

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY
REPUBLIC OF MOLDOVA**

ARTICLE 6

PREVENTIVE ANTI-CORRUPTION BODIES

REPUBLIC OF MOLDOVA (FOURTEENTH MEETING)

Information in relation to the interlinkages between preventive and law enforcement approaches (resolution 9/6 of the Conference of the States Parties to the United Nations Convention against Corruption)

The United Nations Convention against Corruption provides in its Article 6, paragraph 1:

“Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption...”

Article 36:

“Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement...”

Resolution 9/6, paragraphs 5 and 8

“[The Conference of the States Parties to the United Nations Convention against Corruption] Also acknowledges that both preventive measures and law enforcement are required to address corruption effectively and that there are interlinkages between preventive and law enforcement approaches that may lead to the increased effectiveness of anti-corruption efforts, and further acknowledges that successes in and lessons learned from one approach may inform the efforts in the other...Requests the Open-ended Intergovernmental Working Group on the Prevention of Corruption to consider including, as topics for discussion at its thirteenth and fourteenth meetings,...the interlinkages between preventive and law enforcement approaches”

Please describe (cite and summarize) the measures/steps that your country has taken, if any (or is planning to take, together with the related time frame) to implement the Convention and to promote the implementation of paragraphs 5 and 8 of resolution 9/6.

In relation to the topic under consideration and measures/steps that have been taken, States parties may wish to consider including the following:

- Measures taken to establish policies, mechanisms (such as working groups, task forces or other ad hoc coordination groups) and/or standard operating procedures through which bodies mandated to prevent corruption (in accordance with article 6 of the United Nations Convention against Corruption) and law enforcement authorities (including those specialized in combating corruption through law enforcement) share information, evidence or intelligence relevant to corruption prevention, detection and/or investigation;
- Policies, mechanisms and/or standard operating procedures through which bodies with mandates to prevent corruption (UNCAC article 6) and also conduct law enforcement operations related to corruption share intelligence, evidence or information internally within the designated body related to corruption prevention and/or detection; and
- Other measures or approaches taken to ensure that successes in and lessons learned from either the preventive or the law enforcement approach to corruption inform efforts in the other.

➤ **National Anti-corruption Centre (NAC) of the Republic of Moldova**

Corruption prevention mechanisms

The National Anti-corruption Centre (NAC), in accordance with provisions of Law no. 1104/2002, is the national authority specialized in the prevention and fight against corruption, corruption related acts and acts of corruptive behavior. Thus, according to its competence, NAC also carries out the activity of anti-corruption proofing, institutional integrity assessment and anti-corruption education.

Anti-corruption proofing

Corruption, being a complex phenomenon, requires specific measures to combat it. Thus, the establishment of measures to prevent corruption represented a desired and an indispensable condition in the fight against corruption in the Republic of Moldova.

Corruption is a system dysfunction that affects not only the institutional system, the interpersonal relations specific to social institutions, but also affects the normative framework. The legislation of the Republic of Moldova is not yet perfect in terms of the uniform application of legal provisions.

Phrases that could be interpreted differently, terms with multiple meanings, ambiguous notions, provisions that contradict each other.

These loopholes – can attribute to the legal norms vagueness, confusion, discretion in interpretation. At the same time, their application involves the risk of corruption and other illegalities.

The need for anti-corruption proofing was dictated by the imperfection of the legislative creation process that led to the development and promotion of projects with an obvious corruptible character.

Law on the National Anti-corruption Centre no. 1104 /2002 expressly regulates the task of anti-corruption proofing.

The anti-corruption proofing represents the identification of corruption risks, the factors that generate them, as well as the submission of recommendations for their removal in draft legislative and normative acts.

And in 2017, the entire spectrum of anti-corruption measures that were found in a series of special laws were systematized and included in the Integrity Law.

Thus, according to the *Integrity Law*, the effectiveness of cultivating the climate of institutional and professional integrity is subject to checks by the leaders of public entities, anti-corruption

authorities, civil society and the media. Also, in article 25 of this law, the heads of public entities shall be responsible for applying the following integrity control measures in the public sector:

a) avoiding corruption risks in the development of draft legislative, normative, and departmental acts (future risks);

b) managing corruption risks (existing risks).

The National Anticorruption Center (NAC) shall be responsible for applying the following integrity control measures in the public sector:

a) anticorruption expertise;

b) evaluation of institutional integrity, including professional integrity testing and management of the professional integrity record of the public agents, except for the public agents provided in par. (5) let. b) of this article, under the conditions of Law №. 325/2013 on institutional integrity assessment.

The objectives of the corruption proofing expertise are:

- preventing manifestations of corruption by excluding risk factors from drafts;
- informing the authors and the general public about the risk factors and corruption risks identified in the projects;
- providing additional guarantees for carrying out the legislative process in the interest of citizens and in the public interest.

All drafts elaborated and finalized (on the basis of proposals and objections presented in the process of approval by public entities and consultation of interested parties in the decision-making process) are subject to corruption proofing, with the exception of:

- policy documents;
- individual acts for personnel reshuffle;
- Government decrees;
- Government decisions for approving draft laws and decrees of the President of the Republic of Moldova;
- international treaties, acts for awarding full powers and expressing the consent of the Republic of Moldova to be bound by the international treaty.

The deadline for performing corruption proofing shall be 10 working days from the moment the draft is sent to NAC. In the case of voluminous or complex drafts, the term for performing corruption proofing expertise may be extended up to 30 working days, with the notification of the authors.

Corruption proofing shall be carried out based on the Methodology for performing corruption proofing expertise for draft legislative and normative acts, approved by the National Anti-corruption Centre Board, which sets forth the objectives and the stages of the corruption proofing expertise, the description of the typology of risk factors that determines the emergence of corruption risks and the detailed structure of the anti-corruption proofing report. The methodology shall be published on the web page of NAC.

The anti-corruption proofing report, signed by the expert who has concluded it, shall be sent to the draft author and published on the web page of NAC.

Regarding the initiatives and practices implemented by NAC in the context of the topics to be discussed at the 14th session of the Working Group on the Prevention of Corruption, we communicate the following.

NAC is concerned not only with the qualitative, transparent and efficient performance of its duties, but also with the evaluation of the efficiency and effectiveness of measures to prevent corruption, which contributes to the perfecting and improvement of processes. Thus, NAC based on priority I.3. *The transparency of the legislative process and the anti-corruption expertise* from the National Integrity and Anti-corruption Strategy for the years 2017-2023, approved by the Parliament Decision no. 56/2017, monitor the Parliament's web pages and the Government's meetings in order to identify the projects that are subject to the anti-corruption expertise, but the authors they avoided/hesitated to send them for anti-corruption proofing. The implementation of the pre-planned process ensures the assessment, in quantifiable terms, of the activity of the entities subject to integrity control in the public sector and the efficiency of the activity of the experts within the Center as a whole.

This measure is also included in the Action Plan for the implementation of the measures proposed by the European Commission in its Opinion on the Republic of Moldova's application for accession to the European Union (*action 3.2 Ensuring that no draft normative act is adopted by the Government without the anti-corruption proofing of the National Anti-corruption Centre*). In this sense, we ensure the monitoring of the share of draft normative acts approved by the Government, accompanied by the corruption proofing expertise carried out by NAC, in order to remove the cases of inclusion on the Government's agenda of the draft normative acts that evaded the anti-corruption expertise.

At the same time, taking into account the impact and objectives of anti-corruption proofing (preventing manifestations of corruption by excluding risk factors from projects, providing additional guarantees for carrying out the legislative process in the interest of citizens and in the public interest), as well as for carrying out the actions provided for in *Priority III. 3. Consolidation of educational and corruption prevention measures* from the National Integrity and Anti-corruption Strategy for the years 2017-2023, approved by Parliament Decision no. 56/2017, in particular Action 31, which provides for the need to publish and present some research regarding the findings of the corruption proofing expertise carried out by NAC. In this regard, with the support of the United Nations Development Program (UNDP) within the project "Curbing corruption by building sustainable integrity in the Republic of Moldova" implemented with the financial support of the Ministry of Foreign Affairs of Norway, 2 studies were conducted that analyze the phenomenon of promotion particular/private/corporate interests through the draft normative acts to the detriment of the public interest and how the anti-corruption expert reports of NAC can contribute to stopping the promotion of prejudicial interests. They also present the assessment of the cost of damages caused by the draft normative acts qualified as promoters of interests. These studies are published on the Center's web page and can be consulted (Romanian version) by accessing the addresses below:

<https://www.cna.md/libview.php?l=ro&idc=117&id=3020&t=/Studii-si-analize/Studii-despre-coruptie/Studiu-privind-expertiza-anticoruptie-2016-2018-eficienta-costuri-impact>

<https://www.cna.md/libview.php?l=ro&idc=117&id=3466&t=/Studii-si-analize/Studii-despre-coruptie/Expertiza-anticoruptie-2019-2020-Eficienta-costuri-impact>

Institutional integrity assessment

The *Law on the National Anti-corruption Centre no. 1104 /2002* expressly regulates the attribution of institutional integrity assessment.

The institutional integrity assessment is a process of identifying the risks of corruption within the public entity using analytical and practical methods (professional integrity testing), describing the factors that determine the identified risks and their consequences, as well as providing recommendations for diminishing them.

The *Integrity Law no. 82/2017*, established the integrity control mechanism in the public sector, which includes the institutional integrity assessment tool, as well as the professional integrity testing as a component of the evaluation process, and the management of the record regarding the professional integrity of public agents.

The institutional integrity assessment tool is applied in accordance with *the Law on the institutional integrity assessment no. 325/2013*, as well as the *Methodology for identifying the corruption risks within the public entities, for identifying the public agents exposed to these risks and for analyzing the risk factors that generate them* approved by the Order of the Director of NAC no. 50/2018.

According to the *Law on the institutional integrity assessment no. 325/2013*, all entities in the public sector, including state and municipal enterprises, may be subject to institutional integrity assessment.

In accordance with the *Methodology for identifying the corruption risks within the public entities, for identifying the public agents exposed to these risks and for analyzing the risk factors that generate them*, the entities to be assessed are not selected randomly. In this respect, 4 clear selection criteria are established, namely: *the criterion of carrying out activities vulnerable to corruption; the statistical criterion; the criterion of direct contact with the beneficiaries of public services; the criterion of not ensuring the climate of integrity, namely the non-implementation of the anti-corruption measures provided for by the Integrity Law.*

In accordance with *Law on the institutional integrity assessment no. 325/2013*, the process of institutional integrity assessment shall be performed through the following stages:

First stage „Identification of corruption risks within the public entity”, which consists in the examination of integrity incidents admitted by public agents within the public entity, information sent by the citizens, materials from mass media, analytical sources (reports, studies, surveys, indicators, etc.), as well as of the modalities affecting the human rights through the identified corruption risks.

Second stage „Testing the professional integrity of public agents”, initiated based on a motivated decision, is an optional stage of the institutional integrity assessment. The public agents to be subject to testing shall be selected on random basis, depending on the corruption risks identified in the public entity at first stage. The tester shall be responsible for performing this stage.

Professional integrity testing represents all the processes related to performance of the professional integrity test and is a stage of the institutional integrity assessment.

Third stage “Description of corruption risks and analysis of factors generating such risks” shall be carried out by describing the corruption risks identified during the first stage and, where appropriate, confirmed during the professional integrity testing at second stage of the assessment, as well as by analyzing the risk factors which increase the likelihood of such risks’ materialization.

Fourth stage “Issuance of recommendations for improving the institutional integrity climate” implies setting some minimum requirements, meeting these requirements would allow the public entity to reduce the corruption acts among the public agents.

The institutional integrity assessment is completed with the preparation of a report, which includes the detailed analysis of the identified factors and risks of corruption, as well as the recommendations formulated by the NAC experts to remove the identified deficiencies. The report is submitted both to the assessed institution and to the hierarchically superior entity.

The results of the institutional integrity assessment are public, the materials being entirely placed on the NAC web page.

The head of the assessed entity is obliged within 30 days of receiving the report to adopt an Integrity Plan, which integrates the recommendations formulated in the process of the institutional integrity assessment.

After receiving the report on the implementation of the integrity plan, the institution that assessed the institutional integrity shall assess the progress made in strengthening the institutional integrity climate of the public entity, verifying in this respect whether the integrity plan was successfully implemented or failed. In order to create and continuously maintain the climate of institutional integrity, public entities are periodically subjected to repeated assessments of institutional integrity, respecting the same sequence of stages, and their number is not limited.

In case of failure of the integrity plan, the institution that assessed the institutional integrity shall propose to the hierarchically superior public entity the disciplinary sanction, including the application of the sanction of dismissal of the head of the public entity.

At the same time, the public agents who recorded negative results of the professional integrity tests are subject to disciplinary sanctions by the leaders.

According to the *Law on the institutional integrity assessment no. 325/2013*, parliamentary control over the activity of assessing institutional integrity is exercised by the National Security, Defense and Public Order Commission and the Legal Committee for Appointments and Immunities. In this regard, NAC submits to the specialized parliamentary committees, annually, until March 30, a public report on the activities of assessing the institutional integrity, which contains: the number

of public entities subject to the evaluation of institutional integrity; the number of professional integrity tests carried out and their results; the number of integrity plans adopted and implemented successfully or failed; the number of appeals of applied disciplinary sanctions.

The National Security, Defense and Public Order Commission and Legal Committee for Appointments and Immunities may request, within the limits of their competence, any additional information regarding the activity of assessing the institutional integrity of public entities and testing the professional integrity of public agents if they consider that the submitted reports are incomplete.

The National Integrity and Anticorruption Strategy for the years 2017-2020 (NIAS)

The responsibility for strengthening the national integrity climate, for carrying out actions to prevent corruption and establishing integrity tools are coordinated within a single national document, the National Integrity and Anticorruption Strategy for the years 2017-2020 (NIAS), adopted by the Parliament Decision no. 56 of March 30, 2017.

In order to ensure the continuity of the successes achieved at the central, local and sectoral level, as well as to avoid a lack of coverage of the policy document during the conceptualization, elaboration and adoption of a new strategic document, on December 24, 2021, the Parliament Decision no. 241 on the amendment of Parliament Decision no. 56/2017 for the approval NIAS for the years 2017-2020, (in force from 28.01.2022, Official Gazette No. 27-33 art. 32)⁵, which provides for the extension of the implementation deadline of the aforementioned Strategy.

The extension of the implementation period of the National Integrity and Anticorruption Strategy 2017-2020 until 2023 included the revision of the Action Plans of the Strategy.

Thus, the National Anti-corruption Centre of the Republic of Moldova, as the Secretariat of the Strategy Monitoring Groups that ensure the efficient management of anti-corruption policies, went through the consultation process that included two stages. Thus, the draft of the Parliament Decision on the amendment of the Parliament Decision no. 56/2017 for the approval of the National Integrity and Anticorruption Strategy for the years 2017-2020 was adopted, in compliance with the rigors of decision-making transparency and public consultation of the document.

The essence of the changes made to the Action Plans of the Strategy is of a different nature. They may be generically grouped into the following categories of amendments:

- The introduction of new actions, but which harmoniously integrate into the structural construction of the Strategy Action Plan, as well as complement the actions already prescribed in order to make the achievement of the goals proposed by this strategic document more efficient and complete.
- The revision of progress indicators generally concerns changes that involve the "splitting" ("disaggregation") of already existing indicators, in order to ensure the efficiency of the monitoring, reporting and evaluating process of the progress recorded by the implementing authorities.

⁵ https://www.legis.md/cautare/getResults?doc_id=129663&lang=ro

- The review of the deadlines for the implementation of the actions, in essence, is envisaged the extension of the implementation deadlines of the actions in order to give new valences to these actions.

- The review of the institutions responsible for the implementation. In some cases, it was found that the Action Plan unjustifiably burdens some institutions with actions that do not belong to their competence, which negatively influences the implementation progress. Other times, the order of listing the institutions responsible for implementation is one that does not correspond to the institutional competences. The proposed changes come to correct these aspects, but some also relate to the need to adjust the name of the institutions according to the normative changes.

Additionally, in accordance with the provisions of Chapter V of NIAS for the years 2017-2020, one of the key elements of the Strategy's monitoring process is the assessment of the impact of the actions targeted in the Strategy's Action Plans. The evolution of the impact indicators of NIAS is measured using an annual survey, in which 3 target groups participate for questioning: the general population; economic agents; and public agencies.

The findings of each survey are reflected in the monitoring and evaluation reports of the implementation of NIAS. At the same time, the methodology of conducting the survey (questions, sample and target groups through which the achievement of the impact indicators, the general objectives and the purpose of the Strategy is pursued) is kept unchanged during the entire period of the implementation of the Strategy for the accurate tracking of the evolution of these indicators.

Thus, so far, with the support of UNDP Moldova within the Projects "Strengthening the corruption prevention and analysis functions of the National Anticorruption Centre" and "Curbing corruption by building sustainable integrity in the Republic of Moldova", financed by the Ministry of Foreign Affairs of Norway, three follow-up surveys were conducted on the impact of NIAS, which included the following evaluation periods: 2017⁶, 2019⁷, 2020⁸.

Additionally, in order to ensure the process of drafting the new public policy document in the field of anti-corruption, with the support of the Project "Strengthening the rule of law and anti-corruption mechanisms in the Republic of Moldova", with the financial support of the European Union and the German Federal Ministry for Economic Cooperation and Development (BMZ), implemented by GIZ, the final assessment exercise of the impact of NIAS for the years 2017-2020 was ensured. Thus, during 2022, the Impact Report on the implementation of NIAS for the years 2017-2020⁹ was developed and published.

Anti-corruption education

Considering that one of the principles in NAC's activity is the priority of applying corruption prevention methods to those of combating and in order to implement the provisions of Law no. 82/2017 on integrity, National Integrity and Anti-corruption Strategy for the years 2017-2020,

⁶ <https://www.undp.org/ro/moldova/publications/studiu-de-evaluare-impactului-strategiei-na%C8%9Bionale-de-integritate-%C8%99i-anticorup%C8%9Bie-2017>

⁷ <https://www.undp.org/ro/moldova/publications/studiu-de-evaluare-impactului-strategiei-na%C5%A3ionale-de-integritate-%C5%9Fi-anticorup%C5%A3ie-moldova-2019>

⁸ <https://www.undp.org/ro/moldova/publications/studiu-de-evaluare-impactului-strategiei-na%C8%9Bionale-de-integritate-%C8%99i-anticorup%C8%9Bie-%E2%80%93-moldova-2021>

⁹ https://cna.md/public/files/RAPORT_evaluare-SNIA_2017-2020.pdf

approved by Parliament Decision no. 56/2017, expressly regulates the importance and necessity of the development of anti-corruption education by the National Anti-corruption Centre.

The anti-corruption education component, one of the measures to prevent corruption, is oriented towards *training and information activities for target groups, awareness campaigns, advisory and methodological support* to public entities in implementing integrity standards, working with civil society and external partners in order to increase the effectiveness of prevention mechanisms.

Thus, on the anti-corruption education component, anti-corruption training is carried out within public entities and continuous improvement centers with public agents regarding measures to ensure institutional integrity. Only during the year 2022, 439 trainings in the field of integrity and anti-corruption were carried out, for 17746 people. The training activities are aimed at strengthening capacities and responsibilities in the field and strengthening institutional and professional integrity, as well as promoting the culture of integrity among public agents.

Also, NAC created the *e-Learning platform "Anti-corruption and Integrity"* which contains a training course on integrity and anti-corruption policies. During 2022, 2387 public agents benefited from the course, of which 2365 received a Course Completion Certificate.

Another measure to prevent corruption through anti-corruption education is the information and awareness campaigns carried out at the country level. The intensification of activities in the fields mentioned below was determined by the vulnerabilities and risks of corruption that affect the good governance of public entities, the management of public resources, the quality of services, medical assistance, citizens' rights, etc.

Thus, a series of information and awareness campaigns were carried out in partnership with public entities, as follows:

- NAC - The information and awareness campaign *"An anti-corruption day in your city"*;
- NAC – District Education Directorates *"Integrity: credibility in the educational system"*;
- NAC – General Medical and Social Assistance Directorate of Chisinau City Hall;
- NAC – Ministry of Agriculture and Food Industry;
- NAC – Public Services Agency *"Integrity for quality public services"*;
- NAC – "Moldsilva" Agency and the Ministry of the Environment *"Forests without corruption"*;
- NAC - General Police Inspectorate *"Report! Your attitude matters!"*;
- NAC – Ministry of Health – National Medical Insurance Company *"Integrity for Health"*;
- NAC – Ministry of Education and Research – National Agency for Curriculum and Evaluation *"No corruption at BAC"*;
- NAC- Agency for Court Administration – National Integrity Authority *"Integrity: precondition for preventing corruption risks"*;
- NAC – Railway Company *"Integrity on the rails"*;
- NAC – Technical University of Moldova.

In the framework of the information and awareness campaigns, informative leaflets are distributed to citizens and advisory support is provided to citizens on issues related to the competence of NAC, namely: the way to report corruption cases to NAC, information on strategic analyzes carried out by NAC in various fields, evaluation reports on certain public entities, etc.

Anti-corruption volunteers of NAC play an important role in strengthening the anti-corruption education component among young people. They are actively involved in anti-corruption education activities, namely: training in educational institutions and summer camps, information and awareness campaigns, the development of anti-corruption social spots and other informative materials in the field of integrity. The purpose of the activities carried out by the anti-corruption volunteers of NAC consists in promoting the culture of integrity, educating generations of honest and loyal specialists in democratic principles.

NAC's anti-corruption volunteers annually carry out the information and awareness campaign "*An integrity lesson in my school/university*" which consists of organizing and conducting integrity and corruption prevention lessons in the educational institutions where they study.

Also, during the summer, the anti-corruption volunteers of NAC carry out the information and awareness campaign "*Integrity in the meaning of children!*" within the camps for children. They organize training activities and interactive games to help educate young people in the spirit of integrity.

Another educational project among young people is the *Quiz Pro Integrity* activity aimed at young people whose objective is to strengthen the culture of integrity among students, high school students, through the prism of interactive assimilation of information on the premises and effects of the phenomenon of corruption. Quiz Pro Integrity takes place at the country level.

Another good practice on the corruption prevention component is the *Podcast platform* that is organized and held by NAC employees. The given platform consists of the broadcast of video dialogue sessions conducted by the NAC officer or a NAC volunteer, as moderator, and a guest, on topics related to anti-corruption and integrity. The guests on the Podcast were NAC employees, prosecutors, judges, representatives of civil society, representatives of the private sector, etc.

Another project carried out by NAC in partnership with the Chamber of Commerce and Industry of the Republic of Moldova and the State Agency for Intellectual Property is the *national contest "Trademark of the year"* in the nomination "*Implementation of integrity standards in the private sector*". Annually NAC awards private companies with the Integrity Award that apply and implement integrity standards. The business integrity award offered by NAC supports honest business and strengthens the integrity component in the private sector, including the contribution to a competitive, fair business environment based on standards of integrity, transparency and professionalism in the interaction with the public sector.