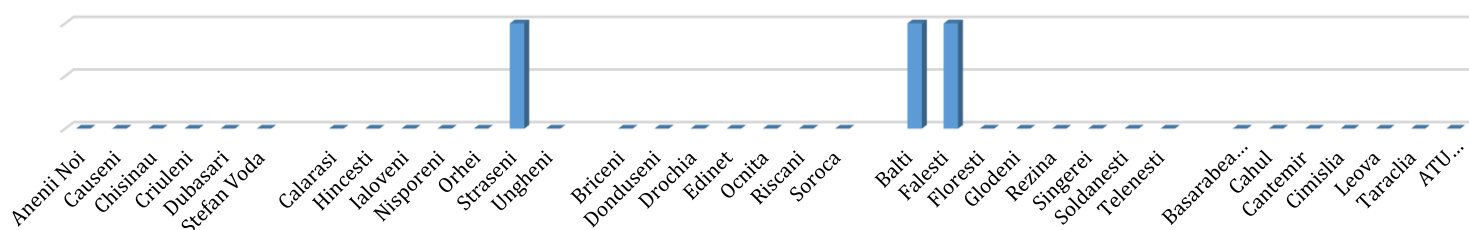


According to Item 14(3) of the GD No 967, to facilitate the access of the stakeholders to the information on the decision-making process, the LPA shall publish on the official website *information about the (quarterly/annual) draft decision development schedule*, specifying the drafts that will be subject to public consultations. According to the reports developed by Promo-LEX monitors, only 3 LPAs published such schedules – Straseni, Balti, Falesti (see Charts 6 and 7).

**Chart 6. Publication of draft decision development schedule**



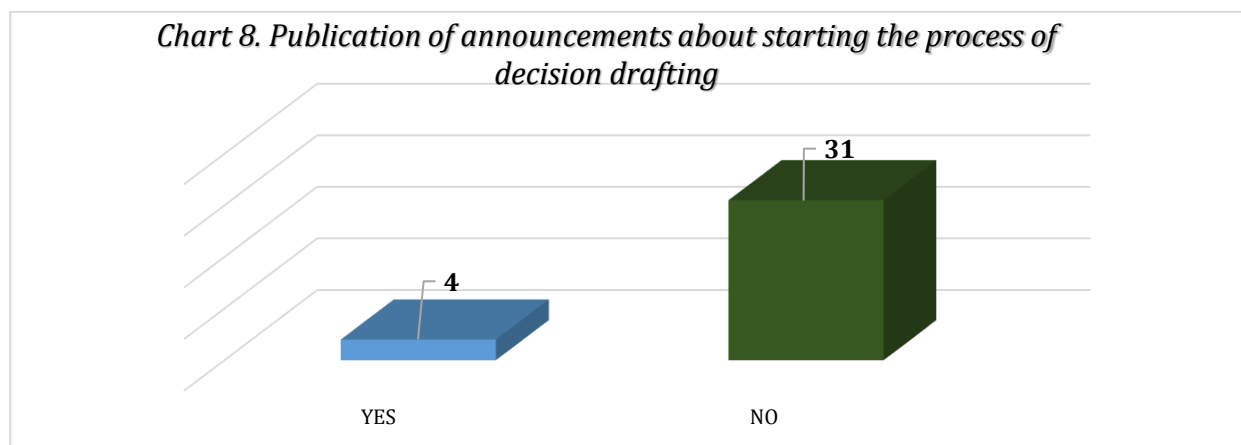
**Chart 7. Publication of draft decision development schedule**



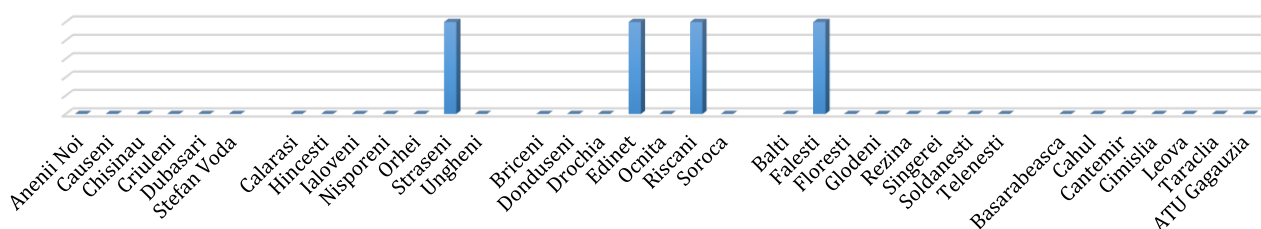
According to Article 9(1) of the Law No 239, once the *drafting of a decision began*, the LPA shall publish an announcement in this regard on its official website within 15 business days at most and shall send it immediately to the stakeholders by e-mail, and shall post it up at its headquarters in a visible place and/or shall broadcast it on the local or national media. At the same time, according to Item 14(4) of GD No 967, the announcements are to be published on the websites.

According to Promo-LEX monitors reports, in the second semester of 2017, only 4 LPAs published announcements about starting the development of draft decisions – Straseni, Edinet, Riscani and Falesti (see Charts 8 and 9). These data prove that LPAs usually neglect this stage of the decision-making process. Chart 10 shows that 20 LPAs published announcements about starting public

consultations which represent a post-publication stage of the announcements on the draft decisions development.



**Chart 9. Publication of announcements about starting the process of decision drafting**



According to Article 12<sup>1</sup> 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 2017.

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 business days before finalising the draft decision. Also, Article 10 of the Law No 239 provides that the LPAs shall ensure the access to the *adopted decisions, draft decisions and related documents by publishing them on their websites*.

As put down in the reports of Promo-LEX monitors, 20 LPAs published announcements regarding public consultations in the decision-making process (see Chart 10).

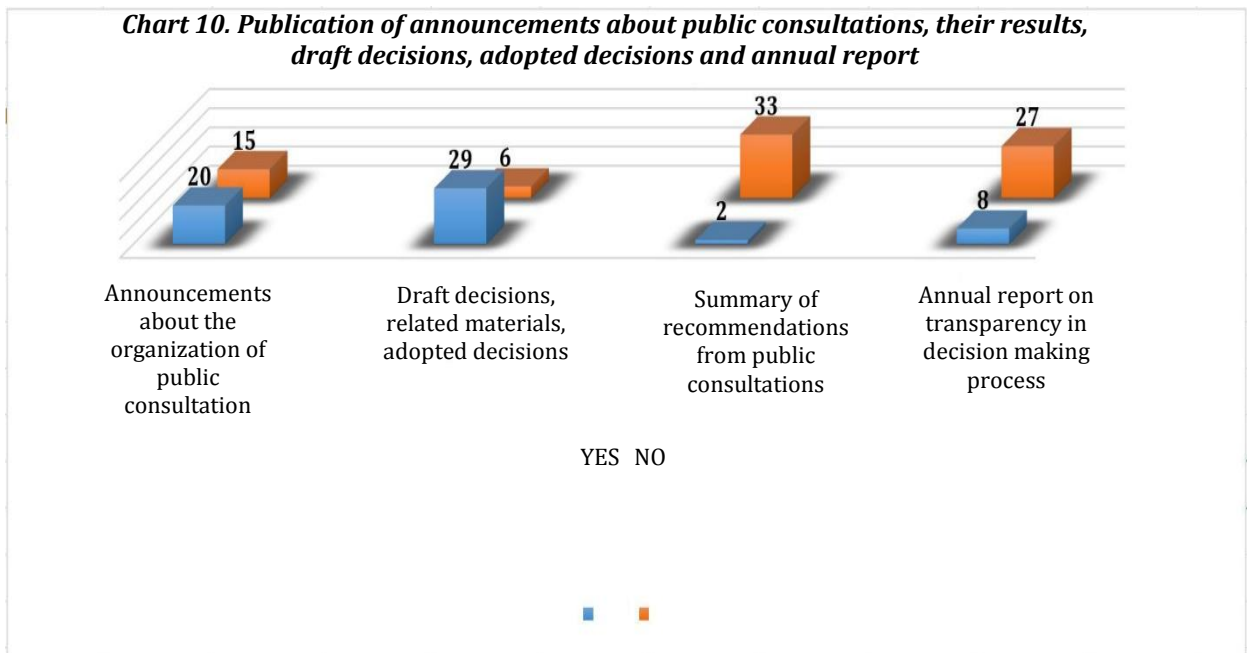
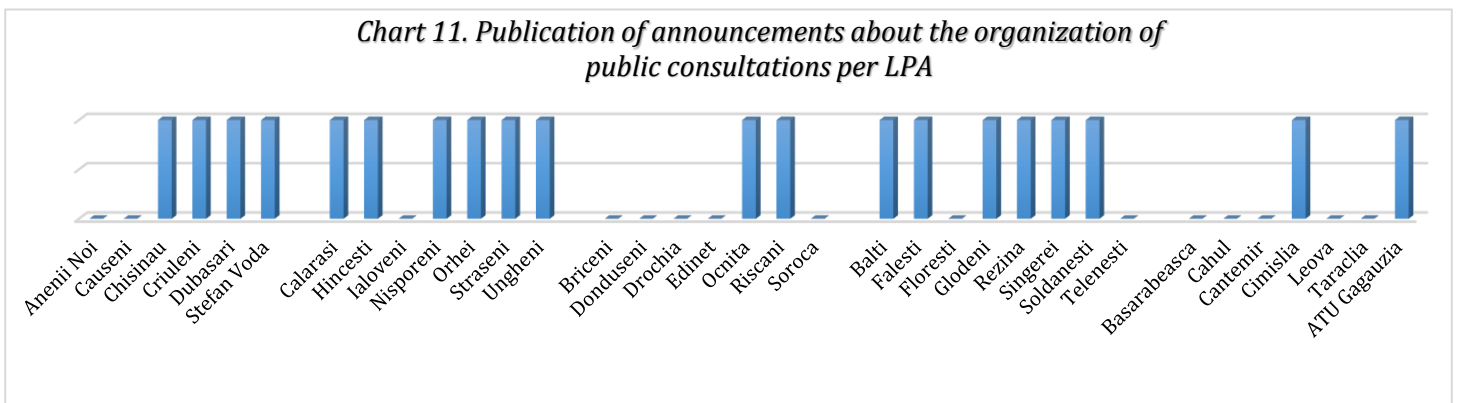
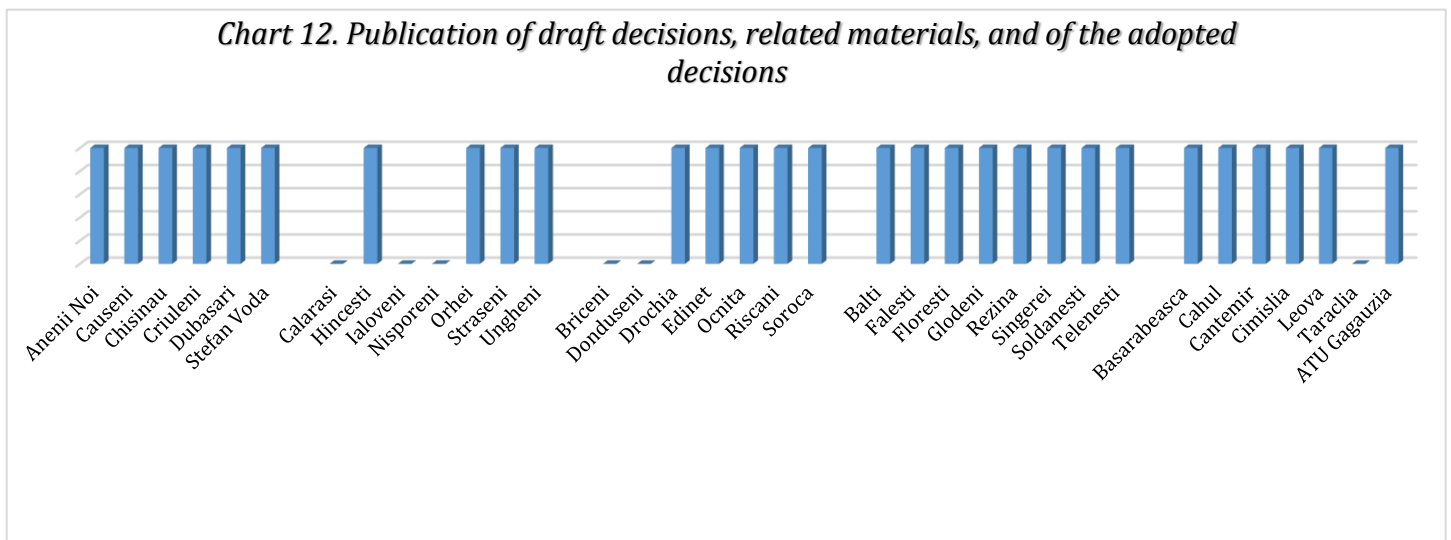


Chart 11 contains the information on the publication of announcements on the organisation of public consultations by each LPA, according to the monitored ATUs.

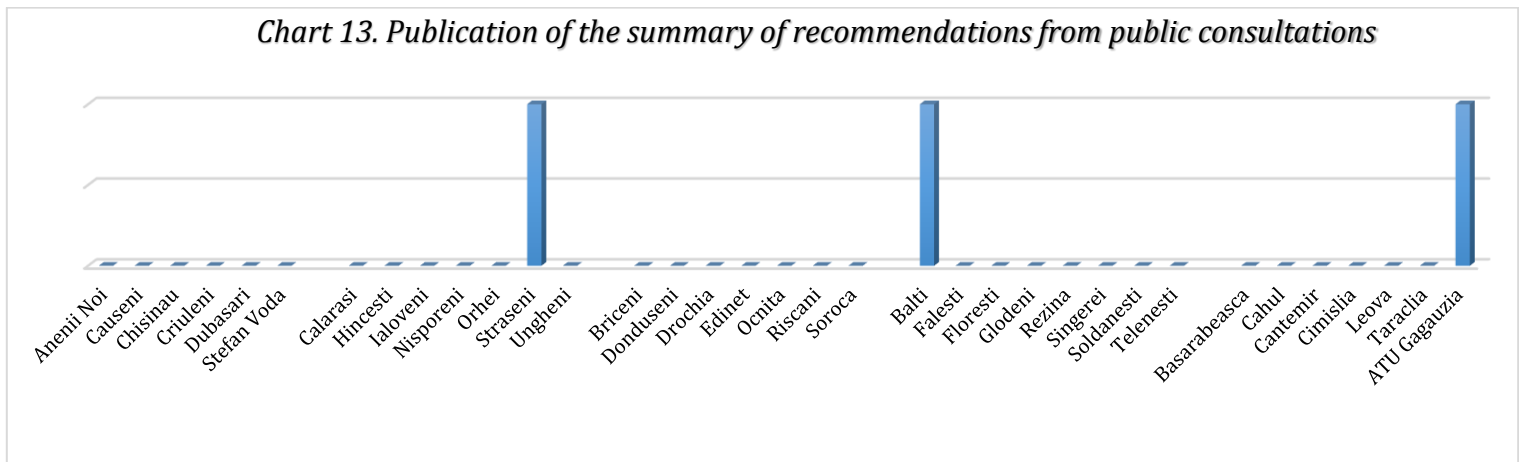


With regards to *publishing the draft decision and related documents*, it was found that 29 LPAs publish the draft decisions and related documents (see Chart 12).



Article 12(5) of the Law No 239 provides that it is mandatory for the LPAs to publish on their official websites the overview of the recommendations received following public consultations. Promo-LEX monitors reported that such information was published on the websites by only 3 LPAs – Balti, Straseni, ATUG (see Chart 13).

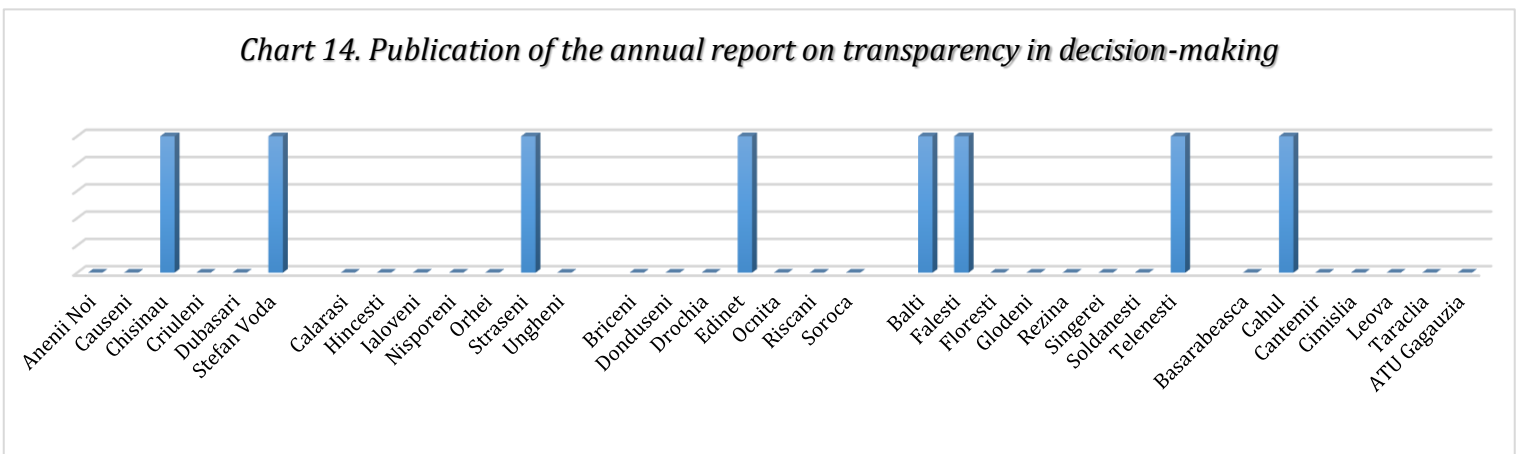
*Chart 13. Publication of the summary of recommendations from public consultations*



Article 16(2) of the Law No 239 provides that before the first half of the new year is over, the 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 Item 14(4) of GD No 967, the report is to be published on the website.

Promo-LEX monitors reported that 8 LPAs published annual reports regarding decision-making, while the other 27 did not (see Chart 14).

*Chart 14. Publication of the annual report on transparency in decision-making*



Having analysed the general picture of the country (see Annexes 6 and 7), we found that the compliance with those 9 indicators differs: 4 level-two LPAs complied with 0 requirements – Briceni, Donduseni, Ialoveni and Taraclia, the Straseni LPA complied with 7 requirements, and Balti and Falesti LPAs complied with 6 requirements.

As part of the research, we believed it appropriate to identify the causes of this situation, and we interviewed the level-two LPAs' civil servants and the stakeholders about this issue. The most frequent reasons (multiple answers) given by the *interviewed stakeholders* regarding the non-compliance of the official websites of LPAs with the legal provisions are: lack of real actions and policies of the state in ensuring decision-making transparency, including the lack of political will of politicians/employees (41.17%); insufficient funding (27.21%); need for an LPA reform (19.12%) and poor knowledge of the legislation among LPAs (12.50%). The most frequent reasons (multiple

answers) given by the *interviewed LPAs representatives* regarding the same subject were: lack of real actions and policies of the state in ensuring decision-making transparency, including the lack of political will of politicians/employees (28.57%); insufficient funding of LPAs (26.98%); need of an LPA reform (17.46%); exaggerated legal provisions in terms of number and content (14.29%); poor knowledge of the legislation among LPAs (6.35%) and passivity of civil society/lack of media sources (6.35%).

The analysis of the data allowed us to conclude that the first options in the top preferences of the stakeholders and LPA civil servants coincide: lack of real state policies on transparency, insufficient funding and the need for an LPA reform. The impression created on the basis of the opinion of the people in the territory is that the problems are caused by the low quality policies of the state in the field of local public administration, in general.

*Considering the aforementioned, the conclusion is that the contents of LPA websites is little in line with the law in terms of transparency in decision-making. Over 50% of LPAs observe only 2 of 9 criteria. We refer to the fact that 82.86% of the LPA published the draft decisions and the related materials, and 57.14% published the announcements on the organisation of public consultations.*

*On the other hand, 80.00% of the LPAs did not observe the approval and publication of internal rules ensuring decision-making transparency, 97.14% of the LPAs did not publish the contact data of the person responsible for the decision-making process, 91.43% of the LPAs did not observe the approval and publication of (quarterly/annual) draft decision development schedules. The obligation to publish announcements regarding the initiation of draft decision development was observed only by 11.43% of the LPAs, while the results of public consultation (summary of recommendations received from the stakeholders) were published accordingly only by 8.57% of the LPAs. Only 22.86% of the LPAs develop and publish the annual reports on the transparency of the decision-making process.*

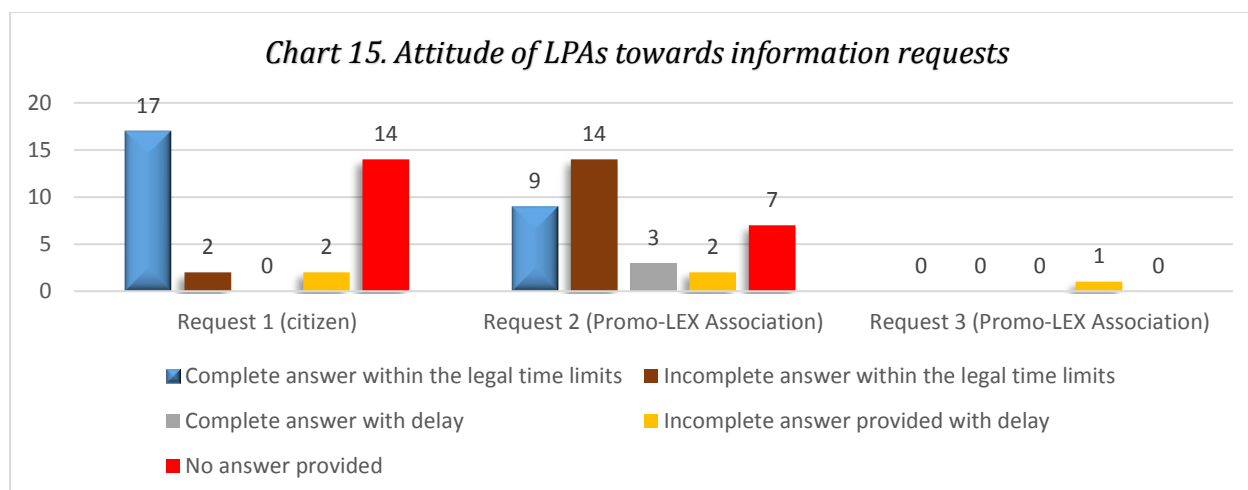
*The analysis of the outcomes per LPA, represented in the charts based on the 9 types of information, proved that the authorities from Straseni and Falesti districts and Balti municipality are doing best in complying with the LPA website content requirements on decision-making transparency. On the other hand, four level-two LPAs – Briceni, Donduseni, Ialoveni and Taraclia did not observe any indicator (see Annexes 6 and 7).*

### 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 such information twice during the monitoring period. One of requests was filed by a citizen who was not involved directly in the monitoring, but did so at the suggestion of and using the content developed by a Promo-LEX monitor, while the second one was sent by the Promo-LEX monitor personally. The requests for official information were developed in line with the legal requirements and make-up recommendations in the field.

In total, 71 such requests were filed (in line with the legal provisions, as the requested information was not the classified kind) – 2 requests to each LPA, except for the ATUG to which 3 requests were filed. Generally, in 42 cases (59.15%) the LPAs answered within the legal time limit, in 26 of them, the LPAs provided complete data and 16 cases – the LPAs provided incomplete data (see Chart 14) A number of 7 LPAs (9.86%) delivered the responses in violation of legal deadlines. Note that in 21 cases (29.58%) no response was delivered after the information was requested. 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 2017, which may be a concerning fact given the failure of level-two LPAs to become more responsible.



According to the methodology mentioned above, 36 requests were signed by the Promo-LEX representatives and 35 by citizens in particular. The analysis of the data per request shows that the attitude of level-two APLs was differentiated – the number of refusals for the citizens was twice higher than in case of the Association. Only 17 (48.57%) of 35 requests submitted by citizens received answers within the legal time limit with complete content. In other words, less than half of the requests received answers. Regrettably, we found that in the second semester of 2017 the situation did not improve compared to the first semester when practically, the same results were confirmed.

Both requests of information were given an answer within the legal time limits and with complete content by the following 6 level-two LPAs: Balti, Telenesti, Stefan Voda, Hincesti, Ialoveni, Straseni. On the other hand, 3 ATUs did not respond to both requests: Edinet, Anenii Noi and Orhei (see Table 7).

Table 7. Attitude of LPA towards the requests of access to official information  
(data disaggregated by ATU)

Region	ATU	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	Total
North, Edinet Regional Office	Briceni		1			1	2
	Donduseni		1			1	2
	Drochia	1	1				2
	Edinet					2	2
	Ocnita		1			1	2
	Riscani		1			1	2
	Soroca		1			1	2
North-East, Balti Regional Office	Balti	2					2
	Falesti	1		1			2
	Floresti	1	1				2
	Glodeni		1		1		2
	Rezina	1				1	2
	Singerei	1			1		2
	Soldanesti	1			1		2
	Telenesti	2					2
Center-South-East, Chisinau Regional Office	Anenii Noi					2	2
	Causeni		1			1	2
	Chisinau	1				1	2
	Criuleni		1			1	2
	Dubasari	1				1	2
	Stefan Voda	2					2
Center-South-West, Calarasi Regional Office	Calarasi	1		1			2
	Hincesti	2					2
	Ialoveni	2					2
	Orhei					2	2
	Nisporeni	1				1	2
	Straseni	2					2
	Ungheni	1	1				2
South, Comrat Regional Office	Basarabasca	1	1				2
	Cahul	1				1	2
	Cantemir		1			1	2
	Cimislia		1			1	2
	Leova	1	1				2
	Taraclia				1	1	2
	ATU Gagauzia		1	1	1		3
	<b>Total</b>	<b>26</b>	<b>16</b>	<b>3</b>	<b>5</b>	<b>21</b>	<b>71</b>

In conclusion, the Promo-LEX Association found a critical situation with respect to 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 part of the monitoring, 71 requests for official information were sent to LPAs as information providers. Generally speaking, in 42 cases (59.15%) the answers were provided before the legal deadlines and in 7 cases the answers came after the deadline (9.86%). Note that in 21 cases (29.58%) no answer was delivered after the information was requested.

*The requests were sent both by Promo-LEX monitors and by the citizens not involved directly in the monitoring. We found a differentiated approach to different categories of requesters. The citizens were refused twice as often as Promo-LEX representatives.*

*Both requests for information were given a full answer within the legal time limits by the following 6 level-two LPAs (17.14%): Balti, Telenesti, Stefan Voda, Hincesti, Ialoveni, Straseni. On the other hand, 3 ATUs (8.57%) did not answer to both requests: Edinet, Anenii Noi and Orhei.*

#### 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 well<sup>3</sup>. Thus, Article 17 of Law No 436 stipulates that any person interested can help during the local council's meetings. The citizens, the stakeholders are entitled to: a) participate, as the law may permit, at any stage of the decision-making process; b) have access to the information about locality's budget and use of budget resources, to the draft decisions and agenda of the meetings of the local council and mayor's office; c) suggest starting to draw up and adopt certain decisions; as well as to d) submit to the local public authorities recommendations in their own name or on behalf of certain groups of inhabitants of the respective communities, on various draft decisions subject to discussion.

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.

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<sup>3</sup> According to Article 1 of Law No 436 on Local Public Administration, the *local council* is a level-one or level-two representative and deliberative authority of the population of an administrative and territorial unit, elected to solve the local issues. Likewise, according to Article 47 of 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.

To start with, we should mention that during the monitored period, and namely in the second semester of 2017, LPAs' deliberative authorities (including People's Assembly of ATUG) had at least 162 meetings. Among these meetings there were 2 (Taraclia district) that the Promo-LEX monitors know they took place, but about which there was no official public information during the monitored period). In this respect, Promo-LEX monitors filed requests for information. However, at the time that this Report was published, no answers were received. The lack of information about certain meetings is also an important indicator of the public and open nature of the activity of certain LPAs. In view of the above, statistics and analyses drawn up in this document derive from 160 of meetings monitored by Promo-LEX monitors.

When analysing the Monitoring Forms of those 160 meetings, Promo-LEX found that 83 of them were ordinary and 77 – extraordinary (see Table 8). 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 Chisinau Municipal Council had only one ordinary meeting, the rest being extraordinary ones. Moreover, we found that the Chisinau Municipal Council had 14 sittings, 13 of which were extraordinary.

*Table 8. Nature of LPAs' meetings*

<i>Nature of the meeting</i>	<i>Ordinary</i>	<i>Extraordinary</i>	<i>Deliberative</i>	<i>No quorum</i>	<i>Total</i>
<i>Number of meetings</i>	83 (51.87%)	77 (48.13%)	153 (95.62%)	7 (4.38%)	160 (100%)

As compared to the first semester of 2017, we noticed a significant increase in the number of meetings of the local officials. Generally, the frequency of the meetings at the district level is above the minimum provided for in the law. Thus, 3 district councils had 2 meetings, other 8 district councils had 3 meetings, 9 councils had 4 meetings, while 7 councils had 5 meetings and 5 councils had 6 meetings. At the same time, Balti Municipal Council had 9 meetings, Chisinau Municipal Council – 14 meetings and People's Assembly of Gagauzia – 6 meetings (see Table 9).

*Table 9. Nature of LPAs' meetings (disaggregated by ATU)*

<b>Region</b>	<b>ATU</b>	<b>No of meetings, Total</b>	<b>No of deliberative meetings</b>	<b>No of ordinary meetings</b>	<b>No of extraordinary meetings</b>
<b>North, Edinet Regional Office</b>	Briceni	2	2	2	0
	Donduseni	6	6	3	3
	Drochia	4	4	2	2
	Edinet	5	5	3	2
	Ocnita	6	4	2	4
	Riscani	5	5	3	2
	Soroca	5	5	3	2
<b>North-East, Balti Regional Office</b>	Balti	9	9	2	7
	Falesti	3	3	2	1
	Floresti	5	5	2	3
	Glodeni	6	6	2	4
	Rezina	2	2	2	0
	Singerei	5	5	2	3
	Soldanesti	3	3	2	1
	Telenesti	6	6	2	4
<b>Center-South-East, Chisinau Regional</b>	Anenii Noi	4	4	1	3
	Causeni	5	5	2	3
	Chisinau	14	9	1	13
	Criuleni	3	3	3	0
	Dubasari	4	4	2	2
	Stefan Voda	4	4	2	2

Region	ATU	No of meetings, Total	No of deliberative meetings	No of ordinary meetings	No of extraordinary meetings
Center-South-West, Calarasi Regional Office	Calarasi	3	3	2	1
	Hincesti	3	3	3	0
	Ialoveni	4	4	2	2
	Orhei	4	4	3	1
	Nisporeni	4	4	2	2
	Straseni	3	3	2	1
	Ungheni	4	4	3	1
South, Comrat Regional Office	Basarabeasca	6	6	2	4
	Cahul	5	5	2	3
	Cantemir	3	3	2	1
	Cimislia	4	4	3	1
	Leova	2	2	2	0
	Taraclia	3	3	3	0
	ATUG	6	6	6	0
	<b>Total</b>	<b>155</b>	<b>148</b>	<b>80</b>	<b>75</b>

The deliberative nature of the meetings was also analysed. 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 160 meetings that Promo-LEX monitored, 153 were deliberative (95.62%) and in only 7 cases there were not enough councillors to hold the meeting (see Table 7).

In this situation we found a very active participation of the local officials at country level. Also, 5 of the 7 meetings lacking continuity were those of Chisinau municipal council, 2 – of Ocnita District Council.

*Announcements of the meetings.* While analysing the monitored fitting criteria one by one, we should note that Article 13(2) of the same Law No 239 on Transparency in Decision-Making states that the announcement of a public meeting has to contain data, time and place of the public meeting, its agenda, and also should be:

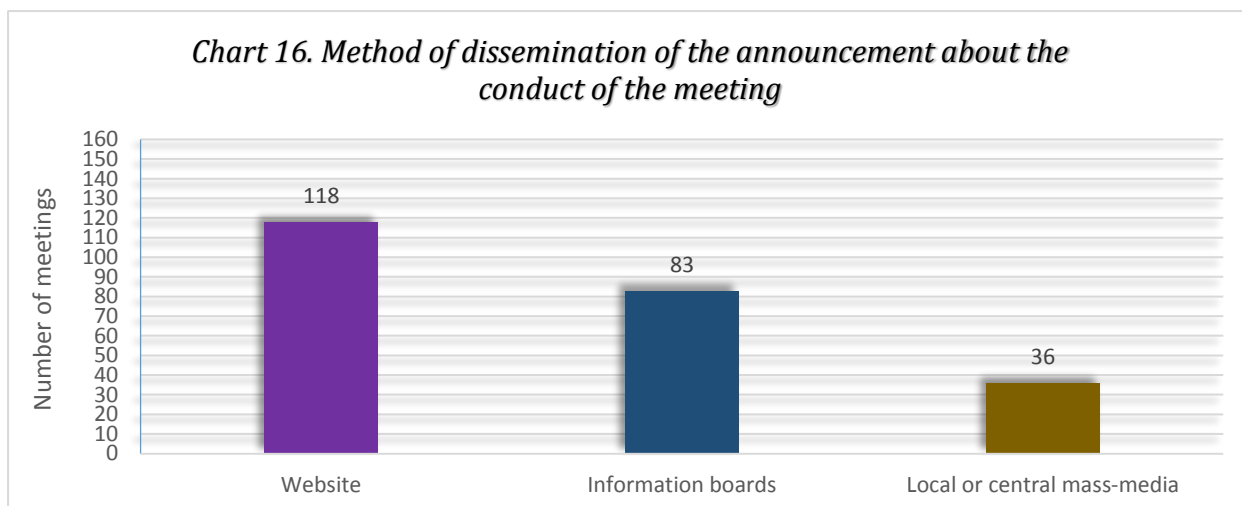
- published on the public authority's official website;
- sent to the stakeholders via e-mail;
- posted at the headquarters of the authority, in a publicly accessible place;
- broadcast by the central or local media, as may be required.

When interpreting the text of the cited regulation, we can see that the legislator left it to the LPAs' discretion to decide on the way and means of dissemination of information related to the announcement of the meeting to be held. During the monitoring, Promo-LEX Association assessed which options offered by the law the administrations used the most in communication with the citizens and in making their activity known and the extent to which these were used.

The assessment was made for the 3 out of 4 means of information dissemination, as follows (see Chart 16):

- Announcements about the coming meetings were published on the official *websites* of the public authorities – for 118 meetings of 160, representing 73.75%.
- Announcements about the coming meetings were posted on the *information boards* – for 83 meetings of 160, representing 51.87%.
- Announcements about the coming meetings were placed in the *central and/or local media* – for 36 meetings of 160, representing 22.50%.

*Chart 16. Method of dissemination of the announcement about the conduct of the meeting*



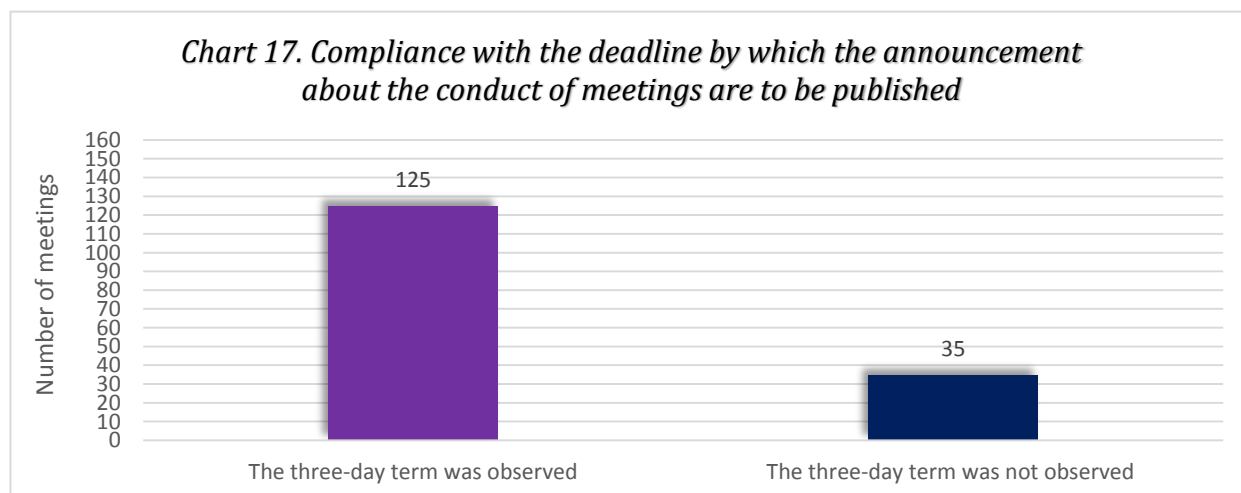
Thus, we see the trend that was mentioned in the Report already – in communication with the external environment, the priority is given to online platforms. Concurrently, we found that the traditional methods of communication with the citizens were used as well.

*Table 10. Placement of announcements about LPAs' meetings (disaggregated by ATU)*

Regions	ATU	No of meetings Total	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 (at least 3 days)
North, Edinet Regional Office	Briceni	2	1	0	2	2
	Donduseni	6	5	4	0	5
	Drochia	4	4	1	0	3
	Edinet	5	4	4	0	4
	Ocnita	6	1	0	0	1
	Riscani	5	4	4	3	5
	Soroca	5	1	1	0	1
North-East, Balti Regional Office	Balti	9	9	9	9	9
	Falesti	3	2	3	2	2
	Floresti	5	2	5	0	3
	Glodeni	6	2	3	2	3
	Rezina	2	2	0	1	1
	Singerei	5	3	5	2	5
	Soldanesti	3	1	1	1	1
Telenesti	6	4	6	0	6	
Center South-East, Chisinau Regional Office	Anenii Noi	4	3	4	1	3
	Causeni	5	4	0	0	4
	Chisinau	14	11	0	0	11
	Criuleni	3	3	0	0	3
	Dubasari	4	3	0	0	3
	Stefan Voda	4	4	0	0	4
Center-South-West, Calarasi Regional Office	Calarasi	3	3	2	0	3
	Hincesti	3	3	3	2	3
	Ialoveni	4	4	0	0	4
	Orhei	4	4	1	1	4
	Nisporeni	4	2	0	0	2
	Straseni	3	3	2	1	3

Regions	ATU	No of meetings Total	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 (at least 3 days)
	Ungheni	4	4	3	3	4
South, Comrat Regional Office	Basarabasca	6	5	5	0	5
	Cahul	5	5	5	0	5
	Cantemir	3	2	3	0	2
	Cimislia	4	1	1	0	1
	Leova	2	0	2	0	2
	Taraclia	3	3	0	0	2
	ATUG	6	6	6	6	6
	<b>Total</b>	<b>160</b>	<b>118</b>	<b>83</b>	<b>36</b>	<b>125</b>

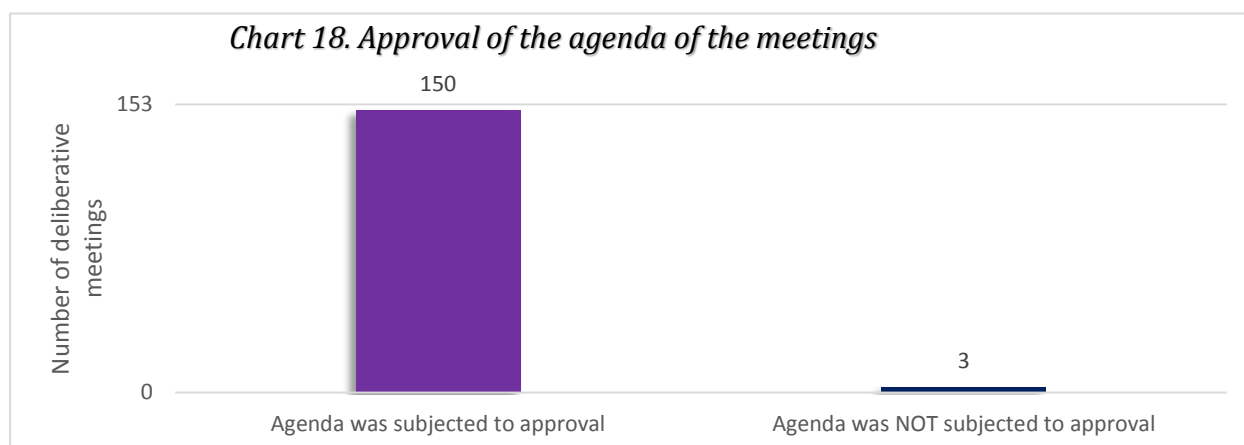
Another criterion proving that the procedures for organising and holding meetings are in line with the legislation in the area of transparent decision-making is the number of days within which the announcements of meetings need to be made public (see Table 10). Article 13(2) of the Law No 239 on Transparency in Decision-Making 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.



Having examined the information collected with regards to the 160 monitored meetings that took place in the second semester of 2017, Promo-LEX Association found that in 125 cases the term was observed, i.e. 78.12% of cases (see Chart 17). Compared to the monitoring period for Report 1, there was a regression in this regard, as the 3-day period was observed in 89.25% of cases in the first semester.

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, 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.

It should be taken into account that 7 out of 160 meetings did not take place due to the lack of quorum, therefore, when measuring the compliance indicators of the meeting process – the starting point is **153 (deliberative) meetings**.



Thus, Promo-LEX monitors assessed the extent to which the councils approved the draft agenda at the beginning of the meetings and found that in 150 out of 153 deliberative meetings (98.03%) the councillors debated and approved jointly the agenda. As regards the 3 other meetings (Chisinau municipality, Nisporeni and Cahul districts), the councillors started directly to debate the topics (see Chart 18 and Table 11).

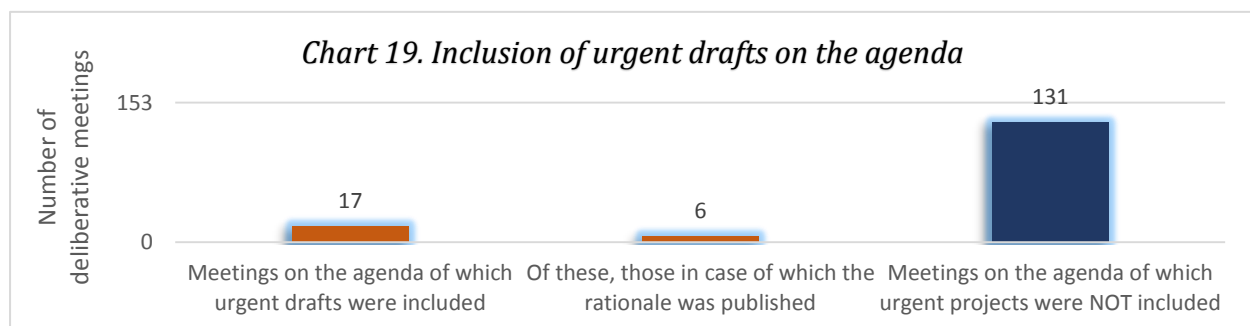
*Table 11. Approval of LPAs' meeting agenda (data disaggregated by ATU)*

Regions	ATU	No of meetings	No of deliberative meetings	No of meetings with the draft agenda subjected to approval (at the beginning of the meeting)	No of meetings with drafts included on the agenda that were to be adopted as a matter of urgency, without consulting the stakeholders	No of meetings with drafts included on the agenda that were to be adopted as a matter of urgency, with public justification	No of meetings which resulted in the publication by the deliberative authority of the adopted decisions on its website	No of days needed to publish the adopted decisions
North, Edinet Regional Office	Briceni	2	2	2	0	-	0	x/x/
	Donduseni	6	6	6	0	-	3	x/x/7/5/x/5
	Drochia	4	4	4	0	-	0	x/x/x/x
	Edinet	5	5	5	0	-	5	6/8/8/6/8
	Ocnita	6	4	4	0	-	2	x/7/x/6
	Riscani	5	5	5	0	-	5	7/8/9/8/11
	Soroca	5	5	5	0	-	1	x/x/x/x/6
North-East, Balti Regional Office	Balti	9	9	9	3	3	9	8/30/18/17/8/7/21/23/10
	Falesti	3	3	3	1	1	3	8/10/10/
	Floresti	5	5	5	0	-	3	x/x/10/12/14
	Glodeni	6	6	6	0	-	2	x/12/x/x/8/x
	Rezina	2	2	2	1	-	2	4/2
	Singerei	5	5	5	1	1	5	10/10/9/8/10
	Soldanesti	3	3	3	0	-	1	x/x/12
	Telenesti	6	6	6	0	-	6	8/7/8/10/9/10
Center South-East, Chisinau	Anenii Noi	4	4	4	1	-	4	60/60/20/5
	Causeni	5	5	5	2	-	4	9/x/5/8/8
	Chisinau	14	9	8	4	1	8	2/x/1/4/2/5/5/2/4
	Criuleni	3	3	3	1	-	3	6/4/5

Regions	ATU	No of meetings	No of deliberative meetings	No of meetings with the draft agenda subjected to approval (at the beginning of the meeting)	No of meetings with drafts included on the agenda that were to be adopted as a matter of urgency, without consulting the stakeholders	No of meetings with drafts included on the agenda that were to be adopted as a matter of urgency, with public justification	No of meetings which resulted in the publication by the deliberative authority of the adopted decisions on its website	No of days needed to publish the adopted decisions
	Dubasari	4	4	4	1	-	4	9/12/y/3
	Stefan Voda	4	4	4	1	-	4	7/5/5/11
Center-South-West, Calarasi	Calarasi	3	3	3	0	-	3	18/10/12
	Hincesti	3	3	3	0	-	3	20/5/5
	Ialoveni	4	4	4	0	-	3	x/7/10/10
	Orhei	4	4	4	0	-	4	7/7/5/5
	Nisporeni	4	4	3	1	-	4	4/5/4/1
	Straseni	3	3	3	0	-	3	12/6/7
	Ungheni	4	4	4	0	-	4	5/5/5/5
/South, Comrat Regional Office	Basarabeasca	6	6	6	0	-	6	5/6/6/7/7/8
	Cahul	5	5	4	0	-	5	8/6/3/4/6
	Cantemir	3	3	3	0	-	3	7/12/14
	Cimislia	4	4	4	0	-	4	5/11/5/19
	Leova	2	2	2	0	-	2	8/7
	Taraclia	3	3	3	0	-	3	43/43/43
	ATU Gagauzia	6	6	6	0	-	6	ATUG Official Gazette, according to the procedure
<b>Total</b>		<b>160</b>	<b>153</b>	<b>150</b>	<b>17</b>	<b>6</b>	<b>127</b>	

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. However, the law requires that the rationale for making a decision via the fast-track procedure – without consulting the citizens, associations established in line with the law, and stakeholders – be made public within 10 business days at most from the date when it was made, by placing it on the public authority’s website and by posting it at its headquarters in a visible place and/or by broadcasting it via the central or local media.

Out of 153 deliberative meetings monitored, 17 (11.11%) had urgent matters on the agenda (see Chart 19).

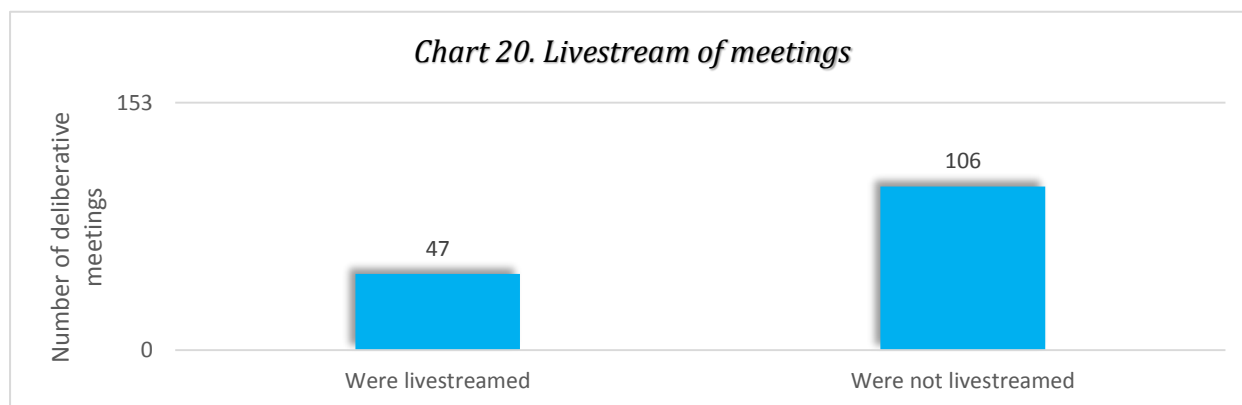


In 11 cases out of 17, the general public was **not** informed through the ways expressly provided for by the law about the need to include and adopt certain urgent decisions, without public consultations to this end. District councils where such situations occurred were the following: Rezina district (1 case), Anenii Noi district (1 case), Causeni district (2 cases), Chisinau Municipal Council (3 cases),

Criuleni district (1 case), Dubasari district (1 case), Stefan Voda district (1 case) and Nisporeni district (1 case). They argued the decisions taken as a matter of urgency by the authorities in 6 ATU – Balti Municipal Council (3 cases), the Chisinau Municipal Council (1 case) Falesti district (1 case) and Singerei district (1 case).

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 of maximum 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, 47 (30.71%) of the 153 meetings were broadcast live and the citizens were able to watch the work of the local bodies (level II) in real time.



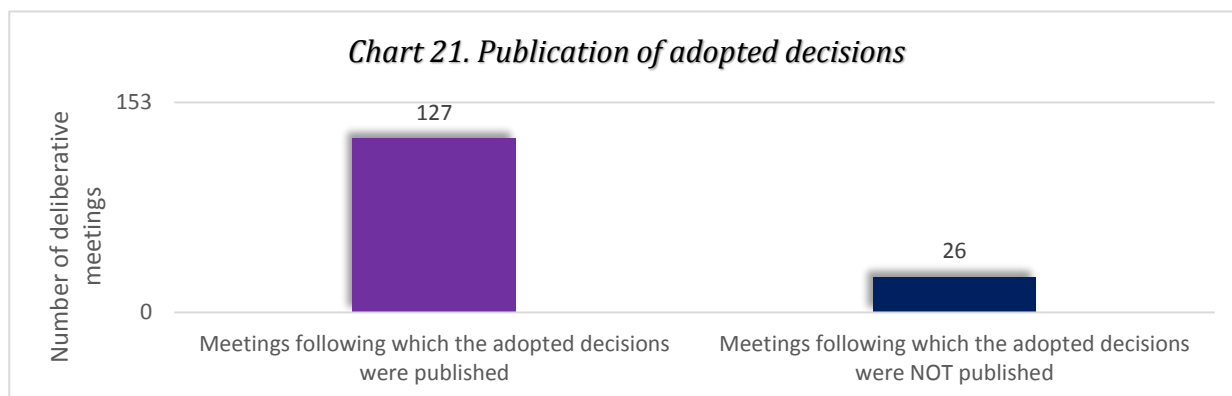
*Publication of adopted decisions.* Public authorities must grant access to the adopted decisions by publishing them as prescribed by the law, by placing them on the official website, by displaying them at their headquarters in a publicly accessible place and/or by broadcasting them via the central or local media, as appropriate, as well as via other means established by law (Article 15 of the Law on Transparency in Decision-Making). The council secretary is responsible for informing the public about the adopted decisions.

It is worth noting that neither the Law on Transparency in Decision-Making, nor the Law on Local Public Administration contain rules that would explicitly regulate the way and the term during which the LPAs are to publish the adopted decisions. Article 20 of the Law on Local Public Administration only provides that the decisions of the local council shall be signed, within 5 days from the date of the meeting, by its chairperson and countersigned by the council secretary. Similarly, Article 46 of the said law states that the decisions of the council shall be signed by the chairperson of the meeting and countersigned by the council secretary, without indicating a term. In this context, note that according to Article 47, 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.

Note that that Parliament amended Article 46. However, these amendments will enter into force on 28 October 2018. The new legal provisions set the same five-day deadline when the chairperson of the meeting and the secretary of the district council shall sign and countersign the decisions respectively. They also *provide for a new deadline of maximum five days after signing during which these decisions shall be made public.*

No such deadline was in place when we published this Report, this is why we will expressly indicate after how many days the decisions were published, if published.

Thus, only in 127 of 153 conducted and monitored deliberative meetings the LPAs published the adopted decisions (see Chart 21 and Table 11). This means that in 83.01% of the meetings, and we believe this is an alarming trend for transparent decision-making.



At the same time, in the absence of a concrete legal deadline, the councils, according to monitors' data, published the adopted decisions within different time-frames, starting with 1 day (Chisinau municipality and Nisporeni district), which is the fastest publication, and ending with 60 days – the latest publication (Anenii Noi district).

It should be mentioned that a large number of LPAs' websites do not indicate the date when the decisions were published. Hence, it is difficult to see after how many days the decisions were published, other than by monitoring the website on a daily basis. It is practically impossible to determine the number of days by a *post-factum* analysis of the meetings that took place a few months ago.

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.

As we have referred to above, we also identified a problem in the form of the form of decision making. We believe it is necessary to expressly regulate what published decisions and their content should look like. During the monitoring, we found decisions published in Word format, without signatures and seals, as well as in PDF – scanned copies of decisions already signed by the chairperson of the meeting and the secretary of the council. Similarly, an element that raises question marks about the public nature of the decisions is their upload on the Google Drive platform, but with limited access. In such cases, one may request access, which can be granted within an indefinite period of time.

*On the basis of 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 2017, the LPA deliberative authorities had at least 162 meetings (this number includes 2 sessions (Taraclia district) about which the Promo-LEX monitors know that they took place, but about which there was no official public information during the monitored period). Of these, 83 were ordinary and 73 – extraordinary. As much as 153 meetings were deliberative (95.62%) and only in 7 cases there were not enough councillors to hold the meeting. Promo-LEX has access to all the meetings for monitoring purposes.*

*The announcements, like in the first semester of 2017, were primarily published on online channels – the holding of 118 out of 160 meetings was announced on the website (73.75%). In LPAs' communication with the external environment, the digital means are used more and more often. The term of 3 business days for publishing the announcement was observed in the case of 125 meetings (78.12%). Compared to the first semester, we noticed a decrease of about 11%, which raises some concerns.*

*At the same time, a certain positive trend takes shape concerning the number of meetings after which the councils made public the adopted decisions. Thus, only 68.69% of the adopted decisions were published during the first semester, while during the period covered by this report – in 127 cases (83.01%) out of 153 deliberative meetings conducted and monitored the LPA published the decisions adopted.*

*Also, the number of meetings with urgent matters to be examined on the agenda is still very high, and in the case of 11 meetings (64.70%) the general public was not informed about the need to include and adopt certain urgent decisions, which is a violation of the legal norms.*

*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. Although it is a relatively new procedure for the Republic of Moldova, 30.71% of the meetings conducted during the monitored period were livestreamed either online or on TV.*

## V. TRANSPARENCY OF THE BUDGET PROCESS. ELEMENTS OF PARTICIPATIVE BUDGETING

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, 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 legal framework analysis shows, on the one hand, that the procedures and the duties are describes in detail and, on the other hand, makes it regrettable that the Republic of Moldova does not have a law that would regulate and implement the concept of participative budgeting. Despite the fact that the legal norm does not regulate the participatory budgeting process, however, based on the existing international experience and good practices, including Moldova – Chisinau and Balti, Promo-LEX considers it necessary to promote and monitor these procedures for citizen participation and local democracy .

*The concept of participatory budgeting* is a more complex one, and it is not just about involving citizens in the process of adopting the budget. The participative budgeting obliges public institutions to listen to and to take into account citizens' remarks when making decisions related to money appropriation. In other words, participative budgeting occurs when citizens benefit from mechanisms allowing them to influence the way public money is distributed and spent. We speak about a participative budgeting if budget documents are publicly consulted, debates with citizens on budget issues are held, and citizens are involved in the monitoring of the way public money is spent.

At the same time, the participative budgeting implies not only the consultation of citizens, but the fact that they decide directly, in a democratic way, what is happening with a part of the budget under discussion. To observe the democratic principles, the authorities must ensure the equal participation of all those affected, regardless of their level of education, their material situation or other criteria.

In these circumstances, a first research exercise was meant to identify the knowledge of LPA representatives as well as of stakeholders about the concept of participatory budgeting (see Table 12). Following the self-assessment, most of the respondents gave positive answers – 82.85% of LPAs and 74.28% civil society representatives. The detailed analysis of the answers provided reveals a more positive picture than in the first semester of 2017. As it was found, most of the respondents who gave affirmative answers were able to give details and showed complex knowledge of the concept.

Also, we would like to highlight that unlike the stakeholders, LPA responsible proved a better knowledge of the overall budgetary process and of the participatory budget separately. In this respect, we appreciate the level of knowledge of the problem by the officials, but we regret that in the case of stakeholders, who are *a priori* the active element of society, the level of knowledge of the participatory budgeting is lower. However, participatory budgeting has to be implemented, as a matter of priority, and in the context of high civil activism.

Table 12. Level of knowledge of the concept of participative budgeting (self-assessment)

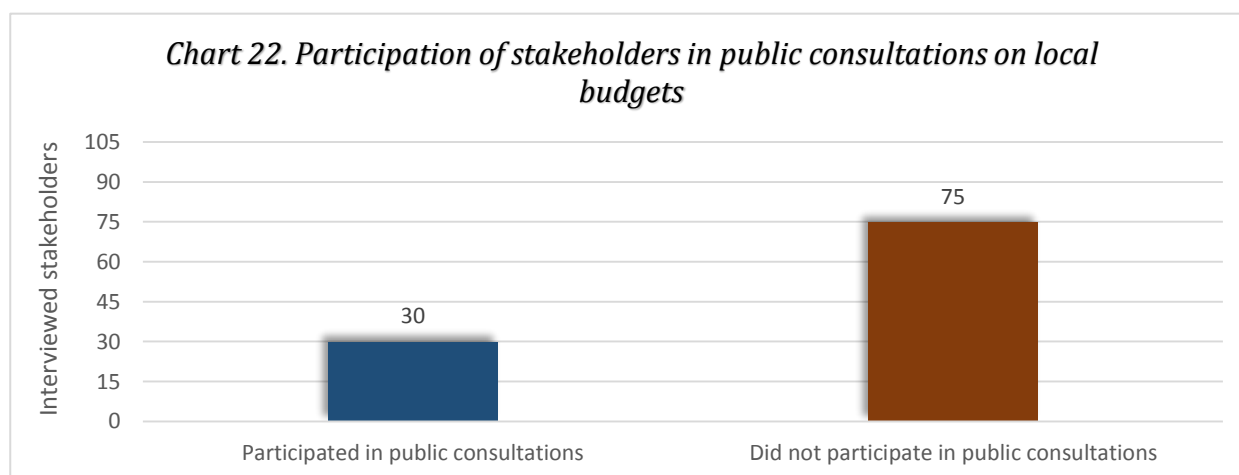
	<b>YES</b>	<b>NO</b>	<b>Total</b>
<b>Stakeholders</b>	78 (74.28%)	27 (25.72%)	105 (100%)
<b>LPA civil servants</b>	29 (82.85%)	6 (17.15%)	35 (100%)

In this context, we need to particularly mention that in 2018 only Chisinau and Balti municipalities allocated identifiable financial resources and initiated procedures for consulting with the citizens regarding the distribution of the said resources. Moreover, Chisinau Municipal Council adopted a new Regulation regarding the civil budget in Chisinau municipality, which provided that in order to implement the submitted projects, annually, an amount not less than MDL 3 million will be allocated from the Chisinau municipality budget. Thus, Chisinau Municipal Council allocated an amount of MDL 3 million for 2018, compared to 1 million for 2017, and the Balti Municipality Council allocated MDL 120 thousand – an amount similar to previous year’s. Projects are to be submitted by 15 March 2018.

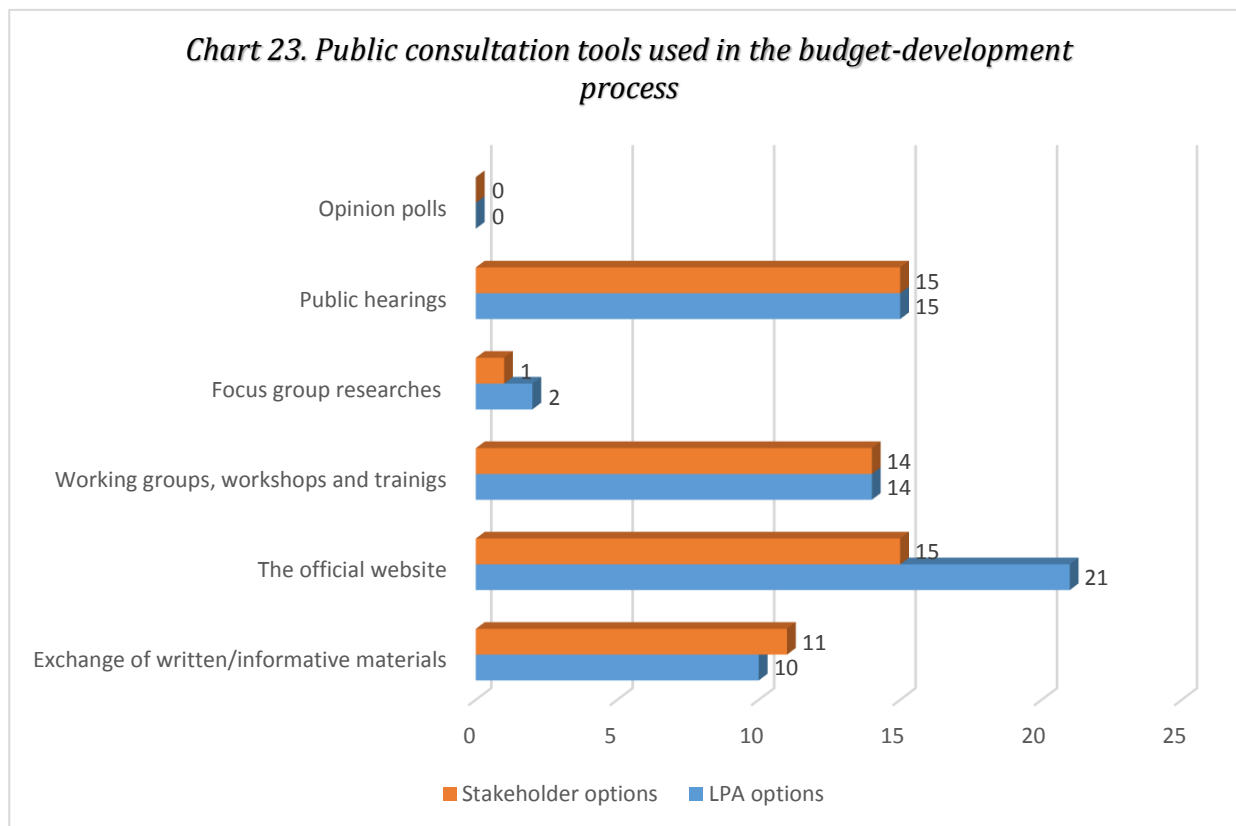
However, we cannot overlook the fact that initiatives of bringing the participatory budgeting into practice take place at the level of mayor’s offices, which is welcome. Besides, although they do not fit into the concept of participatory budgeting, several local administrations implement public-private partnership projects with various public associations, thus involving the population in solving certain local problems.

With regards to the degree of implementation of the projects submitted by citizens during the last year (53 projects were submitted in Chisinau, and 12 – in Balti) we should note that the period of their implementation covers the entire 2018. However, we completed 1 project in Chisinau, and the rest of projects are either under implementation or examination. One project was implemented in Balti and the others are under implementation/examination process.

The degree of stakeholders’ involvement in public consultations on ATU budget development has been another issue of interest for Promo-LEX monitors. The discussions highlighted that only 30 (28.57%) of 105 interviewees reported that they had taken part in the public consultation of the ATU draft budget for the current year (see Chart 22). Promo-LEX believes that this is an insignificant result despite the increase compared to the previous year, especially since stakeholders include not only public associations and the media, but also business entities.



The issue of using public consultation tools in budget development was analysed by interviewing both civil servants and civil society representatives (see Chart 23). According to the number of persons who confirmed their participation in the process, the opinion of 35 interviewees representing the LPAs and of 30 interviewees representing the stakeholders was taken into account.



On the basis of Chart 23, we may draw the following conclusions:

- basically, the following tools were used: the exchange of written/information materials, website, working groups, public hearings and focus group surveys, and no opinion polls were used. However, Promo-LEX believes that the number of stakeholders involved in the process is still very low;
- we found that unlike the first semester of 2017 the differences between the answers given by representatives of the LPA and those of the interested parties are not so big. We remind that with regards to the *focus-group research* and the *organisation of working groups, workshops and seminars* the difference was 1 to 5 (declared by IP and LPA) and even 1 to 19, respectively. The results are more or less similar for the monitored period, which makes us believe that we have a better understanding of the processes and an increased accountability for publishing the information (note that the options provided by the IP may include more representatives of the same ATU);
- *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 (60%) and of stakeholders (50%). 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 15 LPAs (42.85%) mentioned about the organisation of public hearings during the budget process, note that only 15 (50%) out of those 30 stakeholders that attended the public consultations participated in these events (these 15 stakeholders are representatives of 15 ATU);
- according to the LPA, the *exchange of written/informative materials* between the authorities and stakeholders took place only in 10 out of 35 LPAs (28.57%). As many as 11 representatives of the civil society (36.66%) from 7 ATU confirmed such an exchange.
- none of the LPAs conducted *opinion polls* to assess the public opinion on the budget process. The stakeholders confirmed this.

Table 13. Published budget process on the website of LPA (data disaggregated by ATU)

Region	ATU	Publication of the 2018 draft budget to initiate public consultations	Publication of the budget adopted for 2018	Publication of the decisions amending the local budgets for 2017	Degree of implementation
North, Edinet Regional Office	Briceni	NO	YES	NO	1/3
	Donduseni	NO	YES	NO	1/3
	Drochia	NO	NO	NO	0/3
	Edinet	NO	YES	YES	2/3
	Ocnita	YES	YES	NO	2/3
	Riscani	YES	YES	YES	3/3
	Soroca	NO	NO	NO	0/3
North-East, Balti Regional Office	Balti	YES	YES	YES	3/3
	Falesti	YES	YES	YES	3/3
	Floresti	NO	YES	YES	2/3
	Glodeni	YES	YES	YES	3/3
	Rezina	NO	YES	YES	2/3
	Singerei	YES	YES	YES	3/3
	Soldanesti	NO	YES	YES	2/3
	Telenesti	NO	NO	YES	1/3
Center-South-East, Chisinau Regional Office	Anenii Noi	NO	YES	YES	2/3
	Causeni	YES	YES	YES	3/3
	Chisinau	YES	YES	YES	3/3
	Criuleni	YES	YES	YES	3/3
	Dubasari	YES	YES	YES	3/3
	Stefan Voda	YES	YES	YES	3/3
Center-South-West, Calarasi Regional Office	Calarasi	NO	YES	YES	2/3
	Hincesti	YES	YES	YES	3/3
	Ialoveni	NO	YES	YES	2/3
	Orhei	YES	YES	YES	3/3
	Nisporeni	NO	YES	YES	2/3
	Straseni	YES	YES	YES	3/3
	Ungheni	YES	YES	YES	3/3
South, Comrat Regional Office	Basarabasca	NO	YES	YES	2/3
	Cahul	NO	YES	YES	2/3
	Cantemir	YES	YES	YES	3/3
	Cimislia	NO	YES	YES	2/3
	Leova	NO	YES	YES	2/3
	Taraclia	YES	YES	YES	3/3
	ATU Gagauzia	YES	YES	YES	3/3
<b>TOTAL</b>		<b>YES - 18 NO - 17</b>	<b>YES - 32 NO - 3</b>	<b>YES - 30 NO - 5</b>	

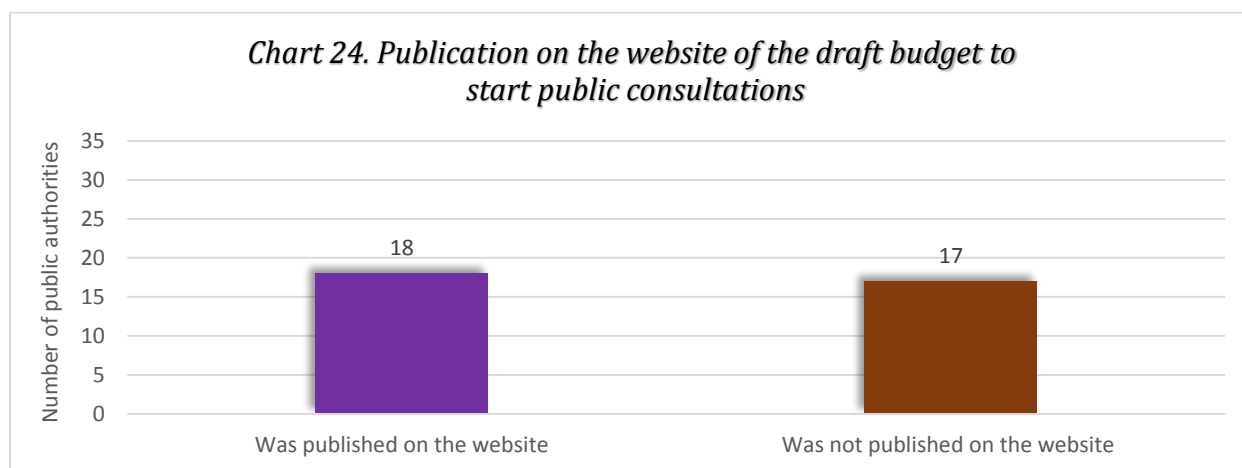
The publication on the LPA website of the draft budget and the approved budget, budget corrections (see Table 13) was another aspect of the transparency of the budget process monitored by Promo-LEX.

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 the person concerned. The draft decision and related documents are published on the official website of

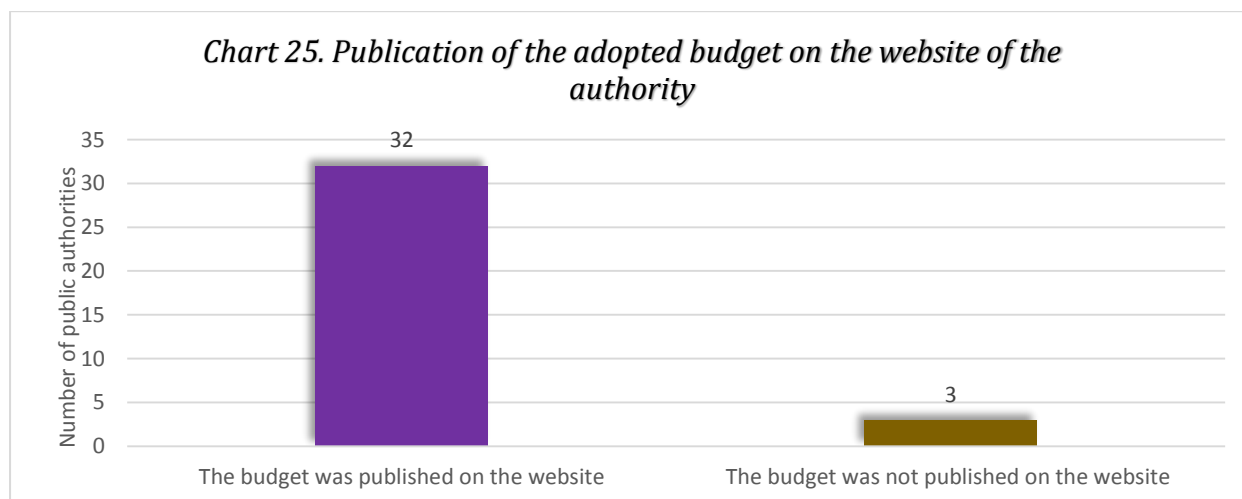
the responsible public authority at least for the period during which recommendations are made and examined.

According to the data provided in the Table 13, 17 level-two APLs fully complied with the requirements: Riscani, Balti, Falesti, Glodeni, Singerei, Causeni, Hincesti, Orhei, Straseni, Ungheni, Chisinau, Criuleni, Dubasari, Stefan Voda, Cantemir, Taraclia and ATU Gagauzia. On the other hand, there are 2 level-two APLs that failed to comply with any requirement in this respect – Drochia and Soroca.

In this regard, Promo-LEX monitors reviewed LPAs’ websites to see if the *draft local budgets for 2018* meant to be subjected to public consultations were published. Thus, of 35 authorities: 18 (51,42%) published the draft budgets on their website, 17 (49.58%) did not (see Table 13 and Chart 24). Compared to the first semester of 2017, the indicators improved; only 14 APLs (40%) published the budget projects on the web page.



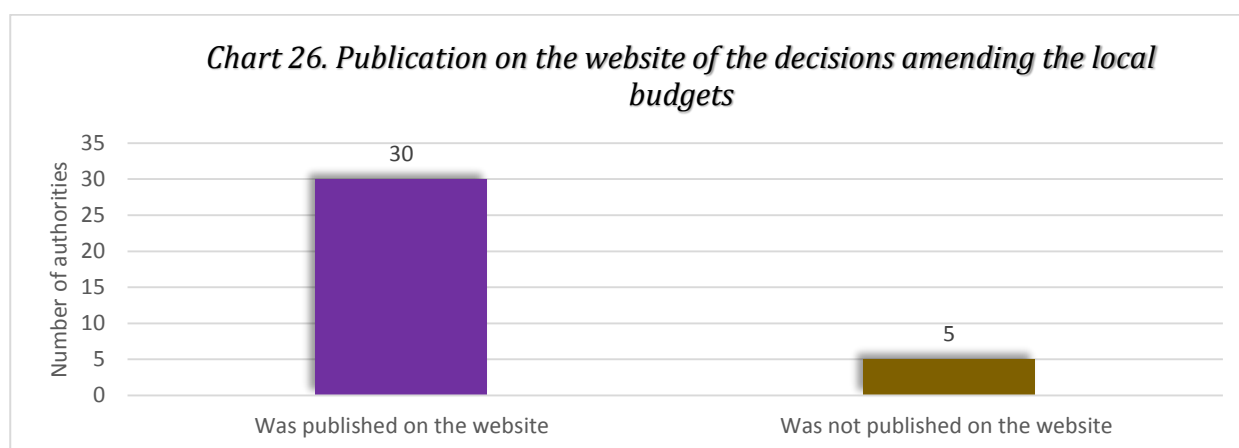
After all phases are gone through, the adopted document is also to be published. Thus, Article 15 of the Law on Transparency in Decision-Making provides that public authorities shall ensure the access to the adopted decisions, by publishing them in a similar way to the drafts proposed for debate.



Following the monitoring, Promo-LEX found that 32 (91.44%) of 35 administrative units published the budgets on their official website, *the budgets for 2018 were published* on the official website and 3 units (8.56%) did not (See Chart 25). Again, we are witnessing a better situation, compared to the first semester of 2017 when only 25 level-two LPAs (71.43%) published the budget.

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 30 (85.71%) out of 35 ATUs, the deliberative authorities

published on their website the decisions amending the budget *for 2017*; in 5 (14.29%) cases these decisions were not published (see Chart 26).



At the end of each budget year, the territorial-administrative unit must develop a *report on budget implementation*, which is made public. This obligation is provided for in Article 29(4) of the Law on Local Public Finance which stipulates that the annual report on ATU's budget implementation for the reporting year shall be reviewed and approved by the representative and deliberative authorities by 15 February of the following reporting year.

Given that this Report covers the monitoring period – the second semester of 2017, the findings regarding the publication of the 2017 budget execution reports will be reflected in the next Report, which will cover the first semester of 2018.

*Taking into account the information above, we note that the involvement of citizens in developing local budgets and especially in distributing financial resources is low. It's true that an appropriate regulation and dissemination of information and popularisation of the concept of participative budgeting among citizens and local administrations, are needed in order to ensure an active involvement and the implementation of participative budgeting.*

*Having analysed the stakeholders' interview questionnaires regarding the transparency of the local budget process, we saw that only 30 (28.57%) of 105 interviewees reported that they had taken part in the public consultation of the ATU draft budget for the current year. The study of the interviews' qualitative aspects shows, however, that their engagement consisted more in the information, rather than in providing a feedback.*

*As regards the publication of ATU's budget development, review, approval and reporting phases on authorities' website, we should mention that while 32 (91.44%) LPAs of the 35 administrative units published the approved budgets on their official website, only 18 (51.42%) LPAs published the draft budgets. To ensure the transparency of the decision-making process, it is essential to publish not only the end product, but the initial one as well, on the basis of which the public consultation is supposed to be carried out. However, note the positive trend identified by comparing the data of Report 1 with the data from the current Monitoring Report – the number of LPAs that placed the budget and its project on the website increased.*

*To conclude, according to monitors, 17 LPAs complied with all the requirements and reflected all budget processes: Riscani, Balti, Falesti, Glodeni, Singerei, Causeni, Hincesti, Orhei, Straseni, Ungheni, Chisinau, Criuleni, Dubasari, Stefan Voda, Cantemir, Taraclia and ATU Gagauzia. On the other hand, there are 2 level-two APLs failed to comply with any requirements in this respect – Drochia and Soroca.*

## VI. INTEGRITY AND CONFLICT OF INTERESTS

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 of the issue: *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. Note that the law does not demand of the authorities to have such a document. At the same time, Promo-LEX believes that the Law No 25 on the Code of Conduct for Civil Servants does not cover all the relations and processes of LPAs. This is why we think it is absolutely reasonable to urge 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, Promo-LEX Association is pleased to note that despite the fact that although during first monitoring period no administration had such a document, during the second semester of 2017 we can already report that 4 LPAs published such a document – Orhei, Basarabasca, Cahul, Cantemir and Cimislia (see Table 14).

b. *The publication of the CVs of the heads of authorities* is the second relevant aspect of the monitored issue. According to Item 15 of the Regulation approved by GD on the Official Websites of Public Administration Authorities on the Internet, 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. The situation is still alarming for ensuring the transparency and openness of public authorities, provided that during the second half of 2017 (practically similar to the situation of the first semester), a number of 12 (34.29%) level-two LPAs did not published the CVs of the management on the websites.

c. Third, *the publication of the declaration of assets and personal interests of the presidents and deputy-presidents was examined on the page of the National Integrity Authority.* Regretfully, we found that contrary to the legal norms, in 3 cases of level-two ATU, the declarations were not found on the NIA page: Drochia, Riscani and Nisporeni. However, compared to the first semester, when contrary to legal norms, no declaration was published until 31 June 2017, we can also speak about positive trends.

Note that the Law No 133 on the Declaration of Assets and Personal Interests provides for the obligation of 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) 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. We also encourage LPA authorities to publish the declarations on their own web pages.

d. A fourth analysed criterion is the *publication of data on the person responsible for the anti-corruption module*. According to GD No 188 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. Promo-LEX notes that only 4 level-two LPAs complied with the legal provisions – Balti, Falesti, Telenesti and Straseni.

Table 14. Aspects of professional integrity and conflict of interest  
(data disaggregated by ATU)

Region	ATU	Institutional Ethics Code	CVs of LPAs heads	Declaration of assets and personal interests <sup>4</sup>	Person responsible for anti-corruption module	Institutional Integrity Plan	Anti-corruption number	Degree of implementation
North, Edinet Regional Office	Briceni	NO	NO	YES	NO	NO	NO	1/6
	Donduseni	NO	NO	YES	NO	YES	NO	2/6
	Drochia	NO	NO	NO	NO	NO	NO	0/6
	Edinet	NO	YES	YES	NO	NO	NO	2/6
	Ocnita	NO	YES	YES	NO	NO	NO	2/6
	Riscani	NO	NO	NO	NO	NO	NO	0/6
	Soroca	NO	NO	YES	NO	NO	NO	1/6
North-East, Balti Regional Office	Balti	NO	YES	YES	YES	YES	YES	5/6
	Falesti	NO	YES	YES	YES	YES	NO	4/6
	Floresti	NO	YES	YES	NO	NO	NO	2/6
	Glodeni	NO	YES	YES	NO	NO	NO	2/6
	Rezina	NO	YES	YES	NO	NO	NO	2/6
	Singerei	NO	YES	YES	NO	NO	NO	2/6
	Soldanesti	NO	NO	YES	NO	NO	NO	1/6
Center South-East, Chisinau Regional Office	Telenesti	NO	YES	YES	YES	YES	YES	5/6
	Anenii Noi	NO	YES	YES	NO	NO	NO	2/6
	Causeni	NO	YES	YES	NO	NO	NO	2/6
	Chisinau	NO	NO	YES	NO	YES	YES	3/6
	Criuleni	NO	YES	YES	NO	YES	NO	3/6
	Dubasari	NO	YES	YES	NO	NO	NO	2/6
	Stefan Voda	NO	YES	YES	NO	YES	NO	3/6
Center-South-West, Calarasi Regional Office	Calarasi	NO	YES	YES	NO	NO	NO	2/6
	Hincesti	NO	NO	YES	NO	NO	NO	1/6
	Ialoveni	NO	YES	YES	NO	NO	NO	2/6
	Orhei	YES	YES	YES	NO	NO	NO	3/6
	Nisporeni	NO	NO	NO	NO	NO	YES	1/6
	Straseni	NO	YES	YES	YES	NO	NO	3/6
	Ungheni	NO	YES	YES	NO	NO	NO	2/6
South, Comrat Regional Office	Basarabasca	YES	YES	YES	NO	NO	NO	3/6
	Cahul	YES	NO	YES	NO	YES	NO	3/6
	Cantemir	YES	NO	YES	NO	YES	NO	3/6
	Cimislia	YES	YES	YES	NO	YES	NO	4/6
	Leova	NO	YES	YES	NO	NO	NO	2/6
	Taraclia	NO	NO	YES	NO	NO	NO	1/6
	ATU Gagauzia	NO	YES	YES	NO	NO	NO	2/6
TOTAL		YES - 5 NO - 30	YES - 23; NO - 12	YES - 32 NO - 3	YES - 4 NO - 31	YES - 10; NO - 25	YES - 4; NO - 31	

<sup>4</sup>Developed on the basis of the monitoring of the National Integrity Authority (NIA) website. It was based on the declarations submitted by the president and vice-presidents.

e. Indicator number five refers to the existence and publication of *an institutional integrity plan*. Along with the other components of the anti-corruption module introduced in the GD No 188 in August 2016, the institutional integrity plan began to be monitored in the second semester of 2017, given the need for sufficient time to develop it. However, only 10 level-two LPAs (28.57%) – Donduseni, Balti, Falesti, Telenesti, Chisinau, Criuleni, Cahul, Cantemir, Cimisia and Stefan Voda, have published such a document on the website.

f. The last indicator analysed relates to the *existence of the specialised anti-corruption and/or information hotline*. According to GD No 188 on the Official Websites of Public Administration Authorities on the Internet and Regulation on the Functioning of Anti-corruption Hot-lines System, approved by Law No 252, LPAs shall place the information on anti-corruption and/or information hot-lines on their official website.

Promo-LEX monitors examined whether an anti-corruption hotline was placed on the public authority website and found that only two ATUs – Chisinau and Telenesti – have such information. At the same time, note that according to the Report 1 only two authorities – Chisinau and Telenesti, comply with this requirement, thus we can conclude a positive trend.

Taking into account the integrity indicators included in Promo-LEX monitoring, we conclude that the best result – 5/6, is registered by 2 level-two LPAs: Balti and Telenesti. On the opposite side, Drochia and Riscani registered the result 0/6, which indicates that no criteria of transparency from the perspective of integrity was observed.

*To ensure the transparency of local public authorities from the point of view of professional integrity, Promo-LEX monitors analysed 6 indicators. The general picture appears hopeless. Only in two of the six indicators the level of compliance with the requirements is higher than the level of non-compliance – publishing the CV of the managers (65.71%) and publishing the declarations of their wealth and personal interest (91.43%).*

*In the case of other 4 indicators – Ethics Code, responsible for the anti-corruption module, anti-corruption hotline, anti-corruption institutional plan – the situation is serious, the degree of performance ranging from 11.43% to 28.57%. In the case of the Ethics Code we can invoke the fact that this is not a legal requirement, but with regards to other indicators, which are explicitly provided for in the law, the low degree of compliance raises question marks about the compliance with the legal provisions with the realities and institutional capacity of public authorities to comply with the legal rules on ensuring the transparency of the decision-making process regarding professional integrity. Given the provisions of GD No 188, the number of indicators is expected to increase (regarding the implementation of the Integrity Plan and the implementation of the National Anti-corruption Strategy), we have reasonable suspicions regarding the non-compliance of the capacity of public authorities with the number of legal requirements in the field.*

*Compared to the first semester of 2017, we can also identify positive trends regarding the publication of the Ethics Code (from 0 to 5 level-two APLs) and the anti-corruption hotline (from 2 to 4 level-two APLs).*

## VII. 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 on Civil Service and Statute of Civil Servants and the Regulation on Competition-Based Employment in Civil Service, approved by GD No 201 Implementing the Law No 158, provide for the requirements for the employment in a civil service position.

It should be mentioned that according to Article 4 of the Law No 158, 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.

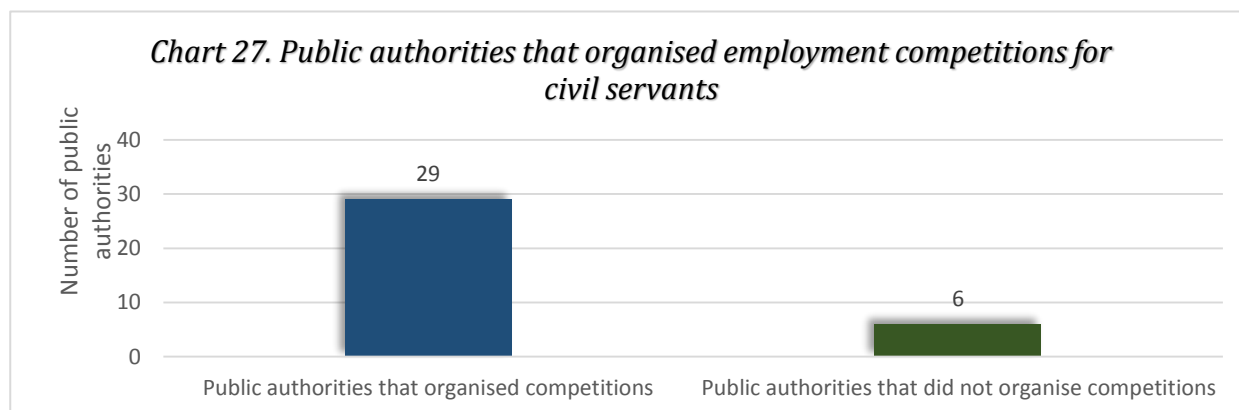
According to Article 29 of the Law No 158, the competition for employment in a vacant or temporarily vacant civil service position is based on the principles of open competition, transparency, competence and meritocracy, and on the principle of citizens' equal access to civil service. The public authority starting a competition is under the obligation to make public all the conditions of the competition in a periodical publication, 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. In this respect, note that the Regulation on Competition-based Employment in Civil Service has a number of details in this regard and provides additionally that, if the public authority does not have a website, the information about the conditions of the competition may be published in a widely circulated newspaper. If public authorities consider it necessary, they shall ensure the dissemination of information about the conditions of the competition by other alternative forms of advertising. Moreover, the Law No 172 of 21 September 2017 on Amending and Supplementing Certain Legal Acts establishes that the conditions of the competition shall be also published on the governmental portal of civil service positions for which public authorities organize the competition.

Also, Item 9 of this Regulation stipulates that the information about the conditions of the competition must contain: a) name and address of the public authority organising the competition; b) the vacant civil service position; c) purpose and main tasks of the civil service position, according to job description; d) conditions for participation in the competition; e) documents to be submitted; d) the references of the competition; g) deadline for the submission of documents; h) method whereby the documents are to be submitted; i) telephone, email and postal address, person in charge of providing additional information and receiving the documents.

In order to clarify the transparency and publicity of the announcements about the organisation of competitions for employment in public positions, Promo-LEX monitors used three basic methodological tools. First, they 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. Second, they assessed authorities' websites in order to see how transparent those procedures were. And third, they conducted direct observation, consulting, when needed, the information boards of the authorities and the local media.

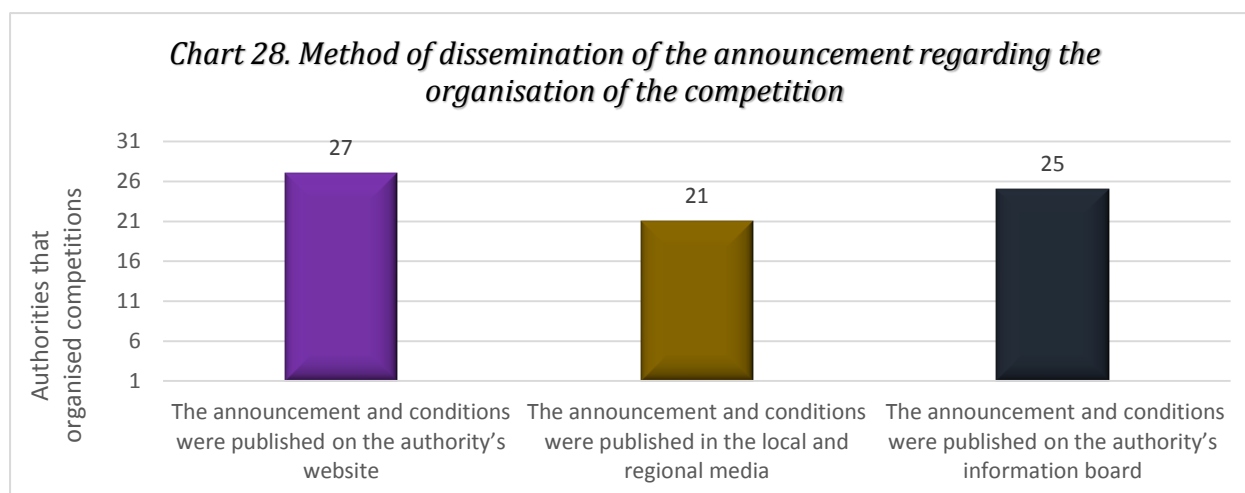
Thus, the data provided by the interviewed LPA servants and included in Table 15, show that only six out of 35 LPAs did not organise competitions for employment in civil positions – Cantemir, Dubasari, Leova, Ocnita, Floresti and Edinet districts (see Chart 27). In other 29 ATUs, 95 competitions were conducted as follows: Telenesti (1), Glodeni (1), Falesti (1), Rezina (1), Nisporeni (1), Taraclia (1), Cahul (1), Drochia (1), Chisinau municipality (1), Briceni (2), Ungheni (2),

Basarabeasca (2), ATUG (3), Stefan Voda (3), Riscani (3), Donduseni (3), Causeni (3), Cimislia (3), Soldanesti (3), Singerei (3), Straseni (4), Balti municipality (4), Anenii Noi (5), Calarasi (5), Soroca (6), Criuleni (7), Ialoveni (7), Orhei (7) and Hincesti (11).



As regards the dissemination of announcements about the organisation of competitions for employment in civil service, it should be noted that, the former are to be published everywhere simultaneously – website, a periodical publication and the information board at the public authority headquarters, in a visible and publicly accessible place.

Out of 29 administrations that organised competitions – 27 published the announcements on their website (93.10%), and only two of them did not do so (see Chart 28). As many as 21 out of the 29 councils (72.41%) used periodical publications (local and district newspapers) as a communication platform. Another 8 ignored this tool. Eventually, 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 25 councils (86.20%). Four district administrations did not put announcements on information boards.



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 17 (58.62%) out of 29 administrations that organised competitions observed the legal requirements related to employment transparency and displayed the announcements and the conditions by using all the available information channels (see Table 15).

Table 15. Publication of announcements and conditions of employment in civil service  
(data disaggregated by ATU)

Region	ATU	The announcement and conditions of the competition for employment were published on the website	The announcement and conditions of the competition for employment were published in some periodical publications	The announcement and conditions of the competition for employment were published on the information boards situated near the LPAs
North, Edinet Regional Office	Briceni	YES	YES	YES
	Donduseni	YES	YES	YES
	Drochia	YES	YES	YES
	Edinet	Competitions were not organised	Competitions were not organised	Competitions were not organised
	Ocnita	Competitions were not organised	Competitions were not organised	Competitions were not organised
	Riscani	YES	YES	YES
	Soroca	YES	YES	YES
North-East, Balti Regional Office	Balti	YES	YES	YES
	Falesti	YES	NO	YES
	Floresti	Competitions were not organised	Competitions were not organised	Competitions were not organised
	Glodeni	YES	YES	YES
	Rezina	YES	NO	NO
	Singerei	YES	YES	YES
	Soldanesti	YES	NO	YES
	Telenesti	YES	NO	YES
Center-South-East, Chisinau Regional Office	Anenii Noi	YES	YES	YES
	Causeni	NO	YES	YES
	Chisinau	YES	YES	NO
	Criuleni	YES	YES	NO
	Dubasari	Competitions were not organised	Competitions were not organised	Competitions were not organised
	Stefan Voda	YES	YES	NO
Center-South-West, Calarasi Regional Office	Calarasi	YES	YES	YES
	Hincesti	YES	YES	YES
	Ialoveni	YES	NO	YES
	Orhei	YES	YES	YES
	Nisporeni	YES	YES	YES
	Straseni	YES	YES	YES
	Ungheni	YES	YES	YES
South, Comrat Regional Office	Basarabasca	YES	NO	YES
	Cahul	YES	YES	YES
	Cantemir	Competitions were not organised	Competitions were not organised	Competitions were not organised
	Cimislia	YES	NO	YES
	Leova	Competitions were not organised	Competitions were not organised	Competitions were not organised
	Taraclia	NO	NO	YES
ATU Gagauzia	YES	YES	YES	

Promo-LEX Association found that the transparency of competitions for employment in civil service is moderately positive. According to the monitors, most of the LPAs that organised competitions met the conditions related to the competition advertising by placing the announcement and the conditions on their website, in the media and on the information boards. In particular, the placement of information, by information sources, ranged from 72.41% (the media) to 93.10% (website). In general, we may deduce that only 58.62% of the LPAs used all three communication channels established by law (website, the media and information boards).

## VIII. 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 3 July 2015 on Public Procurements, GD No 667 Approving the Regulation on the Activity of the Procurement Working Group, GD No 1419 Approving the Regulation on Planning of the Public Procurement Contracts, as well as by other regulatory acts approved in order to enforce this law. According to the legal provisions mentioned above, public procurements can be grouped into two categories:

- high-value public procurements (contracts whose estimated value of goods and services is above MDL 80 000, and of works – above MDL 100 000);
- low-value public procurements (contracts, the estimated value of which is under MDL 80 000 for goods and services and under MDL 100 000 for works).

The Public Procurement Agency (PPA) ensures the monitoring, ex-post control, and inter-sectoral coordination in the area of public procurements. The Public Procurement Newsletter (PPN) and the 'State Register of Public Procurements' Automated Information System (SRPP AIS) are among the important working tools PPA uses in the procurement process. The announcements/invitations to participate the high-value procurements are published both in PPN and SRPP AIS. In addition, the contracts of high-value procurements concluded following the procurement procedures, and the status of each procedure are published in the SRPP AIS. In addition, PPA supplements systematically (daily update) the register of contracts awarded by contracting authorities. According to Promo-LEX, the PAA should also consider the possibility of monitoring the transparency of public procurement procedures in order to empower the contracting authorities to make policy proposals in this regard.

PPA monitors the low-value public procurements through annual reports received from the contracting authorities. The reports are not published on PPA's website. They are to be published on the websites of the contracting authorities, along with other information relevant for the procurement process (procurement plans, announcements of intent, etc.)

### *a. Transparency of initiation of public procurement procedures.*

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

As regards LPAs, the current law requires them to approve annually/quarterly the *Procurement Plan*,<sup>5</sup> with the possibility to periodically review it, and to publish it on their website<sup>6</sup>. Subsequently, when procurements start, institutions are also required to publish the announcements/invitations to participate in the planned and initiated procurement procedures.

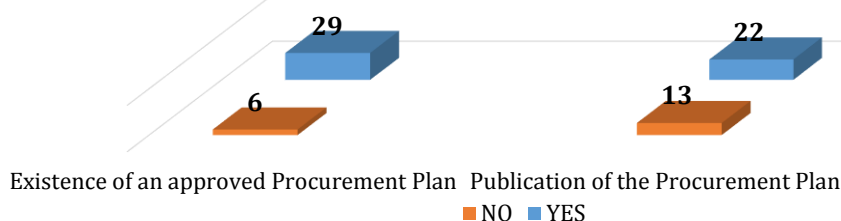
According to Promo-LEX monitors, only 29 of 35 LPAs approved their Procurement Plans for 2017. Of them, only 22 institutions published these Plans on their official website while other 7 LPAs only approved their plans, but did not publish them (see Charts 29-30).

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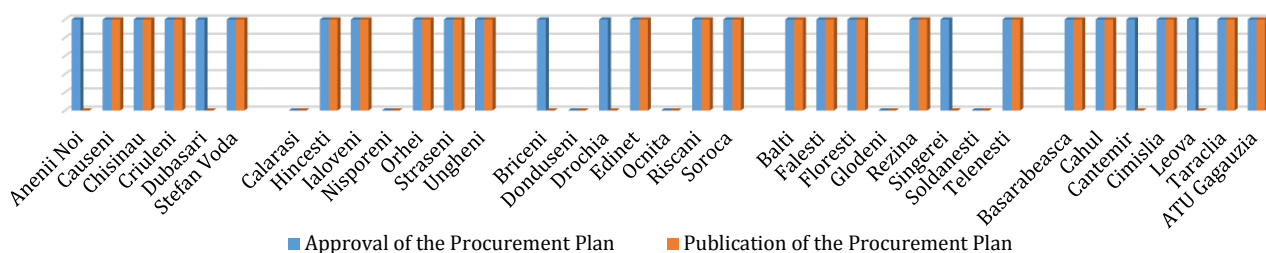
<sup>5</sup> Government Decision No 1419 of 28 December 2016 Approving the Regulation on Planning of the Public Procurement Contracts, Item 11.

<sup>6</sup> Government Decision No 188 of 3 April 2012 on the Official Websites of Public Administration Authorities on the Internet, Item 201.

**Chart 29. Approval and publication of the Procurement Plan**



**Chart 30 Approval and publication of the Procurement Plan per LPA**



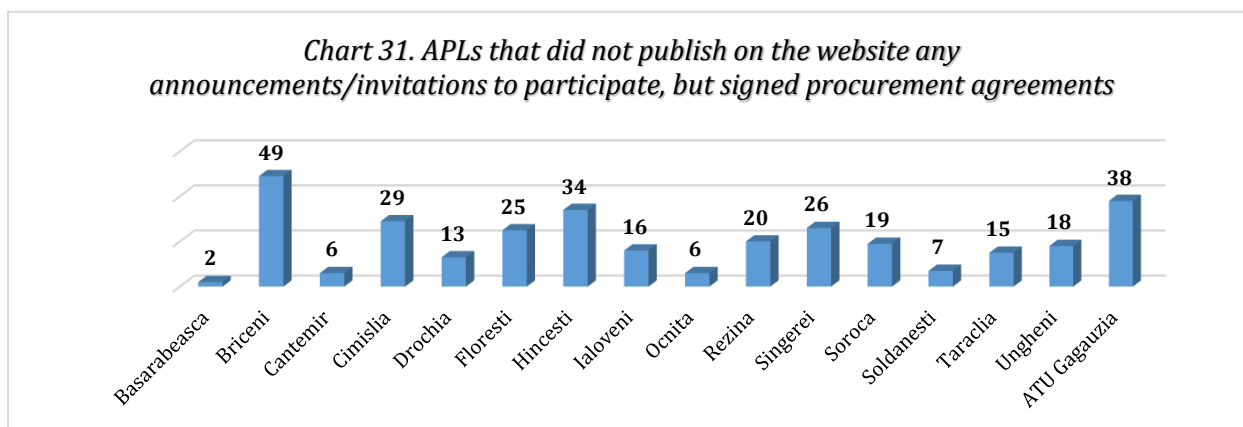
In the same train of thoughts, although the legislation in force does not require the LPAs to publish on the official website the announcements/invitations to participate in the public procurement process, we consider that this operation significantly increases the transparency of the procurement process of the contracting authorities, and ensures a strong competition between the economic entities that participate in the process (especially in the case of procurement procedures that are not published in the Public Procurement Newsletter). In this context, we note that in the second semester of 2017 only 19 LPAs published on their official websites announcements/invitations to participate in the initiated procurement procedures (see Table 16).

**Table 16. Ratio between the announcements of intent and the procurement contracts concluded**

Region	Central Public Authority	Announcement of participation published on the APL website	Signed contracts (registered by PPA)
North, Edinet Regional Office	Briceni	0	49
	Donduseni	6	17
	Drochia	0	13
	Edinet	10	11
	Ocnita	0	6
	Riscani	2	68
	Soroca	0	19
North-East, Balti Regional Office	Balti	63	96
	Falesti	7	17
	Floresti	0	25
	Glodeni	4	4
	Rezina	0	20
	Singerei	0	26
	Soldanesti	0	7
Telenesti	1	21	
Center-South-East, Chisinau Regional Office	Anenii Noi	2	20
	Causeni	4	9
	Chisinau	195	425
	Criuleni	9	16
	Dubasari	4	6
	Stefan Voda	2	11
Center South West, Calarasi Regional Office	Calarasi	8	29
	Hincesti	0	34
	Ialoveni	0	16
	Nisporeni	3	27
	Orhei	6	28

Region	Central Public Authority	Announcement of participation published on the APL website	Signed contracts (registered by PPA)
	Straseni	13	64
	Ungheni	0	18
South, Comrat Regional Office	Basarabasca	0	2
	Cahul	7	27
	Cantemir	0	6
	Cimislia	0	29
	Leova	2	5
	Taraclia	0	15
	ATU Gagauzia	0	38
	<b>TOTAL</b>	<b>348</b>	<b>1,224</b>

Therefore, we note that 16 LPAs, did not publish on their official websites the announcements/invitation to participate in the procurement procedures initiated by the Authority despite the fact that the procurement contracts were signed (see Chart 31). The most obvious cases are those of level-two LPAs from Briceni (0-49), ATUG (0-38) and Hincesti (0-34). Besides, the biggest difference between the number of the signed contracts and the published announcements is registered in Chisinau municipality – 230. However, we mention in all these cases that certain differences may occur due to signing contracts which, according to the legislation in force, do not require the mandatory publication of announcements/invitations (for example, for low value contracts).



*b. Transparency in conducting public procurement procedures.*

If the process of starting the public procurement procedures, is reflected on websites to an insignificant level, then their subject cannot be analysed by citizens in the context of realising the constitutional rights to know how public money is spent by the public authorities. In order to reflect this, the website of the Public Procurement Agency was analysed.

Table 17. Contracts entered into by LPAs during the first semester of 2017

<i>Procurement procedure/Contract type</i>	<i>Other</i>	<i>Procurement contract</i>	<i>Basic</i>	<i>Total No of contracts</i>
Request for quotations <sup>7</sup>	4	93	462	559
Request for quotations without publication <sup>8</sup>	0	173	0	173
Public tender	3	18	388	409
Negotiation without publication <sup>9</sup>	0	83	0	83
<b>Total</b>	<b>7</b>	<b>367</b>	<b>850</b>	<b>1,224</b>

According to data published by PPA<sup>10</sup>, LPAs have signed 1,224 *procurement contracts* during the first semester of 2017 (see Table 17) and made 381 amendments to the existing contracts (see Table 18).

Table 18. Amendments made in the second semester of 2017 to the contracts concluded by LPA

<i>Amendments made</i>	<i>Total No of contracts</i>	<i>Total amount</i>
Additional agreement of increase	71	2,200,268.62
Additional agreement of reduction/termination	273	-50,138,430.28
Agreement for the extension of the term	37	0.00
<b>Total</b>	<b>381</b>	<b>-47,938,161.66</b>

We found that the value of contracts was amended four times. It increased within the first 3-40 days after the contracts were signed (see Table 19).

Table 19. Increase in the price of the newly concluded contracts

<i>LPA</i>	<i>Contract date</i>	<i>Contract amount</i>	<i>Date of agreement</i>	<i>Increased amount</i>	<i>Object of the procurement</i>	<i>increase, %</i>
Orhei	19.06.2017	22,980.00	18.07.2017	3,441.00	Foodstuffs, beverages, tobacco	8%
Causeni	03.07.2017	1,753,600.00	11.08.2017	262,400.00	Services (hotel, architecture, maintenance)	15%
Chisinau	12.12.2017	51,440.00	15.12.2017	6,124.80	Chemicals	14%
ATU Gagauzia	30.11.2017	62,453.00	18.12.2017	9,317.10	Oil products/fuel	22%

In the context of the abovementioned, we reiterate that *the increase in the value of procurement contracts in a very short period from their conclusion with the provider gives rise to concerns regarding the correctness and objectivity of the respective procurement process.*

<sup>7</sup>*Request for quotations* is the public procurement procedure with the publication of the announcement/invitation to participate in PPN (estimated value for goods exceeds MDL 150 000, and for works – MDL 200 000).

<sup>8</sup>*Request for quotations without publication* is the public procurement procedure without the publication of the announcement/invitation to participate in PPN (estimated value for goods under MDL 150 000, and for works – until MDL 200 000).

<sup>9</sup>*Negotiation without publication* is the procurement procedure that may be applied by the contracting authority if: a) no bid or no appropriate bid or no candidacy was filed for the open tender or restrained procedure as long as the initial terms of the contract were not substantially changed; b) it is a strictly necessary measure, for reasons of immediate urgency, following certain events that the contracting authority concerned did not foresee, and the terms for the open tender or negotiation with prior publication of a contract notice cannot be met. The situations invoked to justify the immediate urgency must not be attributable to the contracting authorities. The contracting authority shall not have the right to establish the term of the contract for a period longer than the one that is needed in order to cope with the situation of emergency that determined the carrying out of the procedure of negotiation without the prior publication of a contract notice.

<sup>10</sup><http://tender.gov.md/ro/contracte-atribuite>

Note that Article 72(4) of the Law on Public Procurements stipulates that in the case of public procurement contracts with continuous execution concluded for a period of time that is longer than one year – it shall be allowed to periodically adjust the value according to the procedure established by the Government, by taking into account the changes in the prices of the cost price components of goods, works or services that are the object of the contract. At the same time, Item 35 of the Regulation on the Activity of the Procurement Working Group stipulates that the Working Group (WG) may decrease or increase the quantity of goods and/or services originally contracted, in duly justified cases and in accordance with the law in force, without changing the unit price or other terms and conditions of the offer and of the awarding documents. The increase in the volume of the contracted goods/services shall be allowed only if it does not exceed 15% of the initially contracted volume.

Table 20 reflects the object of LPAs' procurements, identified on the basis of data published by PPA (not on the basis of LPAs' websites), and Annex 8, 9, 10 reflects the details for each LPA that concluded procurement contracts. Thus, we found that:

- 70.21% of purchases implied construction works (buildings, land, parks, stations, schools, roads, railways, etc.);
- 9.41% of purchases implied various services (repair and maintenance, hotel, financial, insurance, architecture, security, etc.);
- 8.39% of purchases implied food products, beverages, tobacco
- 11.9% other purchases.

*Table 20. Object of LPA procurements in the second semester of 2017*

<i>Object of the procurement</i>	<i>Number of contracts</i>	<i>Amount of contracts</i>	<i>% of the total cost of procurements</i>
Clothing, footwear	5	860,520.00	0.09%
Medical equipment, personal care and security	8	969,737.43	0.11%
Machinery, apparatus, equipment and consumables	11	1,323,869.27	0.14%
Chemicals	13	1,676,737.80	0.18%
Other community, social and personal services	2	3,058,503.60	0.33%
Mining products/machinery	6	4,172,555.04	0.46%
Telecommunication and IT equipment/services	29	6,720,344.81	0.73%
Musical instruments, sports items, toys, etc.	16	10,728,318.59	1.17%
Oil products/fuel	74	12,602,834.31	1.38%
Transport equipment/services	51	20,090,547.40	2.20%
Industrial equipment	21	21,148,835.07	2.31%
Furniture, household appliances and cleaning products	108	26,226,283.68	2.87%
Foodstuffs, beverages, tobacco	176	76,721,169.95	8.39%
Services (hotel, architecture, maintenance, etc.)	75	86,063,603.08	9.41%
Construction works	629	641,989,047.86	70.21%
<b>Total</b>	<b>1,224</b>	<b>914,352,907.89</b>	<b>100.00%</b>

According to Article 6(c) of the Law on Public Procurements, one of the principles regulating the public procurements is 'ensuring competition and preventing unfair competition in the area of public procurements', and according to Article 67(a) of the same law, the Contracting Authority shall cancel – on its own initiative – the procedure of awarding the public procurement contract, provided that such decision is made before the day on which the results regarding the public procurement procedure are to be announced if it was impossible to ensure a satisfactory competition level and there were fewer bidders than the minimum required number of bidders provided for by the law for each procedure.

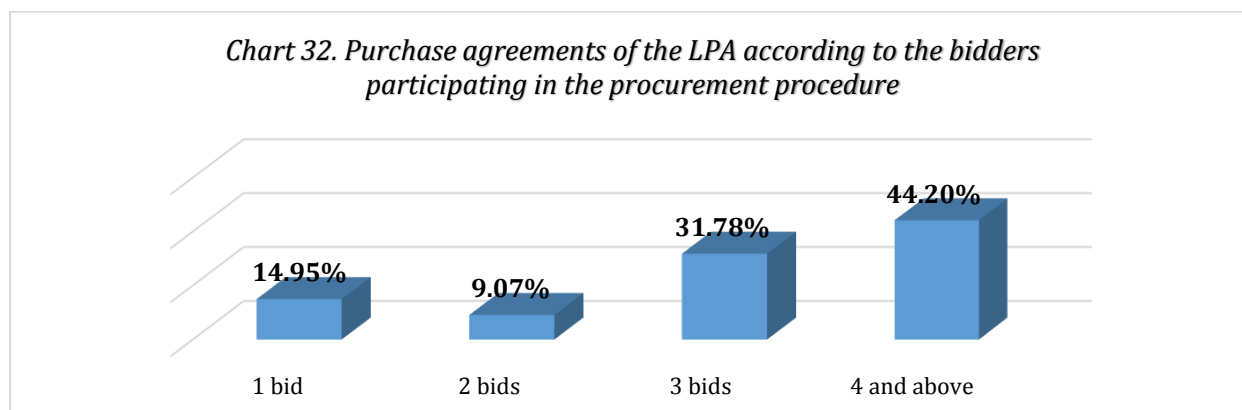
Note that the procurements involving a *public tender, negotiation without publication* and *request for quotations* do not provide for the participation of a mandatory number of bidders in order to ensure the validity of the procurement, unlike other procurement procedures. For instance, the procurements involving a *closed tender* provide for the participation of minimum five bidders, those

involving a *competitive dialogue* – minimum three bidders, and those involving *negotiation with publication* – minimum three bidders.

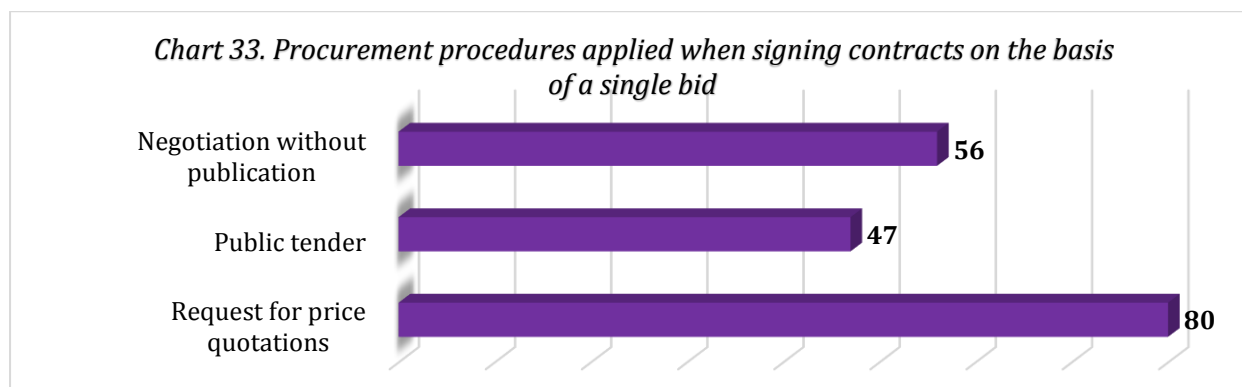
As far as LPAs are concerned, all procurement contracts entered into during the monitored period were concluded on the basis of a *request for quotations*, with or without the publication of the announcement in PPN (59.80% of the contracts), *open tender* (33.42% of contracts) or *negotiation without publication* (6.78%) In other words, *LPAs used only the procedures that do not provide for a limited number of bidders. Note that the law was not violated, but the number and the high value of contracts signed only on the basis of a bid threatens the transparency in spending the public money and is against the principle of ensuring the competition stipulated by the Article 6 of the Law on Public Procurement.*

According to the data published by the PPA, the following situation was found (see Chart 32) according to the number of bidders who participated in the procurement procedure, which resulted into the signing of a procurement contract:

- 14.95% (183 contracts) of the procurement contracts signed by the LPA in the second semester of 2017 were awarded following the evaluation of a single bid submitted to the procurement procedure. The total value of these contracts is MDL 145.04 million or 15.86% of the total value of procurements (see Table 21).
- 9.07% (111 contracts) were awarded as a result of the assessment of two bids submitted to the tender;
- 31.78% (389 contracts) were awarded as a result of the assessment of three bids submitted to the tender;
- 44.20% (541 contracts) were awarded as a result of the assessment of four bids submitted to the tender;



When signing public procurement contracts on the basis of a single tender, 3 procedures were applied: request for quotations, negotiation without publication and open tender (see Chart 33).



Therefore, Promo-LEX Association found a high number of cases when procurement contracts were awarded on the basis of a very small number of bids participating in the tender, which does not

ensure an effective competition in the procurement process. Table 21 proves that around 16% of the total value of purchases made by LPA in the second semester of 2017 were based on a single tender bid.

Table 21 reflects the details of the procurement contracts and their value entered into by each LPA according to the number of bidders participating in the procurement.

*Table 21. Table 20. Procurement contracts entered into according to the number of bids during the second semester of 2017 (data disaggregated by ATU)*

Region	LPA	1 bid		2 bids		3 bids		4 and more bids		Total	
		Contracts	Amount	Contracts	Amount	Contracts	Amount	Contracts	Amount	Contracts	Amount
Center-South-East	Anenii Noi	5	10,508,665.19	1	1,045,789.04	1	204,927.70	13	159,796.44	20	11,919,178.37
	Causeni	5	2,227,103.80	0	0.00	2	2,231,608.20	2	1,051,937.80	9	5,510,649.80
	Chisinau	35	42,592,120.11	40	52,624,828.58	85	38,940,295.57	265	79,169,604.67	425	213,326,848.93
	Criuleni	2	557,477.95	1	62,900.76	6	3,682,266.36	7	15,364,288.59	16	19,666,933.66
	Dubasari	0	0.00	1	4,444,858.69	1	524,698.78	4	1,635,227.76	6	6,604,785.23
	Stefan Voda	3	397,798.00	1	4,513,372.27	5	2,435,333.82	2	3,059,916.31	11	10,406,420.40
Center South-West	Calarasi	9	4,905,752.48	7	1,829,660.95	7	2,088,582.12	6	4,484,036.66	29	13,308,032.21
	Hincesti	9	8,336,215.88	1	3,393,807.70	11	8,680,819.85	13	7,608,064.23	34	28,018,907.66
	Ialoveni	7	4,753,798.00	0	0.00	8	7,356,816.22	1	344,986.00	16	12,455,600.22
	Nisporeni	3	2,041,171.99	22	4,263,029.21	2	2,717,028.34	0	0.00	27	9,021,229.54
	Orhei	6	252,767.52	0	0.00	13	6,144,843.84	9	2,732,642.35	28	9,130,253.71
	Straseni	23	5,611,454.94	4	1,195,016.67	19	11,761,073.17	18	12,731,160.32	64	31,298,705.10
North	Ungheni	1	306,600.00	1	882,637.27	5	4,907,598.41	11	7,104,808.66	18	13,201,644.34
	Briceni	4	1,035,419.75	2	1,805,741.00	32	10,192,433.55	11	4,481,927.17	49	17,515,521.47
	Donduseni	4	1,315,194.00	1	1,406,570.73	8	3,229,033.33	4	240,498.00	17	6,191,296.06
	Drochia	3	4,353,645.98	1	216,244.00	7	6,545,619.26	2	380,286.51	13	11,495,795.75
	Edinet	3	18,581,501.93	0	0.00	8	7,307,973.03	0	0.00	11	25,889,474.96
	Ocnita	2	245,714.00	0	0.00	3	1,198,846.00	1	3,695,109.79	6	5,139,669.79
	Riscani	2	2,788,103.60	1	626,814.00	22	5,991,160.06	43	22,526,960.21	68	31,933,037.87
	Soroca	5	1,012,053.41	3	1,925,874.37	11	16,666,276.81	0	0.00	19	19,604,204.59
	Balti	9	5,980,458.90	10	1,598,552.33	26	20,590,939.52	51	22,583,816.52	96	50,753,767.27
	Falesti	5	1,722,764.23	2	4,240,714.25	7	3,742,717.15	3	3,682,240.46	17	13,388,436.09
North-East	Floresti	1	424,439.27	0	0.00	12	4,192,368.95	12	12,368,915.74	25	16,985,723.96
	Glodeni	1	219,600.00	1	312,648.64	2	398,170.00	0	0.00	4	930,418.64
	Rezina	3	499,081.26	0	0.00	7	3,783,951.87	10	3,073,525.21	20	7,356,558.34
	Singerei	4	1,785,450.15	3	870,293.03	8	9,944,470.95	11	4,704,284.10	26	17,304,498.23
	Soldanesti	3	7,080,013.95	1	191,980.35	0	0.00	3	447,339.90	7	7,719,334.20
	Telenesti	2	1,255,350.00	0	0.00	12	9,634,258.57	7	512,631.15	21	11,402,239.72
	Basarabesca	1	340,000.00	0	0.00	1	145,403.36	0	0.00	2	485,403.36
South	Cahul	7	1,822,717.91	2	195,900.00	11	6,502,286.67	7	16,411,537.35	27	24,932,441.93
	Cantemir	4	8,358,024.33	0	0.00	2	381,682.55	0	0.00	6	8,739,706.88
	Cimislia	3	743,574.79	0	0.00	23	8,698,104.79	3	1,901,553.25	29	11,343,232.83
	Leova	2	623,465.75	0	0.00	0	0.00	3	866,491.97	5	1,489,957.72
	Taraclia	2	988,827.23	1	331,800.00	11	7,375,622.25	1	1,739,891.90	15	10,436,141.38
	ATU						215,326,692.0				229,446,857.6
	Gagauzia	5	1,382,285.09	4	1,631,247.60	11	6	18	11,106,632.93	38	8
<b>TOTAL</b>	<b>183</b>	<b>145,048,611.39</b>	<b>111</b>	<b>89,610,281.44</b>	<b>389</b>	<b>433,523,903.11</b>	<b>541</b>	<b>246,170,111.95</b>	<b>1224</b>	<b>914,352,907.89</b>	
<b>TOTAL %</b>	<b>14.95%</b>	<b>15.86%</b>	<b>9.07%</b>	<b>9.80%</b>	<b>31.78%</b>	<b>47.41%</b>	<b>44.20%</b>	<b>26.92%</b>	<b>100%</b>	<b>100%</b>	

According to Item 24 of the GD No 665 Approving the Regulation on Low-value Public Procurements, LPAs are required to develop and submit annually to the PPA, by the 1<sup>st</sup> 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, 26 LPAs developed and approved the report. Of them, only 8 published these reports on the official website of the institutions (see Chart 34). Given the above, Promo-LEX Association found that the transparency of low-value public procurements made by the LPAs is low.

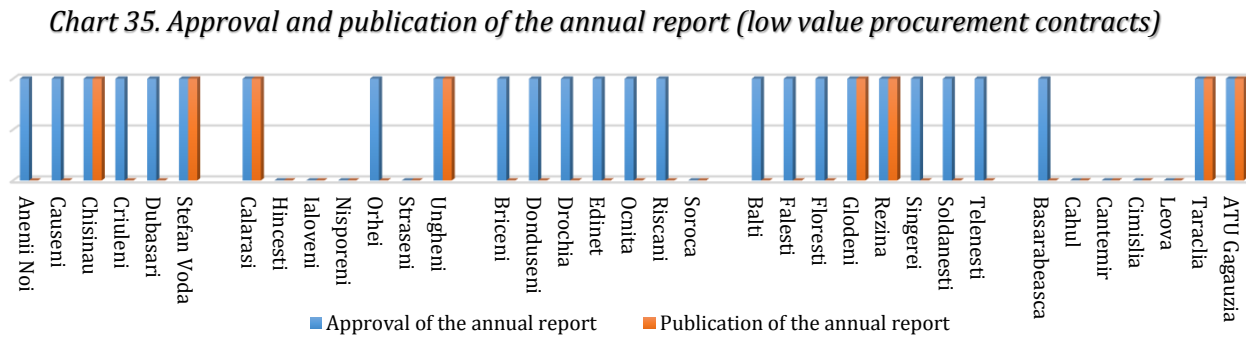
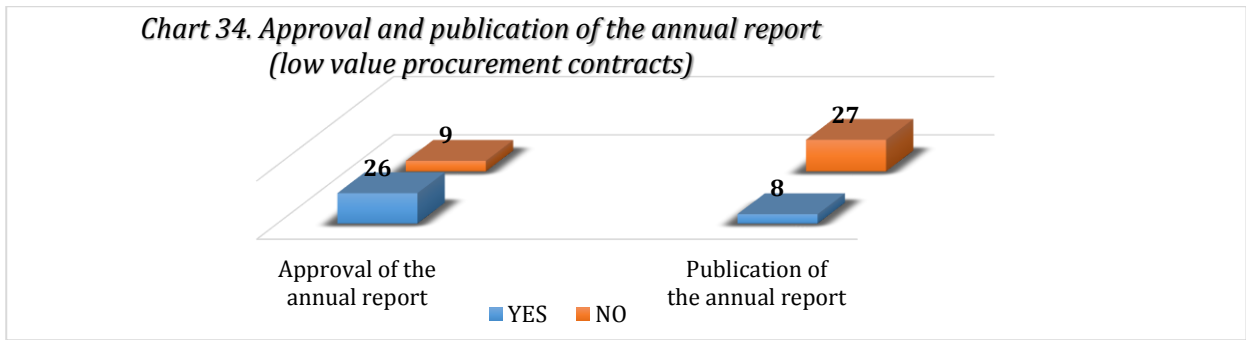
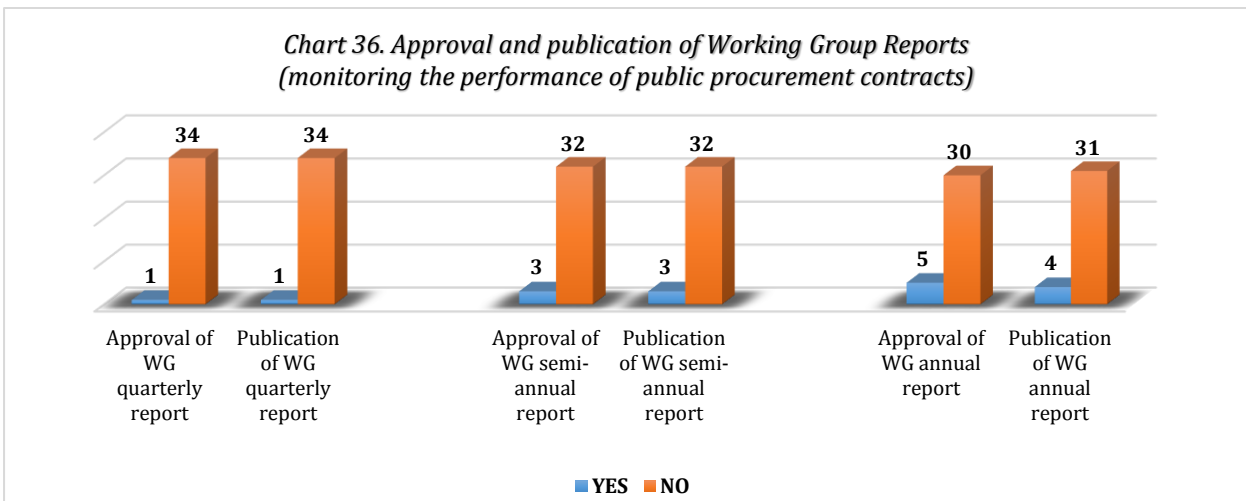


Figure 35 reflects the information on the approval and publication of the report per LPA.

According to Item 34 of the Regulation on the Activity of Procurement Working Group, 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 Promo-LEX monitors, in most of cases, the quarterly/biannual and annual reports of the WG were not approved and therefore could not be found on the LPA’s official website (see Chart 36). Thus, only one LPA – Orhei, approved quarterly reports (and published them on the website), 3 LPAs – Orhei, Balti and Telenesti, approved semi-annual reports (and published them on the website) and only 5 LPAs – Criuleni, Balti, Rezina, Telenesti and Stefan Voda, approved annual reports (4 were published on the website). We believe the situation in the field is alarming. We consider that the involvement of the PPA in monitoring the compliance of the contracting authority with the legal

obligations to ensure the transparency of WG activity would make the process more efficient. Table 22 shows the situation per ATU.

Table 22. Publication of WG reports (data disaggregated by ATU)

Region	LPA	WG quarterly report		WG semi-annual report		WG annual report		Total
		Approved	Published	Approved	Published	Approved	Published	
North, Edinet Regional Office	Briceni	NO	NO	NO	NO	NO	NO	0
	Donduseni	NO	NO	NO	NO	NO	NO	0
	Drochia	NO	NO	NO	NO	NO	NO	0
	Edinet	NO	NO	NO	NO	NO	NO	0
	Ocnita	NO	NO	NO	NO	NO	NO	0
	Riscani	NO	NO	NO	NO	NO	NO	0
	Soroca	NO	NO	NO	NO	NO	NO	0
North-East, Balti Regional Office	Balti	NO	NO	YES	YES	YES	YES	2
	Falesti	NO	NO	NO	NO	NO	NO	0
	Floresti	NO	NO	NO	NO	NO	NO	0
	Glodeni	NO	NO	NO	NO	NO	NO	0
	Rezina	NO	NO	NO	NO	YES	YES	1
	Singerei	NO	NO	NO	NO	NO	NO	0
	Soldanesti	NO	NO	NO	NO	NO	NO	0
	Telenesti	NO	NO	YES	YES	YES	YES	2
Center-South-East, Chisinau Regional Office	Anenii Noi	NO	NO	NO	NO	NO	NO	0
	Causeni	NO	NO	NO	NO	NO	NO	0
	Chisinau	NO	NO	NO	NO	NO	NO	0
	Criuleni	NO	NO	NO	NO	YES	YES	1
	Dubasari	NO	NO	NO	NO	NO	NO	0
	Stefan Voda	NO	NO	NO	NO	YES	NO	0
Center-South-West, Calarasi Regional Office	Calarasi	NO	NO	NO	NO	NO	NO	0
	Hincesti	NO	NO	NO	NO	NO	NO	0
	Ialoveni	NO	NO	NO	NO	NO	NO	0
	Nisporeni	NO	NO	NO	NO	NO	NO	0
	Orhei	YES	YES	YES	YES	NO	NO	2
	Straseni	NO	NO	NO	NO	NO	NO	0
	Ungheni	NO	NO	NO	NO	NO	NO	0
South, Comrat Regional Office	Basarabasca	NO	NO	NO	NO	NO	NO	0
	Cahul	NO	NO	NO	NO	NO	NO	0
	Cantemir	NO	NO	NO	NO	NO	NO	0
	Cimislia	NO	NO	NO	NO	NO	NO	0
	Leova	NO	NO	NO	NO	NO	NO	0
	Taraclia	NO	NO	NO	NO	NO	NO	0
	ATU Gagauzia	NO	NO	NO	NO	NO	NO	0
<b>Total compliances</b>	<b>1/35</b>	<b>1/35</b>	<b>3/35</b>	<b>3/35</b>	<b>5/35</b>	<b>4/35</b>		

As a result, Promo-LEX Association notes a low transparency of the monitoring and reporting of the implementation of public procurement contracts concluded by the LPAs.

With regards the business entities contracted by LPAs, it was found that in the second semester of 2017, 23.86% of the procurement contracts were awarded to 18 business entities (see Table 23). The total amount of these contracts accounted for 19.22% of the total amount of procurements made by LPA during the second semester of 2017.

Most of the contracts were signed by LPA with Lozmangal-Grup SRL. We refer to 37 contracts signed with 2 LPAs (Straseni and Nisporeni) amounting to about MDL 5.87 million. DAAC-Autosport SRL is the business entity who provided goods and services worth MDL 6.06 million, according to 25

contracts signed with the biggest number of LPAs – 19. Finally, in relation to the number of contracts concluded, the highest value of public procurement contracts – MDL 60.9 million – was allocated to 'Nouconst' SRL by LPA.

*LPAs' official websites ensure a low transparency of the procurement process, this being limited to the partial publication of the Procurement Plans (22 of 35 LPAs), announcements/invitations to participate in the procurement process (19 of 35 LPAs). Note that 16 LPAs, did not publish on their official websites the announcements/invitation to participate in the procurement procedures initiated by the authority despite the fact that the procurement contracts were signed and the procurement procedures took place. The most relevant cases are those of level-two LPAs from Briceni (0-49), ATUG (0-38) and Hincesti (0-34).*

Table 23. Publication of WG reports (data disaggregated by ATU)

N/O	Economic operator contracted by Local Public Authorities	Center-South-East					Center-South-West					North					North-East					South						Total Contracts	Total amount								
		Aneni Noi	Căuşeni	Chişinău	Criuleni	Dubăsari	Ştefan Vodă	Călăraşi	Hînceşti	Ialoveni	Nisporeni	Orhei	Străşeni	Ungheeni	Briceni	Donuşeni	Drochia	Edineţ	Ocnîţa	Soroca	Bălţi	Făleşti	Floreşti	Glodeni	Rezina	Rîşcani	Sîngerei			Şoldăneşti	Telenişti	Basarabasca	Cahul	Cantemir	Cimişlia	Leova	Taraclia
1	Anreal Cons LLC			15																					2											17	4,277,898.14
2	Baguette LLC			8			2				1		1							2		2		2	2	1		2							23	3,668,427.41	
3	Daac-Autosport LLC		2				2	4		1	1			1					2		1	1	1	1	1		1	1		1	1				25	6,062,620.00	
4	Drumuri Balti JSC																				2					10									12	14,178,090.26	
5	Drumuri Ialoveni JSC							11	4	2																									17	22,717,840.39	
6	Drumuri Străşeni JSC						2					11	3																						16	16,444,954.21	
7	F.P.C. Mgm LLC			14																1															15	2,502,705.10	
8	Frabo Grup LLC			12																															12	1,827,085.00	
9	Lovis Anglo LLC			4							1									1		1		2	2	1		2							14	4,126,015.24	
10	Lozmangal-Grup LLC									20	17																								37	5,876,714.00	
11	Lukoil Moldova LLC			1			1	1										1	4								1				1		2	12	2,662,143.81		
12	Magistrala-Nord LLC														2	9																			11	8,301,390.95	
13	Nouconst LLC	3			2										1		3			6	1				1										17	60,902,373.61	
14	Prodagrottrade LLC			7																1					3										11	3,174,952.50	
15	Ānstelux JSC			10																1					1										12	2,638,900.97	
16	Cătădeni-Lux LLC																														13			13	1,552,770.00		
17	Foreco Group LLC			14																															14	4,071,577.56	
18	Dina-Cociug LLC			12																1					1										14	10,709,320.74	
		<b>Total contracts</b>																												292	175,695,779.89						
		<b>% of total procurement sem. II, 2017</b>																												<b>23.86%</b>	<b>19.22%</b>						

*Besides, the biggest difference between the number of the signed contracts and the published announcements is registered in Chisinau municipality – 230. However, we mention in all these cases that certain differences may occur due to signing contracts which, do not require the mandatory publication of announcements/invitations (for example, low value contracts).*

*Note that the LPAs do not publish the reports on low-value public procurements (only 8 out of 35 LPAs published these reports) and, respectively, the quarterly (1/35)/semi-annual (3/35) and annual (4/35) reports on the monitoring of the implementation of public procurement contracts on their official website.*

*Based on the data provided, we conclude that the quantitative and qualitative analysis of the content of public procurement procedures with the involvement of LPA is not due only to the information from the LPAs' websites, but also to the information published by the Public Procurement Agency. On the basis of these data, Promo-LEX Association found a high number of cases when procurement contracts were awarded on the basis of a very small number of bids participating in the tender, which does not ensure an effective competition in the procurement process. Thus, 14.95% of the procurement contracts (total amount – MDL 145 million), concluded by the LPAs after public tenders/requests for quotations or negotiations, were signed on the basis of a single bid participating in the tender (one business entity submitted the bid). Another concern of the Association is the increase in the value of procurement contracts in a very short period from their conclusion with the provider gives rise to concerns regarding the correctness and objectivity of the respective procurement process.*

*Considering the situation from the first semester of 2017, as a category of public expenses, most of the public financial resources of level-two LPA – 70.21% were aimed at covering the expenses for construction works (buildings, lands, parks, stations, schools, roads, railways, etc.).*

## IX. THE UNDERSTANDING OF THE ABUSIVE USE OF ADMINISTRATIVE RESOURCES BY LEVEL-TWO LPA

According to the legislation of the Republic of Moldova, the term administrative resources comprises public goods, including aiding or consenting to their illicit use (of public goods). International standards define the term administrative resources in a broader way, namely: human, financial, material, coercive and in-kind resources. In-kind resources include benefits from social programs, such as: institutional assets and resources, payment of salaries in the form of favours, use of public spaces, including official cars and other non-material resources accessible to both civil servants and candidates in elections who have control over the public sector staff, finances and allocations, as well as on the state media institutions and access to public facilities.

An administrative resource may also be considered the physical presence of public figures at cultural events/inaugurations of buildings/road repairs/openings of pre-school, school, health facilities/organisation of cultural events funded from public or public-private money, which could be qualified as prestigious resources, resulting from the political status of present public figures. These actions can be qualified as true political testimonials or other forms of supporting the party or the candidate during elections. Abuse or misuse of such resources can be defined as 'an undue advantage obtained by certain civil servants affiliated to governing political parties by using their official positions, the goods to which they have access (or) connections with government institutions'<sup>11</sup>.

The misuse of administrative resources in the Republic of Moldova is sanctioned only during electoral campaigns. Thus, according to the Article 181<sup>2</sup>(2) the use of administrative resources, including in electoral campaigns, if they were caused large damages, is sanctioned with a fine of 4000 to 6000 conventional units or by imprisonment up to 3 years, in both cases with the deprivation of the right to hold certain positions or engage in certain activities for a period of 2 to 5 years. Similarly, the Code of Contravention sanctions the illicit use of administrative resources in electoral campaigns with a fine of 90 to 240 conventional units applied to the person in position of accountability and with the deprivation of the right to hold certain positions or engage in certain activities for a period of one year.

In the context of the discussions in the local public space regarding the possible attempts to influence the local officials by using administrative means, as well as given the natural need to ensure a full transparency of the use of administrative resources, the Promo-LEX Association conducted an interview of district/municipal councillors, members of the ATUG People's Assembly in order to identify their perceptions regarding the possible misuse of administrative resources in the activity of the representative and deliberative level-two local public authorities. In total, 223 interviews with representatives of all factions were conducted, regardless of their political affiliation or their presence in the government/opposition. The interview grid is included in Annex 5.

The issues addressed in the interviews included: *the fairness of the treatment of local officials affiliated to both government and opposition parties in the process of accessing public financial resources; physical or psychological intimidation, threats or other forms of pressure on locally elected officials or civil servants in the ATU in order to make them change decision/vote/political behaviour/political affiliation, to force them attend public/political events; the provision of inappropriate, undeserved goods and services to local officials to change their decision, vote, behaviour, political affiliation, or make them attend political events.* Both 'face-to-face' interviews and telephone interviews were used as working tools.

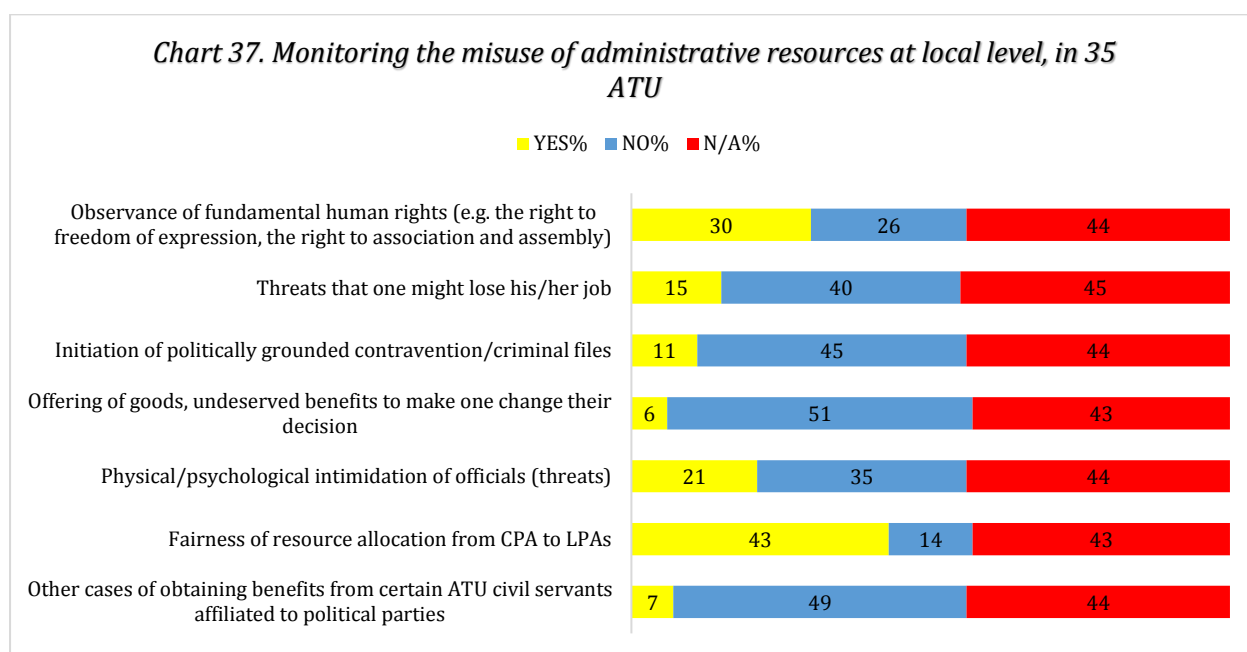
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<sup>11</sup> The common Guidelines of the Venice Commission and of OSCE/ODIHR adopted by the Council for Democratic Elections during the 54th meeting (Venice, 10 March 2016) and by the Venice Commission during the 106th plenary meeting (Venice, 11-12 March 2016) – preventing and responding to the misuse of administrative resources during electoral processes', page 5.

The general picture of perception is presented in Chart 37; the disaggregated data on ATU are included in Table 23, and the general picture by region – in Annex 12. The first overall conclusion reveals that 35-45% of all interviewed councillors said the rumours were not true about the existence of coercive models of misuse of administrative resources, such as the *threat to lose the job, initiation of criminal cases and physical/psychological intimidation*, while most of them confirmed the existence of such situations or avoided answering.

Another conclusion that can be made on the basis of Chart 37 is that the number of those who did not want to answer the questions from the questionnaire about the possible cases of misuse of administrative resources or totally refused to communicate with Promo-LEX is very large, almost half of them. On the one hand, most of the councillors who did not want to answer the questions invoked different reasons in order to postpone the discussions with Promo-LEX monitors and a share of 27% said they would not talk with Promo-LEX monitors about the use of administrative resources. On the basis of the Table 23 we found that 100% of interviewees in three level-two LPAs – Cantemir, Taraclia and ATUG, refused to answer to the questions. The interview grid did not include questions about the reason they refused to give an answer. Therefore, we cannot state with confidence which is the cause of their reluctance, but it is hard to believe that the large number of those who avoided answering the question is due to the fact that they had no knowledge about the situation, as it is particularly the local officials who must be able to answer such questions. Hypothetically, we may assume that some of the causes may be the sensitivity of the issue, fear to answer to sensitive questions, lack of trust in the interlocutor, lack of time, etc.

In general, it is found that the share of those who deny the misuse of administrative resources is higher than of those who confirm it. However, we note that there were affirmative answers, which confirmed every researched aspect concerning the misuse of administrative resources. The highest percentage share – 21%, concerns the cases of physical/psychological intimidation meant to influence the decision of the local official.



Having analysed each problem, we were able to arrive to the following conclusions:

a. *The fairness of the allocation of financial/material/institutional resources to local public administrations in 2017* (financial transfers to the lower administrative level, the use of public benefits (e.g. official cars)) was confirmed by 43% and denied by 14% of the respondents, and 43% refused to answer.

Table 23. Statistics on the monitoring of general perception of misuse of administrative resources at local level  
(data disaggregated by ATUs)

Region	ATU	Fairness of resource allocation from PCA to LPAs						Physical/psychological intimidation of officials (threats)			Offer of goods, undeserved benefits to make one change their decision			Initiation of politically grounded contravention/criminal files			Threats that one might lose his/her job			Other cases of obtaining benefits from certain ATU civil servants affiliated to political parties			Observance of fundamental human rights (e.g. the right to freedom of expression, the right to association and assembly)		
		YES %	NO%	N/A %	YES %	NO%	N/A %	YES %	NO%	YES %	YES %	NO%	N/A %	YES %	NO%	N/A %	YES %	NO%	N/A %	YES %	NO%	N/A %			
		North, Edinet Regional Office	Briceni	20	-	80	14	29	57	29	14	29	-	43	57	14	29	57	28	14	58	29	14	57	
Donduseni	33		-	67	20	-	80	-	20	-	-	20	80	20	-	80	-	20	80	-	20	80			
Drochia	20		-	80	-	29	71	7	14	7	-	29	71	14	14	72	-	29	71	7	14	79			
Edinet	100		-	0	43	57	-	57	29	57	29	57	14	43	43	14	43	57	-	57	29	14			
Ocnita	14		-	86	17	33	50	50	-	50	-	50	50	-	50	50	-	50	50	50	-	50			
Riscani	20		-	80	17	17	66	17	17	17	17	17	66	17	17	66	-	33	67	17	17	66			
Soroca	29		-	71	13	-	87	13	-	13	-	13	87	-	13	87	13	13	74	13	-	87			
North-East, Balti Regional Office	Balti	57	14	29	57	14	29	43	43	43	14	72	14	14	43	43	14	71	15	43	43	14			
	Falesti	33	33	34	17	66	17	67	-	67	-	83	17	17	50	33	17	67	16	67	-	33			
	Floresti	67	-	33	17	50	33	33	33	33	17	33	50	17	50	33	-	67	33	33	33	34			
	Glodeni	33	50	17	33	50	17	33	50	33	-	83	17	-	83	17	-	83	17	33	50	17			
	Rezina	50	50	-	75	-	25	-	75	-	50	25	25	75	-	25	25	50	25	-	75	25			
	Singerei	14	29	57	29	14	57	7	14	7	29	-	71	14	14	72	-	14	86	7	14	79			
	Soldanesti	14	57	29	29	57	14	57	14	57	14	72	14	14	72	14	-	71	29	57	14	29			
Center-South, Chisinau Regional Office	Telenesti	40	20	40	-	60	40	40	40	40	-	60	40	20	60	20	-	60	40	40	40	20			
	Anenii Noi	17	33	50	-	50	50	33	17	33	-	50	50	17	33	50	-	50	50	33	17	50			
	Causeni	43	14	43	29	29	42	29	29	29	14	43	43	29	29	42	33	33	34	29	29	42			
	Chisinau	57	14	29	-	71	29	57	14	57	14	57	29	-	71	29	-	71	29	57	14	29			
	Criuleni	86	-	14	43	43	14	57	29	57	14	71	15	29	57	14	14	71	15	57	29	14			
	Dubasari	50	-	50	-	50	50	33	17	33	-	50	50	-	50	50	-	50	50	33	17	50			
	Stefan Voda	29	14	57	14	29	57	17	33	17	14	29	57	14	29	57	14	29	57	17	33	50			
Center-South-West, Calarasi Regional Office	Calarasi	50	7	43	36	21	43	7	50	7	29	29	42	29	29	42	16	67	17	7	50	43			
	Hincesti	29	42	29	14	57	29	29	43	29	14	57	29	14	57	28	-	71	29	29	43	28			
	Ialoveni	71	14	14	-	71	29	43	43	43	-	86	14	-	86	14	-	71	29	43	43	14			
	Orhei	75	13	12	25	63	12	44	44	44	-	88	12	13	75	12	-	75	25	44	44	12			
	Nisporeni	50	33	17	50	33	17	17	67	17	50	33	17	33	50	17	-	83	17	17	67	16			
	Straseni	86	-	14	29	57	14	7	71	7	-	86	14	14	71	15	-	86	14	7	71	22			
	Ungheni	63	12	25	50	25	25	19	50	19	25	50	25	38	38	24	-	75	25	19	50	31			
South, Comrat Regional Office	Basarabasca	17	17	66	-	33	76	33	-	33	-	33	67	-	33	76	17	17	66	33	-	76			
	Cahul	57	-	43	-	57	43	43	14	43	14	43	43	-	57	43	-	57	43	43	14	43			
	Cantemir	-	-	100	-	-	100	-	-	-	-	-	100	-	-	100	-	-	100	-	-	100			
	Cimislia	14	-	86	-	14	86	14	-	14	-	14	86	-	14	86	-	14	86	14	-	86			
	Leova	64	-	29	64	7	29	71	-	71	14	57	29	14	57	29	14	54	29	71	-	29			
	Taraclia	-	-	100	-	-	100	-	-	-	-	-	100	-	-	100	-	-	100	-	-	100			
	ATU Gagauzia	-	-	100	-	-	100	-	-	-	-	-	100	-	-	100	-	-	100	-	-	100			

The following cases in which the principles of fairness were broken were mentioned: the positions in the office of the district President were shared only between representatives of the majority, not of the opposition; the financial resources were not allocated to the opposition for political reasons; all the meetings of the district council were chaired by the representatives of the majority, and proposals of the opposition are rejected; the money for the reserve fund was used exclusively for electoral aid/'alms'/personal issues of the district leadership.

b. *Physical or psychological intimidation, threats or other forms of pressure on local officials or civil servants in the ATU in order to influence their political decision or political affiliation* is a fairly common abuse of decision-makers, which was established on the basis of the given answers. Thus, 21% of district councillors confirmed this misuse, 35% denied it, and another 44% refused to answer.

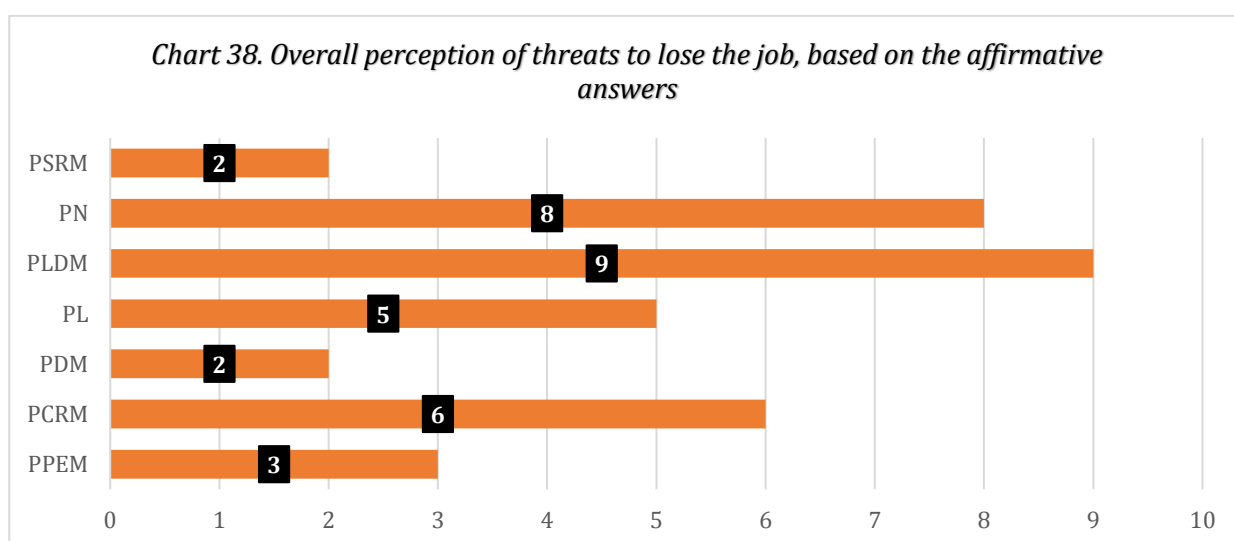
c. When asked about the *cases of offering undeserved, inappropriate goods and services to local elected officials to make them change their decision/behaviour or political affiliation*, no great excesses were found: only 6% confirmed this, another 51% denied it and 43% refused to respond. Some of the listed cases were the use of official cars outside the business hours and undeserved public positions.

d. *Cases of pressure on local officials or civil servants on political grounds, especially with the risk to lose the job*, were reported by 15% of the interviewed local officials, 40% of respondents denied the existence of this abuse, while 45% avoided to answer.

e. Promo-LEX monitors reported data that *proves the phenomenon of initiating politically grounded criminal/contravention files*, on the basis of answers given by 11% of respondents. However, 45% of district councillors denied the existence of such situations, and 44% refused to answer.

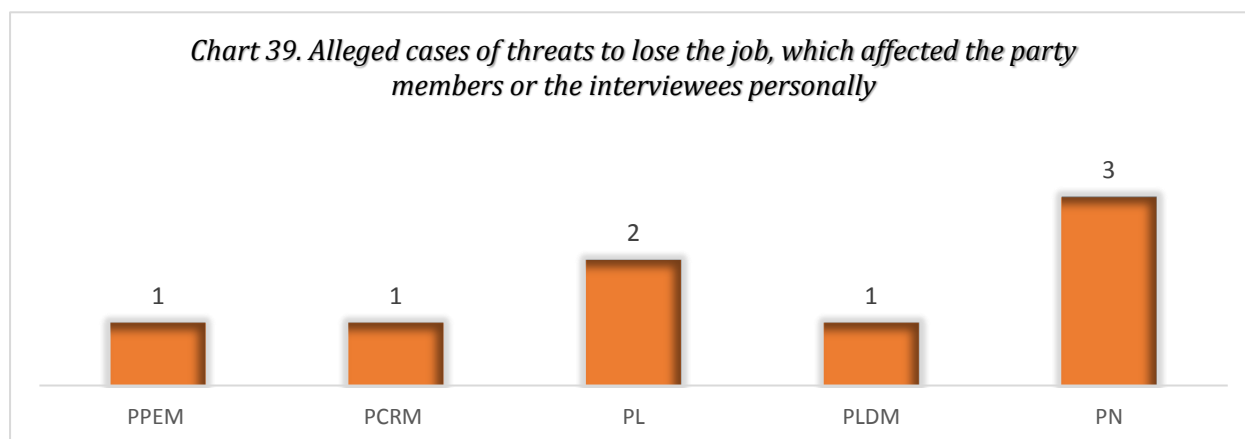
f. The questionnaire also contains a general question – concerning the *level of observance of fundamental human rights in the Republic of Moldova (e.g. the right to freedom of expression, the right to association and assembly)*. Given that 44% of the respondents refused to give an answer, the YES (30%) and NO (26%) answers basically reveal an equality regarding the assessment of this topic. Those 26% of respondents who confirm the failure to observe the human rights mentioned the following reasons for this: pressure, use of force during protests, accusations against selective media, blackmail and threats.

With respect to the concrete cases of misuse of administrative resources, 15% of respondents who said they heard about *threats* from the management *with the possibility to lose the job* are councillors of 7 political formations: PDM, PPEM, PL, PLDM, PSRM, PCRM and PN (see Chart 38).



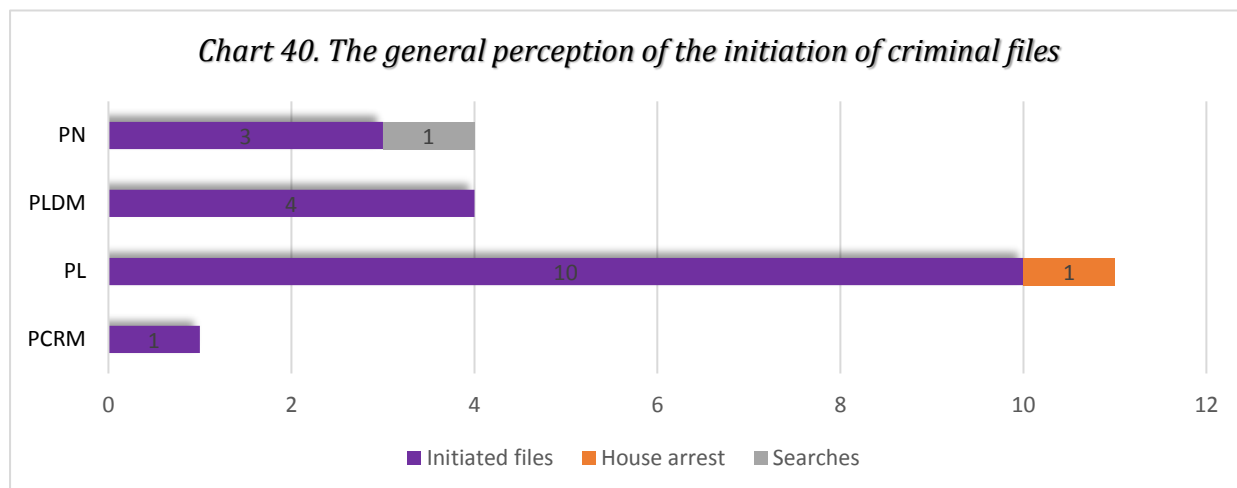
Of the total of 35 cases, 11 councillors did not provide details, motivating they are afraid to be pressed in the future. In 10 other cases, councillors provided details about the threats to be dismissed or about situations when they were blackmailed in order to force them change their political 'colour' otherwise their relatives will be dismissed<sup>12131415</sup>. In 14 other cases, the interlocutors did not give any comments. At the request of interviewees, the authors of the study decided to address certain concrete situations reported anonymously. The circumstances and the concrete situations described by the interviewees concerned councillors from the opposition.

The above-mentioned cases are the evidence of the general perception. At the same time, councillors were asked about possible threats or blackmail which affected them or the members of the party they represent.



A number of 8 interviewed councillors gave affirmative answers. Chart 39 comprises the parties and the number of cases indicated by their members on the alleged situations when people were threatened to lose their job in order to influence them.

Also, the perception of the phenomenon of initiating politically grounded criminal/contravention files is still worrying (see Chart 40).



According to the answers of district councillors from 4 political parties, it seems that politically grounded files were initiated against at least 20 interviewed councillors. Moreover, in some cases

<sup>12</sup> A PN councillor was told to leave the administrative position he held due to his political affiliation.

<sup>13</sup> The wife of a PN councillor was asked to tell her husband to vote for the 'right' person in order to avoid losing his job.

<sup>14</sup> A PLDM councillor lost his mandate because he disagreed with the decisions of the majority.

<sup>15</sup> A PCRM councillor was dismissed without any reason because he did not change his political affiliation.

searches were carried out and in one case the house arrest measure was applied on political grounds.<sup>161718192021</sup>

When asked *if politically grounded files were initiated against their own person*, only 5 confirmed this, of which a PL councillor specified that he is under a criminal investigation and one PLDM councillor said he is quoted to appear at the police.

According to the interview-based information, when asked *whether goods or undeserved benefits were offered in order to change the decision or political affiliation, to vote*, 5 respondents confirmed the existence of such a practice. Benefits ranged from money, gifts to promises of employment.

*Considering the findings of the monitoring of the degree of misuse of administrative resources at local level, the identified cases and the number of confirmations regarding the phenomenon of misuse of administrative resource are alarming. Unfortunately, it was found that only 35-45% of all interviewed councillors said the rumours about the existence of coercive models of misuse of administrative resources, such as threats to lose one's job, initiation of criminal cases and physical/psychological intimidation were not true.*

*In addition, the share of local officials who refused answer the questions of Promo-LEX monitors is alarming. The fact that about 45% of them refused to answer may be a hint of how sensitive a matter the misuse of administrative resources is in the current socio-political context of the Republic of Moldova and of the climate of mistrust that exists in the society as well as of the lack of openness of local officials to solve this issue.*

*Thus, according to the results of interviews, the most common forms of abusive influence of local officials in level-two ATUs were physical or mental intimidation and threat – 21% of interviewees mentioned this aspect. Influencing the political choice of the local officials by threatening them to lose the job – 15%, ranked second. According to the opinion of 11% of the interviewees, the initiation of politically grounded criminal/contravention cases, ranked third model, while providing goods and services to influence the political choice of local officials was reported in only 6% of interviews. All these actions are coercive.*

*In conclusion, the analysis of the concrete circumstances and situations described by the interviewees denotes that the alleged actions of misuse of the administrative resources fully concerned the councillors from the political opposition.*

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<sup>16</sup> The PLDM district councillor stated that contravention/criminal files were initiated against two of his colleagues – district councillors.

<sup>17</sup> The PCRDM district councillor stated that a politically grounded criminal file was initiated against one of his colleagues from the fraction, which was employed in a public institutions.

<sup>18</sup> A PL councillor informed that in 2017, several criminal files were initiated against a mayor, member of PL.

<sup>19</sup> The PLDM district councillor informed that a criminal file was initiated against a mayor, member of PLDM.

<sup>20</sup> The PLDM district councillor informed files were initiated against the former district president, on political grounds.

<sup>21</sup> An independent district councillor, former member of the PL, said a criminal file was initiated against a former member of PL holding an administrative position and as a result, he left the party and was dismissed.

## RECOMMENDATIONS

### **To the Parliament of the Republic of Moldova**

1. Amend the current legislation on local public finances and budgetary process or adopt a law on participative budgeting obliging the representatives of local public authorities to implement the concept and to involve the citizens in the decision-making related to the distribution of budget funds.
2. Supplement the law on public procurements with provisions establishing a minimum mandatory number of bidders required for procurements by public tendering and by requests for quotations. Limit to the minimum the possibilities of contracting suppliers on the basis of a single bid participating in the tender.
3. Review the legislation concerning public procurements by regulating the minimum term from the signing of the contract where its value can be changed. Prohibit the changes in the contract's value in relatively short periods from the time of conclusion of the contract in relation to its total duration.
4. Amend the Law on Local Public Administration by introducing new provisions defining 'the misuse of administrative resources – *use of public resources, goods*, including encouraging or consenting their unlawful use' and by describing cases of use of administrative resources by including the phrases 'forms of pressure and/or threats and/or blackmail on behalf of public authorities onto their staff, biased coverage by the mass-media' after 'public money and goods';
5. Prohibit and sanction the misuse of administrative resources not only during the electoral campaigns but also between them.
6. Develop some certain punitive mechanisms to prevent and limit the possibility of abuse of official position, of administrative resources for personal interest in general.

### **To the Local Public Authorities (general recommendations)**

7. Focus the efforts of LPAs to inform about their work through social networks.
8. Conduct public consultations through on-line surveys given the interest of citizens for this type of communication.
9. 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 email or sending letters to the address of stakeholders or to the one indicated by the requester of such information).
10. Publishing the declaration of income and personal interest on the APL website to make information more accessible and increase the degree of transparency.
11. Ensure a higher degree of accessibility to and comfort in LPAs' headquarters for citizens from more vulnerable 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 for people with disabilities, etc.
12. Increase the transparency of public procurements by substantiating why they need to be done and the Technical Specifications on the basis of LPAs personal needs (for instance, purchase of vehicles: to determine the difference in price of service vehicles within different LPAs).
13. 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)**

14. The headquarters of following level-two LPAs should be provided with access ramps: Briceni, Donduseni, Drochia, Ocnita, Riscani, Soroca, Glodeni, Soldanesti, Telenesti, Chisinau, Dubasari, Stefan

Voda, Straseni, Cahul, Taraclia. Every level-two LPA should have a special room for mothers with small children.

15. The following LPAs should publish on their website the internal rules of the procedures of informing, consulting and participation in the decision-making process: Anenii Noi, Causeni, Chisinau, Criuleni, Dubasari, Stefan Voda, Calarasi, Hincesti, Ialoveni, Nisporeni, Orhei, Briceni, Donduseni, Drochia, Edinet, Ocnita, Riscani, Soroca, Floresti, Glodeni, Rezina, Soldanesti, Telenesti, Cantemir, Cimislia, Leova, Taraclia, ATUG.

16. 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: Anenii Noi, Causeni, Criuleni, Dubasari, Stefan Voda, Calarasi, Hincesti, Ialoveni, Nisporeni, Orhei, Straseni, Ungheni, Briceni, Donduseni, Drochia, Edinet, Ocnita, Riscani, Soroca, Balti, Falesti, Floresti, Glodeni, Rezina, Singerei, Soldanesti, Telenesti, Basarabasca, Cahul, Cantemir, Cimislia, Leova, Taraclia, ATUG.

17. The following LPAs should publish on their website the draft decision development schedule, specifying the drafts that will be subject to public consultations: Anenii Noi, Causeni, Chisinau, Criuleni, Dubasari, Stefan Voda, Calarasi, Hincesti, Ialoveni, Nisporeni, Orhei, Ungheni, Briceni, Donduseni, Drochia, Edinet, Ocnita, Riscani, Soroca, Balti, Floresti, Glodeni, Rezina, Singerei, Soldanesti, Telenesti, Basarabasca, Cahul, Cantemir, Cimislia, Leova, Taraclia, ATUG.

18. The following LPAs should publish on their website the announcements about starting the process of decision drafting: Anenii Noi, Causeni, Criuleni, Dubasari, Stefan Voda, Calarasi, Hincesti, Ialoveni, Nisporeni, Orhei, Straseni, Ungheni, Briceni, Donduseni, Drochia, Edinet, Ocnita, Riscani, Soroca, Balti, Floresti, Glodeni, Rezina, Singerei, Soldanesti, Telenesti, Basarabasca, Cahul, Cantemir, Cimislia, Leova, Taraclia, ATUG.

19. The following LPAs should publish on their website the announcements regarding the organisation of public consultations: Anenii Noi, Causeni, Ialoveni, Briceni, Donduseni, Drochia, Edinet, Soroca, Floresti, Telenesti, Basarabasca, Cahul, Cantemir, Leova, Taraclia.

20. The following LPAs should publish on their website the draft decisions and related documents, as well as the decisions adopted: Calarasi, Ialoveni, Nisporeni, Briceni, Donduseni, Taraclia.

21. The following LPAs should publish on their website the results of public consultations: Anenii Noi, Causeni, Chisinau, Criuleni, Dubasari, Stefan Voda, Calarasi, Hincesti, Ialoveni, Nisporeni, Orhei, Ungheni, Briceni, Donduseni, Drochia, Edinet, Ocnita, Riscani, Soroca, Falesti, Floresti, Glodeni, Rezina, Singerei, Soldanesti, Telenesti, Basarabasca, Cahul, Cantemir, Cimislia, Leova, Taraclia.

22. The following LPAs should publish on their website the annual report of the public authority on transparency in decision-making: Anenii Noi, Causeni, Criuleni, Dubasari, Calarasi, Hincesti, Ialoveni, Nisporeni, Orhei, Ungheni, Briceni, Donduseni, Drochia, Ocnita, Riscani, Soroca, Floresti, Glodeni, Rezina, Singerei, Soldanesti, Telenesti, Basarabasca, Cahul, Cantemir, Cimislia, Leova, Taraclia, ATUG.

23. Provide responses, complete and within the legal time limit, to the requests for official information received from the citizens of: Briceni, Donduseni, Edinet, Ocnita, Riscani, Soroca, Falesti, Glodeni, Rezina, Singerei, Soldanesti, Anenii Noi, Causeni, Chisinau, Criuleni, Dubasari, Calarasi, Orhei, Nisporeni, Cahul, Cantemir, Cimislia, Taraclia, ATUG. Ensure the equal treatment of the requests for access to information received from the citizens who are not involved in the monitoring of LPAs' work and from Promo-LEX monitors.

24. The following LPAs should observe the deadline for publishing the announcements on the conduct of all meetings: Donduseni, Drochia, Edinet, Ocnita, Soroca, Falesti, Glodeni, Rezina, Soldanesti, Anenii Noi, Causeni, Chisinau, Dubasari, Nisporeni, Basarabasca, Cantemir, Cimislia, Taraclia.

25. The following deliberative authorities should publish on their website the information on the decisions adopted at all meetings conducted: Briceni, Donduseni, Drochia, Ocnita, Soroca, Floresti, Glodeni, Soldanesti, Causeni, Chisinau, Ialoveni.

26. The following authorities should publish on their website the LPA's draft budget to start public consultations: Briceni, Donduseni, Drochia, Edinet, Soroca, Floresti, Rezina, Soldanesti, Telenesti, Anenii Noi, Calarasi, Ialoveni, Nisporeni, Basarabasca, Cahul, Cimislia, Leova.
27. The following LPAs should publish on their website the adopted budget: Drochia, Soroca, Telenesti.
28. Develop and publish the Institutional Ethics Codes on LPAs' website (except for Basarabasca, Cahul, Cantemir, Cimislia, Orhei).
29. The following LPAs should publish the CVs of their leadership (president and deputy president): Briceni, Donduseni, Drochia, Riscani, Soroca, Soldanesti, Chisinau, Hincesti, Nisporeni, Cahul, Cantemir, Taraclia.
30. All the level-two LPAs should publish the data of the person responsible for the anti-corruption module, except for – Balti, Falesti, Telenesti, Straseni.
31. All LPAs should publish the institutional integrity plan on their websites, except for Donduseni, Balti, Falesti, Telenesti, Chisinau, Criuleni, Stefan Voda, Cahul, Cantemir, Cimislia.
32. All LPAs should publish the anti-corruption hotline on their websites, except for Balti, Nisporeni, Telenesti, Cimislia.
33. Floresti and Causeni LPA should publish on their website the announcement and conditions of the competition for employment in civil services.
34. The following LPAs should publish in periodical publications the announcement and conditions of the competition for employment in civil services: Falesti, Rezina, Soldanesti, Telenesti, Ialoveni, Basarabasca, Cimislia, Taraclia.
35. The following LPAs should put on the information boards in their neighbourhood the announcement and conditions of the competition for employment in civil services: Rezina, Chisinau, Criuleni, Stefan Voda.

#### **To the Public Procurement Agency**

36. Monitor the observance of transparency in public procurement procedures by level-two LPAs as contracting authorities in the context of supervisory duties, ex-post control, and inter-sectoral coordination in the area of public procurements.

#### **To the National Integrity Agency**

37. The declaration of assets and personal interests of the management from the level-two LPAa from Drochia, Riscani, Nisporeni should be placed on the institution's website.

#### **To the Law Enforcement Bodies**

38. They must take note of the misuse of the administrative resources reported by certain officials.

#### **To the Stakeholders**

39. 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.
40. Involve more actively in the process of consulting draft decisions, not only by informing, but also by providing a feedback to the LPAs.
41. Conduct citizens' information campaigns explaining them all the benefits of the participating budgeting for the ATU they belong to.
42. 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  
PPN – Public Procurement Newsletter  
Mr – Mister  
WG – Working Group  
GD – Government Decision  
let. – Letter  
mun. – Municipality  
No – Number  
t. – Town  
p. – Point  
d. – District  
RM – Republic of Moldova  
v. – Village  
sem. – Semester  
SRPP IS – ‘State Register of Public Procurement’ Information System  
ATU – Administrative Territorial Unit  
ATUG – Administrative Territorial Unit of Gagauzia

## ANNEXES

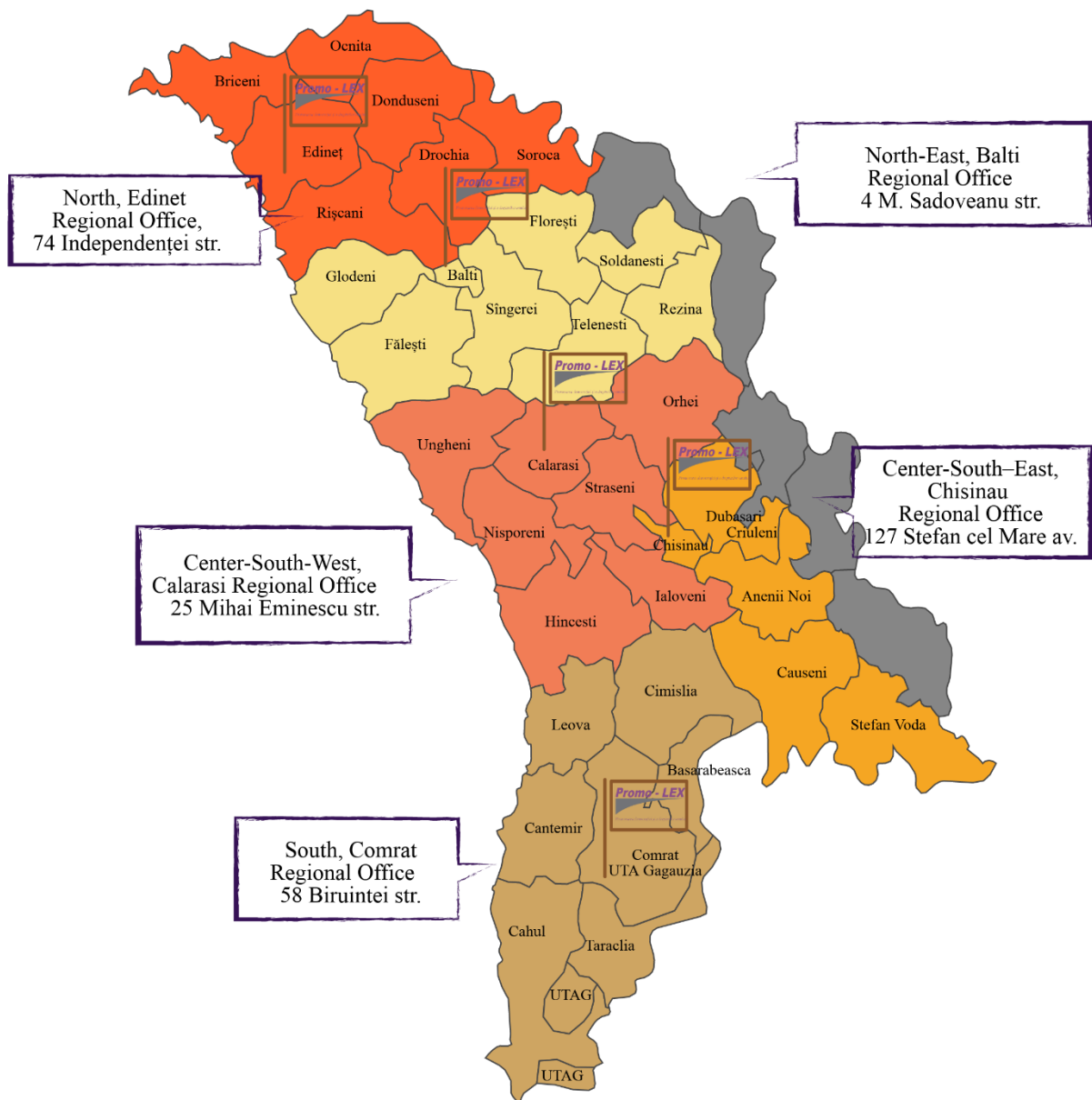
### Annex 1. Legal Framework

- 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**

*Advancing democracy and human rights*

## Regional offices 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?<sup>22</sup>

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 indicate:		

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.

\_\_\_\_\_

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 and the Law on Access to Information? If YES, please specify.

YES	NO
-----	----

<sup>22</sup>The monitor will ask level-two LPAs' representatives to provide evidence supporting their statements.

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

YES	NO
-----	----

Provide details:

8. List the consultation tools used to ensure a participative budgeting.

Consultation tool	Used (YES/NO)	Please provide details (date, venue, participants)
Written materials sent to citizens/received from citizens		
Use of the website to make proposals and suggestions		
Working group, workshops, seminars		
Focus group		
Surveys		
Public hearings		
other public consultation methods, please indicate:		

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

YES	NO
-----	----

Provide details: \_\_\_\_\_

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

- poor knowledge of the legislation by the LPAs;
- insufficient funding of LPAs;
- the need for an LPA reform;
- exaggerated legal provisions, in terms of number and content;
- the 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?<sup>23</sup>

<b>Consulting activity</b>	<b>Please tick the activity you conducted (YES/NO)</b>	<b>Please provide details (date, venue, participants)</b>
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?

<b>Information source</b>	<b>Please tick the activity you conducted (YES/NO)</b>	<b>Please provide details (date, publication name)</b>
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
-----	----

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
-------------	----------	---------------

Provide details: \_\_\_\_\_

<sup>23</sup>The monitor will ask level-two LPAs' representatives to provide evidence supporting their statements.

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

YES	NO
-----	----

Provide details: \_\_\_\_\_

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

YES	NO
-----	----

Provide details: \_\_\_\_\_

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

YES	NO
-----	----

Provide details: \_\_\_\_\_

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

YES	NO
-----	----

9. If you participated in the budgeting, please list the consultation tools used to ensure a participative budgeting with your participation.

Consultation tool	Used (YES/NO)	Please provide details (date, venue, participants)
Written materials sent to citizens/received from citizens		
Use of the website to make proposals and suggestions		
Working group, workshops, seminars		
Focus group		
Surveys		
Public hearings		
public consultation methods, please specify: _____		

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

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

**Annex 5. Interview grid Monitoring the identification of possible cases of abusive use of administrative resources**

**Reference period:** *calendar year 2017*

**Interview subjects:** *district/municipal councillors/members of People's Assembly*

<b>Level II Territorial-Administrative Unit (district, municipality, ATUG):</b>			
<b>Number of councillors; Political affiliation; Majority/Opposition.</b>	<b>Total No of Councillors</b>		
	<b>Affiliation</b>	<b>Number</b>	<b>Majority/Opposition</b>
	PDM		
	PLDM		
	PSRM		
	PN		
	PCRM		
	PL		
	BE PPEM		
Another party			
Independent			
<b>Number of councillors of the majority:</b>			
<b>Name of the interlocutor (<u>optional answer</u>); Position; Political affiliation</b>			
<b>Date when the questionnaire was filled in:</b>			

1. Was the process of *allocating financial/material/institutional resources to local public administration in 2017 a fair one*? Were the local officials from the opposition parties treated equally with those from government in terms of access to public financial resources (financial transfers to the lower administrative level, the use of public benefits (e.g. official cars))?

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details:

\_\_\_\_\_

2. **A.** During your activity as a local official or civil servant, have you ever come across cases of *physical or psychological intimidation, threats or other forms of pressure on locally elected officials or civil servants in the ATU in order to make them change their decision, vote, behavior, political affiliation, or to force them to participate in public and/or political events*? Provide details

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Provide details (who, what, when, how, where, by whom?) \_\_\_\_\_

\_\_\_\_\_

**B.** Have you personally been *physically or mentally intimidated, threatened or subjected to other forms of pressure during your activity as a local official or civil servant in order to change your decision, vote, behavior, political affiliation, or to force you to participate in public and/or events*?

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details: (what, when, how, where, by whom?) \_\_\_\_\_

\_\_\_\_\_

3. **A.** During your activity as a local official or civil servant, *have you ever come across cases of undue provision of goods and services, undeserved, to determine the locally elected people to change their decision, vote, behavior, political affiliation, or to participate in political events*?

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details (who, what, when, how, where, by whom?)  
\_\_\_\_\_

**B.** Were you personally *offered undeserved, inappropriate goods and services to change your decision, vote, behavior, political affiliation?*

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details: (what, when, how, where, by whom?)  
\_\_\_\_\_

4. **A.** Based on the information you have, do you know about cases of political pressure on the local officials or civil servants in your ATU *who could lose their job?*

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details (who, what, when, how, where, by whom?)  
\_\_\_\_\_

**B.** Have you or your party members *ever been put under pressure that you might lose your job?*

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details: (what, when, how, where, by whom?)  
\_\_\_\_\_

5. **A.** Are you aware of cases when local officials, civil servants from your UAT or the members of the party you represent said that *contravention/criminal cases were initiated against them in 2017 on political grounds?*

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details (who, what, when, how, where, by whom?)  
\_\_\_\_\_

**B.** Were you *initiated a contravention/criminal case you consider politically grounded?*

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details: (what, when, how, where, by whom?)  
\_\_\_\_\_

6. In general, are you aware of *cases when some benefits were gained from certain ATU civil servants affiliated to political parties by having them use their official positions, the goods they have access to or the connections with government institutions other than those mentioned above?*

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Provide details: (what, when, how, where, by whom, from whom?)  
\_\_\_\_\_

7. In your opinion, *were the fundamental human rights* (e.g. the right to freedom of expression, the right to association and assembly) respected observed and guaranteed in the Republic of Moldova during 2017?

Yes, \_\_\_\_\_; No, \_\_\_\_\_

Please provide details:  
\_\_\_\_\_

8. Are there *codes of conduct, internal regulations that guarantee measures against abuse of power* imposed by hierarchically higher public authorities within the public institution that you represent in order to influence your decision-making power? Do you feel protected from any pressure from state institutions?

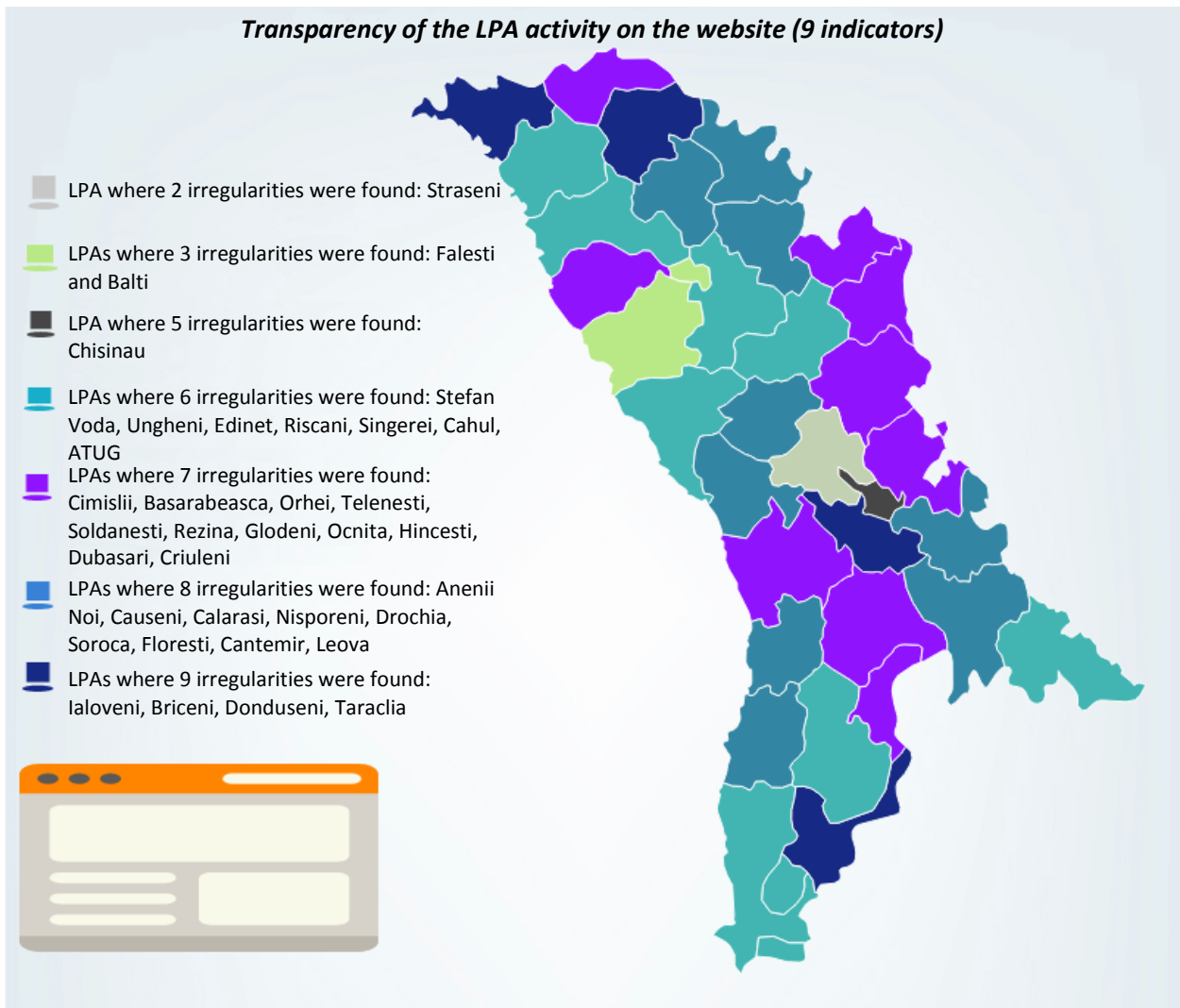
Yes, \_\_\_\_\_; No, \_\_\_\_\_

Provide details: \_\_\_\_\_

**Annex 6. Disaggregation of data on the decision making transparency of the level-two APL website**

Region	LPA	Internal rules	Responsible person	Draft decision development schedule	Announcements about starting the process of decision drafting	Announcements about withdrawing a draft	Announcements about the organization of public consultations	Draft decisions, related materials, adopted decisions	Summary of recommendations (results of public consultations)	Annual report on transparency in decision making process	Total No of compliant cases out of the total of 9 indicators analysed
Center-South-East	Anenii Noi	NO	NO	NO	NO	NO	NO	YES	NO	NO	1/9
	Causeni	NO	NO	NO	NO	NO	NO	YES	NO	NO	1/9
	Chisinau	NO	YES	NO	NO	NO	YES	YES	NO	YES	4/9
	Criuleni	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
	Dubasari	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
	Stefan Voda	NO	NO	NO	NO	NO	YES	YES	NO	YES	3/9
Center South-West	Calarasi	NO	NO	NO	NO	NO	YES	NO	NO	NO	1/9
	Hincesti	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
	Ialoveni	NO	NO	NO	NO	NO	NO	NO	NO	NO	0/9
	Nisporeni	NO	NO	NO	NO	NO	YES	NO	NO	NO	1/9
	Orhei	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
	Straseni	YES	NO	YES	YES	NO	YES	YES	YES	YES	7/9
	Ungheni	YES	NO	NO	NO	NO	YES	YES	NO	NO	3/9
North	Briceni	NO	NO	NO	NO	NO	NO	NO	NO	NO	0/9
	Donduseni	NO	NO	NO	NO	NO	NO	NO	NO	NO	0/9
	Drochia	NO	NO	NO	NO	NO	NO	YES	NO	NO	1/9
	Edinet	NO	NO	NO	YES	NO	NO	YES	NO	NO	2/9
	Ocnita	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
	Riscani	NO	NO	NO	YES	NO	YES	YES	NO	NO	3/9
	Soroca	NO	NO	NO	NO	NO	NO	YES	NO	NO	1/9
North-East	Balti	YES	NO	YES	NO	NO	YES	YES	YES	YES	6/9
	Falesti	YES	NO	YES	YES	NO	YES	YES	NO	YES	6/9
	Floresti	NO	NO	NO	NO	NO	NO	YES	NO	NO	1/9
	Glodeni	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
	Rezina	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
	Singerei	YES	NO	NO	NO	NO	YES	YES	NO	NO	3/9
	Soldanesti	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
Telenesti	NO	NO	NO	NO	NO	NO	YES	NO	YES	2/9	
South	Basarabasca	YES	NO	NO	NO	NO	NO	YES	NO	NO	2/9
	Cahul	YES	NO	NO	NO	NO	NO	YES	NO	YES	3/9
	Cantemir	NO	NO	NO	NO	NO	NO	YES	NO	NO	1/9
	Cimislia	NO	NO	NO	NO	NO	YES	YES	NO	NO	2/9
	Leova	NO	NO	NO	NO	NO	NO	YES	NO	NO	1/9
	Taraclia	NO	NO	NO	NO	NO	NO	NO	NO	NO	0/9
	ATU Gagauzia	NO	NO	NO	NO	NO	YES	YES	YES	NO	3/9

**Annex 7. Performance of level-two LPAs in complying with the transparency indicators on website**



**Annex 8. Number of procurement contracts by objects of procurements of LPAs in the second semester of 2017**

Region	District/Municipal Council	Community services	Telecommunication and IT equipment/services	Equipment/transport services	Industrial equipment	Med. equip., personal care and security	Clothing, footwear	Musical instruments, sports items, etc.	Construction works	Machines, equipment and consumables	Furniture, household appliances	Food products, beverages, tobacco	Chemicals	Oil products/fuel	Mining products/machinery	Services (hotel accommodation, maintenance, etc.)	Total
Center-South-East	Anenii Noi								8							12	20
	Causeni			2					6							1	9
	Chisinau	1	12	5	19	4		7	193	8	65	74	13	4	1	19	425
	Criuleni								15							1	16
	Dubasari								6								6
	Stefan Voda			2					6	1					1	1	11
Center South-West	Calarasi			5					15			4		2		3	29
	Hincesti			2			1		29					1		1	34
	Ialoveni		2	1					11							2	16
	Nisporeni			1					4					20		2	27
	Orhei		1	1					15			9				2	28
	Straseni		2	2					37		1	4		17		1	64
	Ungheni			1					16							1	18
North	Briceni			2	2				29		6	7		2		1	49
	Donduseni								12			4				1	17
	Drochia								12					1			13
	Edinet								9					1		1	11
	Ocnita			3		1			2								6
	Riscani	1		1				1	29		12	24					68
North-East	Soroca			3				1	10		1			1	2	1	19
	Balti		12	1		1		1	30		20	18		7		6	96
	Falesti			2					13					1		1	17
	Floresti			2				1	10		3	9					25
	Glodeni			1					2							1	4
	Rezina			1					9			9				1	20
	Singerei			1					18			6				1	26
	Soldanesti			1		2			4								7
Telenesti			2				1	7			8		1	2		21	
South	Basarabasca			1					1								2
	Cahul			2			2		21	1						1	27
	Cantemir			1			1		4								6
	Cimislia			2					14					13			29
	Leova			1										1		3	5
	Taraclia			1					11							3	15
	ATUG			1			1	4	21	1				2		8	38
<b>Total</b>	<b>2</b>	<b>29</b>	<b>51</b>	<b>21</b>	<b>8</b>	<b>5</b>	<b>16</b>	<b>629</b>	<b>11</b>	<b>108</b>	<b>176</b>	<b>13</b>	<b>74</b>	<b>6</b>	<b>75</b>	<b>1 224</b>	

**Annex 9.Amount of procurement contracts by objects of procurements made by LPAs in the second semester of 2017**

Region	District/Municipal Council	Community, social and personal services	Telecommunication and IT equipment/services	Equipment/transport services	Industrial equipment	Med. equip., personal care and security	Footwear, clothing	Musical instruments, sports items, toys, etc.	Construction works	Machines, appliances, equipment and consumables	Furniture, household appliances and cleaning products	Food, beverages, tobacco	Chemicals	Oil products/fuel	Minig products/machinery	Services (hotel, architecture, maintenance, maintenance)	Total
Center-South-East	Anenii Noi								11.86							0.06	11.92
	Causeni			0.40					3.36							1.75	5.51
	Chisinau	0.49	2.14	4.68	20.86	0.57		8.39	48.57	0.89	13.70	45.07	1.68	0.92	1.89	63.47	213.32
	Criuleni								18.65							1.02	19.67
	Dubasari								6.60								6.60
	Stefan Voda			0.40					9.68	0.14					0.18	0.02	10.42
Center South-West	Calarasi			1.76					7.47			0.56		0.47		3.05	13.31
	Hincesti			1.05			0.29		26.36					0.17		0.14	28.01
	Ialoveni		2.34	0.32					8.38							1.41	12.45
	Nisporeni			0.30					4.01					1.99		2.71	9.01
	Orhei		0.14	0.22					7.77			0.13				0.88	9.14
	Straseni		0.24	1.11					24.91		0.16	0.81		3.89		0.16	31.28
	Ungheni			0.30					12.55							0.35	13.20
	Briceni			0.45	0.29				10.63		2.97	1.95		0.59		0.63	17.51
North	Donduseni								5.57			0.24				0.38	6.19
	Drochia								11.28					0.22			11.50
	Edinet								23.88					0.05		1.97	25.90
	Ocnita			0.63		0.10			4.41								5.14
	Riscani	2.57		0.22				0.63	9.42		6.25	12.84					31.93
	Soroca			0.84				0.22	16.49		0.20			0.22	1.53	0.11	19.61
North-East	Balti		1.86	0.56		0.23		0.83	28.10		1.60	13.32		1.07		3.18	50.75
	Falesti			1.27					11.90					0.19		0.03	13.39
	Floresti			0.69				0.15	13.90		1.34	0.91					16.99
	Glodeni			0.22					0.54							0.17	0.93
	Rezina			0.22					6.54			0.36				0.23	7.35
	Singerei			0.29					16.70			0.23				0.09	17.31
	Soldanesti			0.22		0.07			7.43								7.72
	Telenesti			1.26				0.15	8.74			0.30		0.38	0.57		11.40
South	Basarabasca			0.34					0.15								0.49
	Cahul			0.71			0.19		23.25	0.13						0.64	24.92
	Cantemir			0.22			0.23		8.29								8.74
	Cimislia			0.53					9.25					1.55			11.33
	Leova			0.22										0.40		0.87	1.49
	Taraclia			0.34					9.35							0.75	10.44
	ATU Gagauzia			0.32			0.15	0.36	225.99	0.16				0.49		1.99	229.46
<b>Total</b>	<b>3.06</b>	<b>6.72</b>	<b>20.09</b>	<b>21.15</b>	<b>0.97</b>	<b>0.86</b>	<b>10.73</b>	<b>641.98</b>	<b>1.32</b>	<b>26.22</b>	<b>76.72</b>	<b>1.68</b>	<b>12.60</b>	<b>4.17</b>	<b>86.06</b>	<b>914.33</b>	
<b>Total %</b>	<b>0.33%</b>	<b>0.73%</b>	<b>2.20%</b>	<b>2.31%</b>	<b>0.11%</b>	<b>0.09%</b>	<b>1.17%</b>	<b>70.21%</b>	<b>0.14%</b>	<b>2.87%</b>	<b>8.39%</b>	<b>0.18%</b>	<b>1.38%</b>	<b>0.46%</b>	<b>9.41%</b>	<b>100%</b>	

Annex 10.Object of public procurements contracted by level-two LPAs

**Object of the public procurements conducted by the LPAs in the second semester of 2017**

**70.21%**

Construction works (buildings, land, parks, stations, schools, roads, railways, etc.)



**9.41%**

Various services (repairs and maintenance, accommodation, financial and insurance, architecture-related, security etc.)



**8.39%**

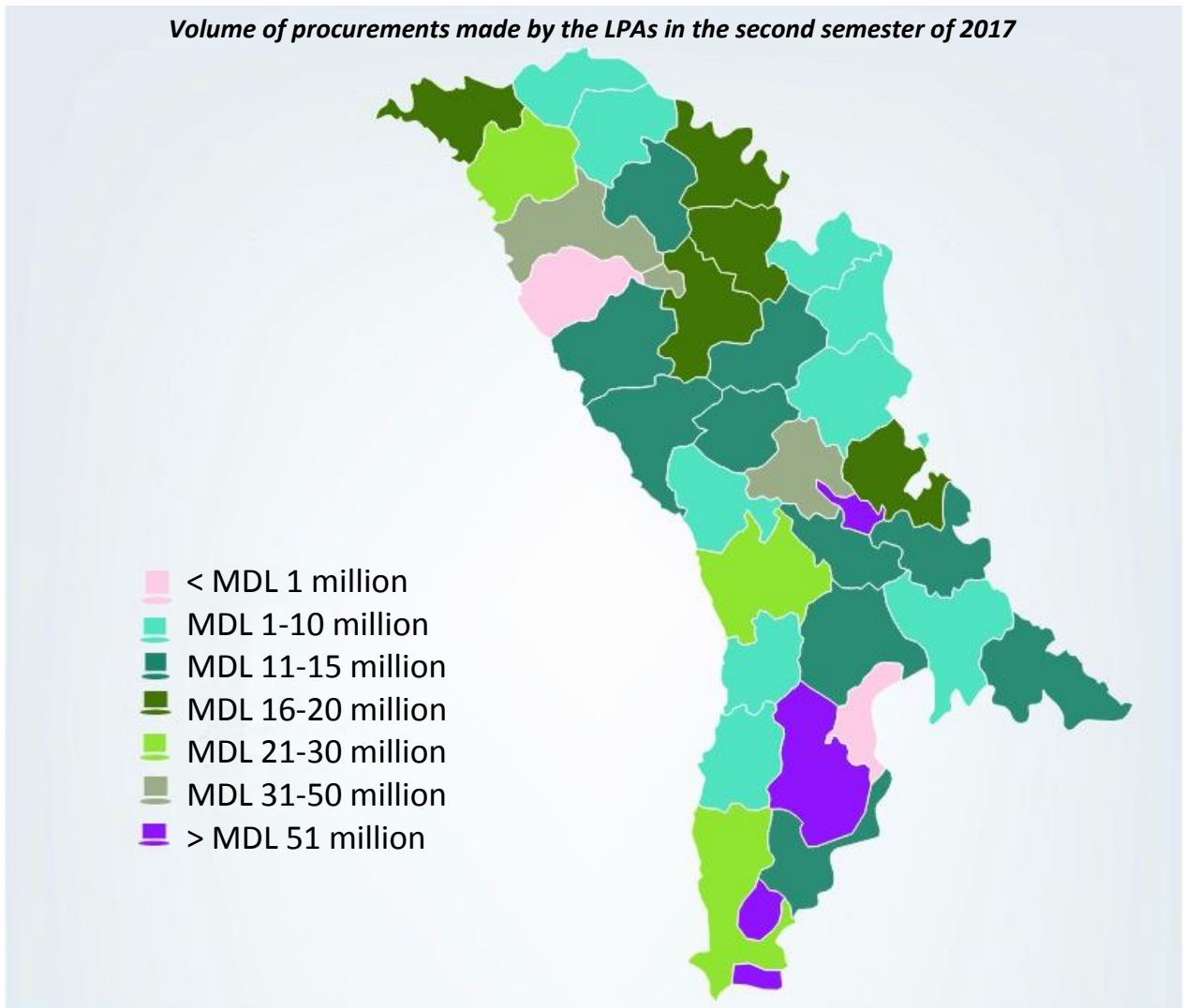
Foodstuffs, beverages, tobacco



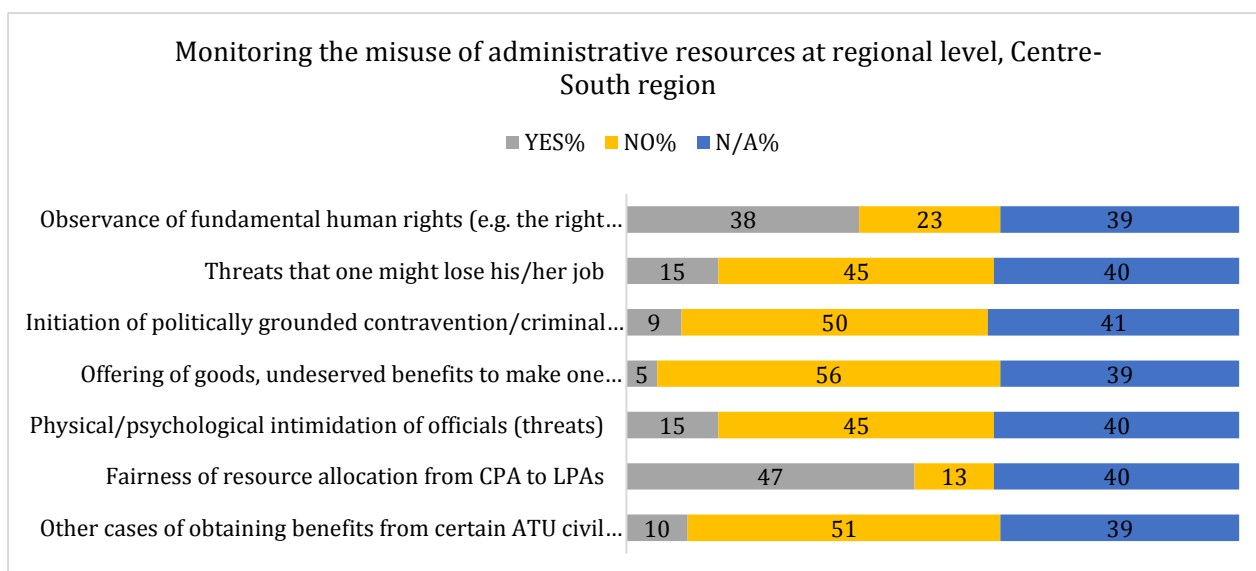
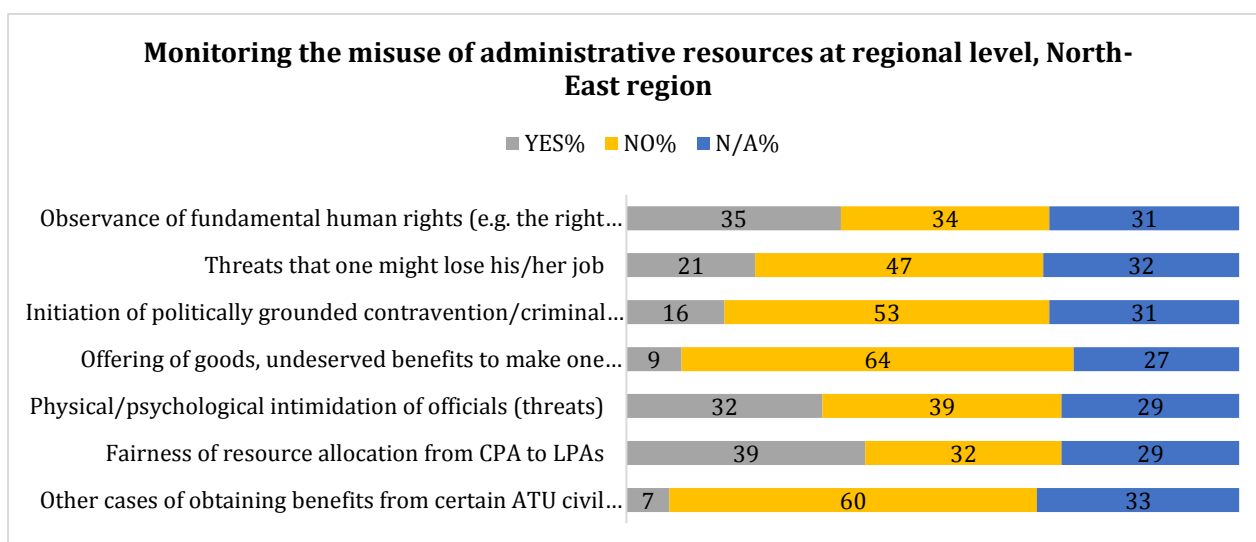
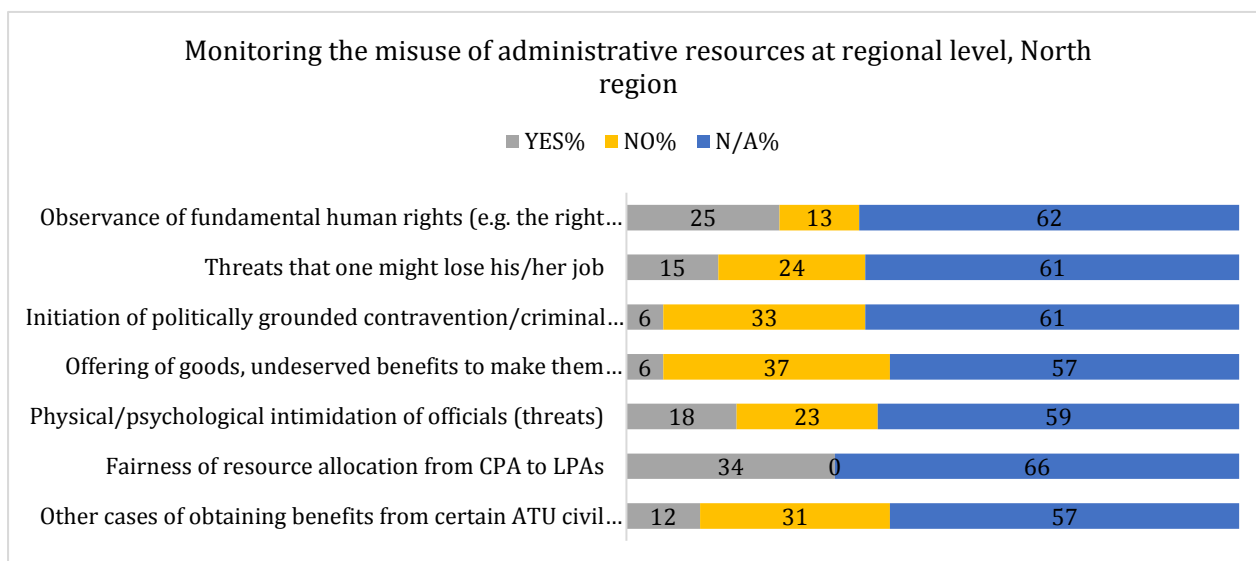
**2.87%**

Furniture, home appliances, cleaning products

**Annex 11. Volume of public procurements contracted by level-two LPAs**

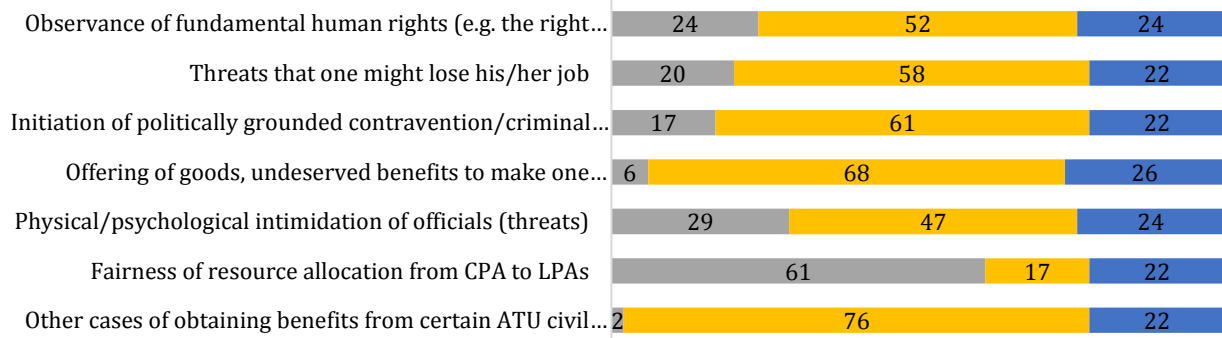


## Annex 12. Monitoring the possible cases of misuse of administrative resources per region



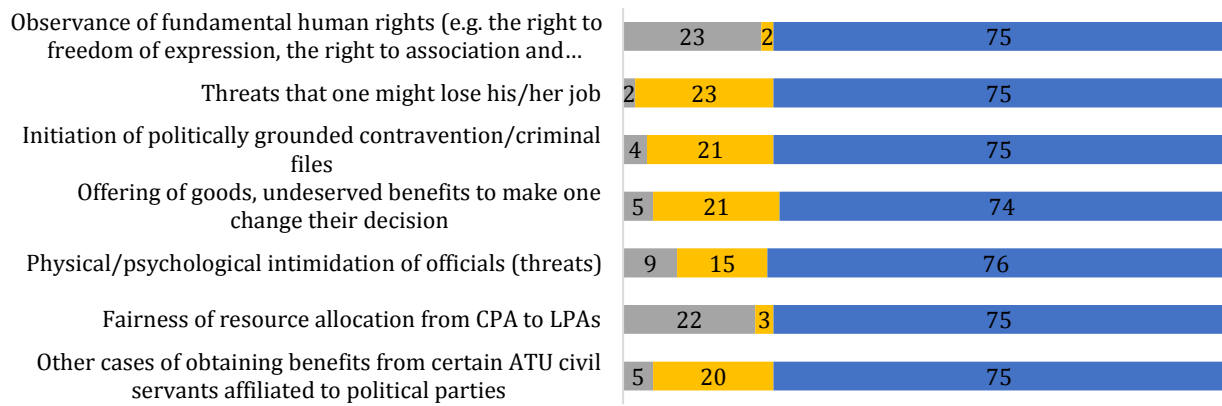
### Monitoring the misuse of administrative resources at regional level, Centre-South region

■ YES% ■ NO% ■ N/A%



### Monitoring the misuse of administrative resources at regional level, South region

■ YES% ■ NO% ■ N/A%



**Annex 13. Generalization of data on the degree of achievement of legal provisions in decision-making transparency, per LPA**

<i>No</i>	<i>LPA</i>	<i>Accessibility of headquarters<sup>24</sup></i>	<i>Requirements for websites<sup>25</sup></i>	<i>Response to the requests of information<sup>26</sup></i>	<i>Stages of budgetary process<sup>27</sup></i>	<i>Integrity indicators<sup>28</sup></i>	<i>Report of the Public Procurements Working Group<sup>29</sup></i>	<i>Coefficient</i>
1.	Basarabasca	+						1
2.	Balti	+	+	+	+	+	+	6
3.	Cantemir	+			+			2
4.	Causeni				+			1
5.	Chisinau				+			1
6.	Cimislia				+			1
7.	Criuleni	+			+			2
8.	Dubasari				+			1
9.	Falesti	+	+		+			3
10.	Floresti	+						1
11.	Glodeni				+			1
12.	Hincesti			+	+			2
13.	Ialoveni			+				1
14.	Leova	+						1
15.	Ocnita				+			1
16.	Orhei				+			1
17.	Riscani				+			1
18.	Singerei	+			+			2
19.	Straseni		+	+	+			3
20.	Stefan Voda			+	+			2
21.	Taraclia				+			1
22.	Telenesti			+		+	+	3
23.	Ungheni				+			1
24.	ATUG	+			+			2

<sup>24</sup>The data provided in the Report, reveal that the highest rate with regards the accessibility and facilities – 4/6, is obtained by the following APLs: Balti, Falesti, Floresti, Singerei, Criuleni, Basarabasca, Cantemir, Cimislia, Leova, ATUG

<sup>25</sup> Analyzing the country's overall picture, we found that the following APLs (out of a total of 9) best complied with the requirements: 7 requirements – Straseni, and 6 – Balti and Falesti.

<sup>26</sup>Both requests for access to information were given a full answer within the legal time limits by following level-two LPAs: Balti, Telenesti, Stefan Voda, Hincesti, Ialoveni, Straseni.

<sup>27</sup> Transparency of the stages of the budgetary process was observed by the following level-two LPAs: Riscani, Balti, Falesti, Glodeni, Singerei, Causeni, Hincesti, Orhei, Straseni, Ungheni, Chisinau, Criuleni, Dubasari, Stefan Voda, Cantemir, Cimislia, Taraclia and ATU Gagauzia.

<sup>28</sup> Taking into account the integrity indicators included in Promo-LEX monitoring, we conclude that the best result – 5/6, is registered by 2 level-two LPAs: Balti and Telenesti.

<sup>29</sup> The level-two LPAs authorities that published both quarterly/semi-annual and annual reports of the Public Procurement Working Groups were: Balti and Telenesti.