

POLICY PAPER

STRUCTURAL REFORM OF THE LEGISLATIVE PROCESS AND
STRENGTHENING PARLIAMENTARY OVERSIGHT IN THE CONTEXT
OF THE REVIEW OF THE DRAFT CODE ON THE ORGANIZATION
AND FUNCTIONING OF THE PARLIAMENT (NO.110/2026)

POLICY PAPER

To: The Parliament of the Republic of Moldova: Legal Committee on Appointments and Immunities;
The Venice Commission

From: Promo-LEX Association

Date: 21 July 2026

Subject: Structural reform of the legislative process and strengthening parliamentary oversight in the context of the examination of the draft Code on the Organisation and Functioning of Parliament (No. 110/2026)

1. Executive Summary

This policy paper has been drawn up in the context **of the adoption of the new Code on the Organisation and Functioning of Parliament (No. 110 of 6 April 2026)**. Although this draft has already been **passed at first reading and forwarded to the Venice Commission for an opinion**, monitoring of the decision-making process highlights a major shortcoming: the holding of only two rounds of public consultations – one prior to the draft’s registration and one thereafter – which limits genuine civil society participation in a reform of such magnitude.

The document proposes essential adjustments based on Promo-LEX reports and international standards (the Venice Commission, OSCE, OECD-SIGMA, OGP). The aim is to eliminate the systemic shortcomings identified during the 11th legislative term: the abuse of fast-track procedures (50 per cent of laws adopted in less than 30 days), the systematic marginalisation of the opposition (only 10 laws tabled during the 11th legislature) and a low rate of public consultation (18.2 %). The recommendations aim to institutionalise dialogue between the majority and the opposition, strictly regulate the use of emergency procedures, standardise consultations and revitalise the parliamentary oversight function to ensure the effective implementation of **the Roadmap on ‘The Functioning of Democratic Institutions’**.

2. Introduction and strategic context

The Republic of Moldova has entered a decisive stage in its European path, marked by the need for rigorous legislative discipline. **The Roadmap on ‘The Functioning of Democratic Institutions’**, approved by Government Decision No. 276/2025, sets out clear strategic objectives for increasing parliamentary effectiveness and transparency.

The Promo-LEX Association, drawing on its experience from 2016–2019 focusing on parliamentary oversight and appointments to public office, has monitored the work of the 11th Parliament (2021–2025). To this end, the association has produced annual reports, thematic analyses and summaries of plenary sessions, focusing on the transparency of the decision-making process, the functioning of standing committees, parliamentary oversight and budgetary management.

Statistical data from the 11th parliamentary term, collected by Promo-LEX, indicate a gap between stated commitments and parliamentary practices. Although trust in Parliament rose during the 11th

legislature from 15 % to 32 %, in March 2026 only 22 % of citizens only 22% of citizens mentioned having a high or very high level of trust.

The Venice Commission's opinion on the draft code offers Parliament the opportunity to incorporate not only external legal observations but also recommendations from civil society, thereby avoiding the risk that the new law might fail to achieve its intended purpose. To this end, Promo-LEX has submitted specific recommendations on the draft to Parliament, and **this policy memorandum highlights key aspects** with the potential for systemic impact on the legislative process.

3. Analysis of issues and recommendations on key topics

3.1. Standardising and streamlining public consultations

Current situation: Transparency in decision-making remains deficient, with a consultation rate on draft legislation in the 11th Parliament of just 18.2%. More seriously, 62.2 % of the consultations carried out took place *between* the first and second readings, when the draft legislation had already been finalised. The publication of summaries of recommendations is inadequate (only 34 % of the draft legislation subject to consultation had published summaries), affecting the traceability of civil society contributions. In this context, although the Government has drafted a law on public participation to replace Law 239/2008, the mechanism for judicial oversight of compliance with the law remains unregulated. This vulnerability could encourage systematic non-compliance with the stages of the decision-making process, including by Parliament.

References and standards:

- **OGP (Open Government Partnership) and SIGMA:** Promote a shift from passive participation (receiving documents) to active participation and mandatory feedback.
- **Law No. 239/2008 on transparency in the decision-making process:** Sets minimum timeframes of 10–15 working days for consultations, which are frequently not respected by Parliament.

Recommendations:

1. **Consultations prior to registration or before the first reading:** Mandatory organisation of public consultations **before the first reading**, particularly for MPs' initiatives.
2. **Traceability of recommendations:** Mandatory publication of a summary in open data format setting out the reasons for accepting or rejecting each proposal received from citizens or CSOs.
3. **Procedural sanctions:** Laws that do not comply with transparency requirements should not be included on the agenda, with the possibility of challenging Parliament's actions in court.

3.2. Regulation of emergency and priority procedures

Current situation: There is ‘regulatory confusion’ between the emergency and priority procedures, which are used to bypass consultation and approval stages. During the 11th legislature, 553 laws were adopted in just under 30 days, although many had not officially been declared under the emergency regime. The draft Code maintains this ‘regulatory confusion’ between emergency and priority procedures, which allows consultations and other stages of the decision-making process to be bypassed. The Constitutional Court has already intervened (HCC No. 22/2021, No. 19/2021), declaring unconstitutional laws adopted with ‘one-minute’ intervals between readings, without any real opportunity to table amendments.

References and standards:

- **SIGMA:** Strict requirements for the predictability of the legislative process and the limitation of emergency legislation to genuine crises. If such procedures are used, an ex post review of these laws should be carried out as soon as possible to assess the relevance and effectiveness of the regulatory rules and procedures.
- **Venice Commission:** Legal certainty requires clear rules, not ad hoc changes to political procedures (CDL-AD(2021)016; CDL-AD(2025)002).

Recommendations:

1. **Objective criteria for urgency:** Restricting the urgent procedure strictly to exceptional situations provided for by law or threats to national security.
2. **Minimum deadline for amendments:** Establish a mandatory deadline of **at least two working days** between readings for the tabling of amendments, even under the emergency procedure.
3. **Transparency of reasons:** Mandatory publication on the website of the written justification from the Government or the Presidency for the request for urgent procedure.

3.3. Strengthening the parliamentary oversight function

Current situation: Oversight of the executive is undermined by political will. Interpellations were not used at all during the 11th legislature, and the Government’s annual report was debated only once in four years. Hearings on authorities’ reports in plenary have fallen dramatically in the final year of the term (from 79 per cent to 7 per cent), and many reports are submitted after the deadline.

References and standards:

- **Venice Commission:** Emphasises the importance of committees of inquiry, which should not replace the judiciary but ensure political accountability.
- **OSCE:** Recommends measures to sanction the executive in the event of a refusal to cooperate with the legislature, or in the case of those who obstruct parliamentary inquiries.
- **OECD/SIGMA:** Recommends that Parliament and its committees effectively scrutinise the executive, and monitor the quality of the executive's work through hearings, questions addressed to the government, parliamentary inquiries, public policy evaluations and budgetary oversight.

Recommendations:

1. **Comprehensive reporting list:** The inclusion in the new Code of Organisation and Functioning of Parliament of a clear list of all authorities required to report annually to the plenary.
2. **Sanction mechanisms:** The introduction of accountability measures for the heads of institutions who fail to respond to questions or interpellations from MPs within the statutory time limits.
3. **Active subcommittees:** Reactivation of the subcommittees for the oversight of the intelligence service and for the enforcement of ECtHR judgments, which have been inactive in previous legislature.

3.4. Institutionalising the dialogue between the majority and the opposition

Current situation: Promo-LEX's monitoring highlights a sharp polarization and an enormous gap between the approval rate of the majority's draft laws and those of the opposition. Representation on key committees is often disproportionate (e.g. the Legal Committee in the 11th legislature had a period with 7 PAS members and only 2 BCS members), and opposition laws are frequently ignored by not being included on the agenda. Furthermore, the provision in the draft Code (Article 10(2)) prohibiting changes to the political composition during the term of office contravenes the principle of representative mandate and the case law of the Constitutional Court.

References and standards:

- **The Venice Commission:** Emphasises that rules governing the opposition must not be altered at the discretion of the majority and that penalising MPs for their political positions or changes in party affiliation violates the principle of free mandate [58, CDL-AD(2009)027].
- **OSCE best practices:** Recommends mechanisms to guarantee pluralism and the opposition's effective right to propose legislative alternatives.

Recommendations:

1. **The 'Jean Monnet' Dialogue:** Adoption of this European model to facilitate consensus on major reform projects.
2. **Shadow Report:** Regulation of the opposition's right to submit an official shadow report on draft legislation, in line with the European Parliament's model.
3. **Chairing selection and inquiry committees:** Establish the opposition's right to chair inquiry committees and selection committees for public office (e.g. ANRE, the Competition Council), ensuring a genuine balance of power.

4. Assessment of policy options

Option	Advantages	Disadvantages / Risks
1. Status Quo (adoption of the Code without amendments)	Rapid completion of the reform.	Risk that certain articles may be declared unconstitutional; reduced legitimacy of the EU accession process; perpetuation of vicious practices.
2. Incorporation of recommendations (genuine reform)	Alignment with the standards of the Venice Commission/OECD-SIGMA; OGP; predictability and transparency; strengthening of public trust.	Requires broad political consensus and time to train the administrative apparatus and MPs.

5. Conclusion and call to action

The success of the Republic of Moldova's accession to the European Union depends not only on the quantity of transposed laws, but on their quality and democratic legitimacy. Parliament must move from formal transparency to proactive transparency, ensuring a genuine role for the opposition and civil society. The adoption of the Code of Organisation and Functioning of Parliament must not be merely a matter of ticking off an item on the roadmap, but a genuine transformation of the institution. Incorporating the recommendations set out in the Code will strengthen the legislature's role as a genuine forum for debate and the exercise of parliamentary scrutiny, contributing to respect for the principles of the rule of law and good governance.

6. References

- **Promo-LEX Report:** Monitoring the Activity of Parliament during the 11th Legislature (2021–2025): Full [Report](#) – Romanian; Executive [Summary](#) – English; The Activity of Parliament during the 11th Legislature – [Good Practices and Recommendations](#) – Romanian.
- **Promo-LEX Survey:** Citizens' perceptions of the quality of elections and the functioning of democratic processes in the Republic of Moldova – [Romanian](#) version; [English](#) version.
- [Position paper](#) signed by CPR Moldova, Promo-LEX and other civil society organisations, regarding the exclusion of administrative appeal mechanisms from the draft Law on public participation in the decision-making process
- **Venice Commission:** Opinions CDL-AD(2009)027, CDL-AD(2021)016, CDL-AD(2025)002, CDL-AD(2019)015.
- **OECD/SIGMA:** Principles of Public Administration
- **OSCE:** Parliamentary oversight of the executive in the OSCE region.
- **OGP:** Standards for participation and co-creation, Memorandum on Parliamentary Engagement.
- **Legislation:** Law No. 239/2008 (transparency in decision-making), Law No. 100/2017 (legislative acts); Roadmap on Democratic Institutions (Government Decision 276/2025);
- **Constitutional Court rulings:** HCC No. [22/2021](#), No. [19/2021](#)
- **Draft legislation:** Draft Code on the Organisation and Functioning of Parliament No. 110/2026; [Draft Law](#) on Public Participation in the Decision-Making Process