



SPEEDING UP MOLDOVA'S EU INTEGRATION PROCESS THROUGH PROGRESS IN THE FIELD OF ANTICORRUPTION LESSONS LEARNED FROM CROATIA



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ABBREVIATIONS

APO	Anticorruption Prosecutor's Office of the Republic of Moldova
CCEC	Centre for Combating Economic Crime and Corruption of the Republic of Moldova
ENP	European Neighbourhood Policy
GPO	General Prosecutor's Office of the Republic of Moldova
GRECO	Group of States against Corruption
NAC	National Anticorruption Centre of the Republic of Moldova
NAS	National Anti-Corruption Strategy of the Republic of Moldova
NIC	National Integrity Commission of the Republic of Moldova
PNUSKOK	Police National Office for the Fight against Corruption and Organised Crime of the Republic of Croatia
SJSR	Strategy for Justice Sector Reform of the Republic of Moldova
SAA	Stabilisation and Association Agreement
UNCAC	UN Convention against Corruption
USKOK	Office for the Prevention of Corruption and Organised Crime of the Republic of Croatia

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INTRODUCTION

According to the definition used by the Transparency International, corruption is understood as “*the abuse of entrusted power for private gain*” (Transparency International 2014). Corruption could be classified as grand, petty and political, depending on the financial damage and the sector where it occurs. Grand corruption occurs at a high level of government, has negative implications on policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good. Petty corruption refers to everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens at places like hospitals, schools, police departments and other agencies. Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth (Ibidem).

The study “Speeding up Moldova’s EU integration process through progress in the field of anticorruption – lessons learned from Croatia” is prepared by the researchers from the Institute for Development and International Relations (IRMO) from Croatia within the project “EU Moldova Think Tank Dialogue” developed by the Romanian Centre for European Policies (CRPE). The project has been financed by the Ministry of Foreign Affairs of Romania and the UNDP Bratislava.

The aim of this study is to make a critical assessment of the progress and the challenges which Moldova is facing in terms of combating corruption, in light of the upcoming EU standards through the EU’s neighbourhood Policy and the Eastern Partnership program which aims to further support sustainable political and economic reform processes. The study also takes into consideration the experiences of Croatia during the EU accession process in this particular area. Although Moldova’s relations with the EU are not part of the same policy as was the case with Croatia¹, the reform processes in the country has to deal with the same challenges by applying similar instruments and techniques in order to promote domestic political reforms regarding these very sensitive issues. In this context, Croatia’s integration experiences could be relevant for Moldova as Croatia started the accession process in the period when corruption was widespread in the country and was at the same time confronted with the strengthened EU’s conditionality.

The study focuses on the topics which were high on the agenda during Croatian accession negotiations (the dimension of fight against corruption within the Chapter 23 – Judiciary and Fundamental Rights) where the country accumulated a lot of practical knowledge in the areas such as institution building and legal framework development to combat corruption, independence of the judiciary, suppression of the conflict of interest, financing of political parties, transparency of public procurement, criminal law, etc.

It is understandable that the two countries have made quite different progress in the fight against corruption which should only briefly be mentioned in this paper (Annex 1) According to Freedom House indicators of national democratic governance, where the ratings are based on a scale of 1 (the lowest) to 7 (the highest level of democratic progress), both countries have recorded progress in the last decade. However, Croatia reached the score 4.00 in 2013 while Moldova was ranked with 5.75. (Freedom House 2013a, 2013b). Furthermore, Transparency International (TI) ranks Croatia in the middle of the scale regarding the corruption perception index in 2013 (48th position on a scale in which 100 = low corruption while 0 = highly corrupted country). Moldova is positioned as 35th on the same scale, meaning a higher level of corruption (Transparency International 2013a). Finally, citizen’s perception towards corruption also confirms these differences but shows that in general the same institutions are seen as the most corrupted ones in both countries (political parties, judiciary, legislature and medical and health services) (Transparency International 2013b).

The introductory chapter of the study briefly analyses how the EU's conditionality strengthened the democratisation and the fight against corruption in Croatia, and how the main problems were addressed. The key focus is on the lessons learned based on the examples of good practice but also the challenges that the country is still facing, in spite of the fact of being the EU member. The following chapters critically analyse Moldovan efforts in the mentioned areas. The focus is on assessing Moldova's institutional framework for the fight against corruption, progress achieved so far (both in terms of legislation and its implementation), challenges in key areas, impact of the funding by international donors (including the EU) on the reforms in this area as well as the role of civil society in bringing Moldova closer to the EU standards. The concluding chapter offers some policy recommendations aimed at helping Moldova to stay on the EU course in democratisation efforts and in fighting corruption.

The study is based on the secondary data sources (analytical material, strategic documents, legislation, action plans, progress reports, implementation reports, public opinion surveys, etc.) both for Moldova and Croatia. The primary source (interview based) data were collected through the direct contacts with several selected experts during the fact finding research visit to Moldova in April 2014 (ANNEX 3).

Although the research was primarily based on qualitative techniques, it also aims to give the insight into some comparative quantitative indicators such as the TI Corruption Perception Index and the results of the public opinion polls.

The work on the first draft of the study was completed in late May 2014. After that the study was peer reviewed by two independent, unknown scholars chosen by CRPE. Following the review the work was presented at the 3rd EU-Moldova Forum held in Balti, Republic of Moldova, 19 - 20 June 2014. The study was finalised in July 2014.

CROATIA

Legal, institutional and policy framework for prevention and fight against corruption in Croatia

During the process of accession to the European Union Croatia has made strong efforts in developing a comprehensive legal and institutional framework to combat corruption. The country has put in place a number of anti-corruption strategies (the most recent one was in 2008), accompanied by action plans that have been subsequently updated, including in 2013.

The initial development of legal and institutional framework for the fight against corruption was, in Croatia, to a great extent driven by international actors. The accession to the European Union had a strong role in leading the process of establishing legal, institutional and policy framework. Actually, the fight against corruption became an issue of crucial importance in Croatia with the start of preparation for the EU integration, through the framework of the Stability Pact which gave an impetus for the whole region of South-eastern Europe to combat corruption (The Stability Pact for Southeastern Europe 1999). However, the lack of political will in earlier stages has significantly slowed down the reform process. In that period Croatia has ratified the key international conventions for the fight against corruption.² With the signing of the Stabilisation and Association Agreement (2001) harmonisation of legislation with the *acquis communautaire* started in the areas of internal market, but it did not directly focus the fight against corruption, except for the legal aspects of public procurement (SAA 2005. Article 72).

The development of legal, institutional and policy framework in Croatia between 2000 and 2012 could be followed through three phases (Cozonac et al. 2012, pp. 53 - 90).

The first phase was focused on the development of the anti-corruption agenda (2000-2005) and it resulted with the initial legal framework (right to access to information, suppression of conflicts of interest, suppression of money laundering, public procurement, criminal law, etc.) and institutional framework. The anti-corruption institutions of both repressive and preventive nature were established. As a central body for the fight against corruption the Office for the Prevention of Corruption and Organized Crime (USKOK) was established in 2001 as a part of the State's Attorney Office. The creation of the USKOK was a response to a rather high level of corruption and organised crime in Croatia, which has emerged from the recent war and was later linked to economic restructuring of the country. Furthermore, the National Council for the Fight against Corruption was established.

The second phase of developing the anti-corruption policy (2004/05 – 2008/09) was focused on further development of legal and institutional framework together with the capacity building of the established institutions. The first Anti-corruption Programme 2006-2008 was adopted by the Croatian Parliament (March 2006). Among the areas where perceived corruption was widespread it underlined the judiciary, health services, local government and public administration, political parties, economy and science. Separate action plans to fight against corruption were adopted. In the period 2002-05, 6.531 persons were reported for corruptive criminal offences out of which some 40% were indicted while close to 20% were convicted (European Commission 2007, p. 7). The Strategy for the fight against corruption was adopted in June 2008 and followed a sectorial approach and covered areas such as conflict of interest, financing of political parties, access to information, public finances, public procurement, judiciary, economy, health, science and education, to name but a few.

The third phase of anti-corruption agenda (2009-2012) focused on efficiency and accountability of established institutional framework but also on the wider impact of the anti-corruption policy. The fight against corruption was identified as one of the basic problems of Croatian social and political system. This phase focused on the third round of implementation of National Anti-corruption strategy and Action Plan. The existing laws were further improved with series of amendments and some new laws were adopted (Financing of political parties, Civil servants code, etc.). The key legal acts were amended during this period several times. The institutional set up was finalized, PNUSKOK – Police National Office for the Fight against Corruption and Organized Crime in 2009 (Cozonac et al. 2012). The number of high profile corruption prosecutions has increased (from high ranking officials, senior managers in some state owned companies to ministers and even Prime-minister) following the adoption of a new Law on Criminal Procedure.

Croatia has not ratified the OECD Convention on Combating Bribery of Foreign Public Officials and International Business Transactions but is a member of Group of States Against Corruption – GRECO (since 2000), member of INTERPOL and is active in cooperation with the countries of South-Eastern Europe through various initiatives (South-east European Cooperative Initiative – SECI, Regional Anti-corruption Initiative – RAI, South-Eastern Europe Police Chiefs Association – SEPCA, and others).

Transparency International Croatia is the main watchdog organisation in Croatia while the citizens' organisation GONG (funded in 1997) is, among others, active in monitoring all developments regarding to corruption.

The key lesson which could be learned from Croatia is that the fight against corruption is a lasting process. Even in the time close to joining the EU, corruption remained a serious problem in Croatia, particularly in major public companies: the health sector, universities, public procurement system, the construction sector and land registry offices (US Department of State 2013).

The European Commission's progress reports followed developments of the system until the finalisation of negotiations (2011). After the conclusion of negotiations, the Commission continued monitoring the two chapters which were considered to be sensitive until the formal entry into the EU. One of them was Judiciary and Fundamental Rights and the other Justice, Security and Freedom. In spite of the fact that Croatia made visible progress in combating corruption, one of the main recommendations of the Commission was to continue ensuring *a sustained track record of substantial results based on efficient, effective and unbiased investigation, prosecution and court rulings in organised crime and corruption cases at all levels including high level corruption, and in vulnerable sectors such as public procurement. Furthermore, Croatia had to continue to improve its track record of strengthened prevention measures in fight against corruption and conflict of interest* (European Commission 2012b).

Together with the existing problems related to corruption within the EU, the experience of implementing Chapter 23 in negotiations inspired the Commission to start regular anti-corruption reporting mechanism to periodically assess the EU Member States with the aim to place greater emphasis on corruption in internal and external policies, and to prompt stronger political will in the Member States and enforcement of the existing legal and institutional tools. It provides an analyses of corruption within the EU Member States and the steps to prevent and fight it (European Commission 2011). The first report (2014) includes Croatia as a new EU member. Based on the Eurobarometer survey on perception and experience in corruption, the Report positioned Croatia among six countries lagging behind in scores, together with the Czech Republic, Lithuania, Bulgaria, Romania and Greece. In these countries, 84% to 99% respondents of the survey think that corruption is widespread in the country. However, Croatia (together with Czech Republic) appears to make a somewhat of a more positive impression than the rest of the group. Being the new EU member state, Croatia was in general rather positively evaluated. As an example of good practice concerning the anti-corruption agencies, Croatian USKOK was particularly mentioned due to the track record of proactive investigations and successful prosecution including notable cases concerning high level elected and appointed officials (European Commission 2014c, p. 14). Another positive example mentioned in the Report is related to transparency in public procurement: *"In March 2013, a web portal and public procurement electronic database were launched by a local NGO as a result of an EU-funded project. The database consolidates information related to the implementation of public procurement procedures and companies involved in public procurement procedures, and is available free of charge to the public. The electronic database also contains information concerning assets and interests of public officials, in line with asset disclosure rules. Such aggregated data allow cross-checks to be carried out* (Ibidem, p. 31).

The European Commission report leads to the conclusion that corruption is a complex phenomenon with economic, social, political and cultural dimensions which cannot be easily eliminated even in the EU. There is no *"one size fits all"* solution. Corruption needs to be examined at a national level and based on suggestions relating to how the most relevant issues for the each country could be addressed and elaborated in a notional context. However, the report seeks to promote high anti-corruption standards, as well as highlighting problems, and practices found within the EU. It also intends to promote anti-corruption standards elsewhere (European Commission 2014), thus relevant for Moldova.

The main achievements and key weaknesses of anti-corruption system in Croatia

The most important achievements and weaknesses of the current fight against corruption policy in Croatia are mentioned in the continuation of this paper.

Achievements

- Croatia has developed strategic documents and legislation (laws, regulations and penalties) to fight corruption in accordance with the *acquis communautaire*. The sectorial approach implemented in the strategic documents proved to be adequate. The country also ratified main international anti-corruption instruments.
- The legal framework for the suppression of corruption and organised crime is wide and is considered to be adequate for the current development moment of the country. The legal framework has significantly been improved recently with new acts or amendments. The criminal code (which entered into force on 1 January 2013) increased the sanctions for some corruption offences; while the criminal procedure enhanced efficiency. The legal framework for prevention of corruption was also improved (access to information, asset disclosure, and public procurement). The reformed criminal procedure code (2008) enhanced efficiency of proceedings (European Commission 2014a).
- The legal framework for the financing of political parties with clear and transparent rules, supervision and reporting could be mentioned as an example of good practice.
- The number of high level corruption investigations and the speed of completing them have significantly increased (particularly with the amended Criminal Procedure).
- Enhanced transparency in public procurement is also seen as a good practice. The key decisions and most relevant documents are published on the web site of The State Commission for Monitoring Public Procurement Procedures; contacting authorities are obliged to publish procurement plans. E-procurement became easily accessible since 2012 (Ibidem, p. 10).
- Specialised prosecution services are well equipped to carry out investigations, and are functioning proactively in addressing high-level corruption. The Office for the Prevention of Corruption and Organised Crime (USKOK) with offices at local level in Split, Rijeka and Osijek as well as later established specialised Police National Office for the Fight against Corruption and Organized Crime (PNUSKOK) should be mentioned as positive examples. The other existing institutions (relevant ministries and offices) have a proactive role in combating and preventing corruption.
- The public intolerance of corruption increased significantly in the country during the last decade.
- The high-level investigations (the former Prime Minister and Deputy Prime Minister, number of former ministers) are a sign of strong political will to combat corruption. Investigations often dealt with illegal links between politicians and business.

Weaknesses

- The development of anti-corruption policy needs to start in the country as early as possible. In Croatia, development of this policy was linked with (or resulting from) the EU integration process. However, some key steps were taken in the final stages of accession (such as amendment to the Law on the right to access information, Law on prevention of conflict of interest, Law on financing of political parties).

- The strategic documents and action plans in Croatia cover a wide range of objectives and sometimes lack a focused approach. Some of the measures and deadlines, budget and responsibilities are not defined precisely enough.
- Some areas related to corruption are still not regulated by law such as lobbying and whistle blowers while some sectors (such as healthcare) need to be better regulated regarding the fight against corruption. The legislation in some sectors (conflict of interest) primarily focuses on property issues, rather than on conflict of interest as such.
- The level of participation of civil society and all interested stakeholders in formulating the policy is not adequate. Strategic documents are not always based on broad consultation at all levels and there is a need for supporting stronger participative process (Prkut and Škrabalo 2013, p. 10).
- Appointment procedures are still in some cases influenced by the politics.
- There is still an imbalance between prevention and repression of corruption – repression dimension functions better while prevention measures need to be further strengthened (Ibidem, p. 13).
- Corruption related crimes are often punished with rather low or conditional sanctions which leave impression of impunity. However, this is not always the case.
- The effectiveness of institutions, internal control mechanisms (at central and local level) and inter-institutional coordination of anti-corruption policies still represent weaknesses of the system.

MOLDOVA

Brief chronology of relations with the EU

Since 2004 Moldova is the partner country to the EU within the European Neighbourhood Policy (ENP) and in this framework the country managed to make a progress on significant and sensitive areas including the fight against corruption. In 2009, Moldova started to participate in the European Partnership which offers countries of the eastern ENP increased political, economic and cultural links to move towards the EU. Progress of Moldova in the area of anti-corruption is very much linked to the EU's conditionality. In addition to the ENP requirements, advances in this area were one of priority measures included in the EU – Moldova visa liberalisation process which was launched in 2010. Following its achievements in the framework of the ENP in November 2013, the country initiated its Association Agreement with the EU. The Association Agreement will significantly deepen Moldova's political association and economic integration with the EU and include the gradual implementation of a Deep and Comprehensive Free Trade Area. The visa liberalisation process was successfully completed in April 2014, when all Moldovan citizens were granted a visa free travel to the EU. The initiated Association Agreement between Moldova and the EU was signed on 27 June 2014.

The progress of Moldova in establishing closer ties with the EU was accelerated in 2009 when a pro-European coalition came to power and succeeded the previous government led by the Communist Party. However, Moldova still remains a weak democracy because the pro-European coalition is composed of very different political parties which are often constrained to make concessions to their original standpoints just for the sake of keeping the government together.³ The parliamentary elections set for November 2014 will be the real test for the Moldova pro-European path and consequently, its accomplishments in the area of anti-corruption.

Legislative and institutional framework

The framework Law on Preventing and Fighting Corruption in the Republic of Moldova was adopted in 2008 (Law on prevention and combating corruption 2008). Subsequently it was amended and supplemented by other relevant laws, such as the Law on the conflict of interest, Law on the civil service and the status of civil servants, Law on public procurement, Law on transparency in decision making, amendments to the Criminal code etc. In its third action plan on visa liberalisation implementation report the European Commission concluded that special attention needs be paid to the coherence of the overall legislative process in order to avoid legal uncertainty and ensure thorough implementation (European Commission 2012c, p. 14). It is also underlined that legislative initiatives should be subjected to the detailed impact studies which would cite the need for the human and financial resources.

The main strategic document which coordinates efforts in the area of anti-corruption in the Republic of Moldova is the National Anti-corruption Strategy 2011-2015 NAS (Parliament of the Republic of Moldova 2011a). The action priorities for implementation of the Strategy are divided into four components: research, legislative, institutional and educational and public communication components. The NAS is implemented through the Action Plans adopted each year which contain the description of the actions which must be carried out, persons responsible for implementation, results, progress indicators and deadlines. The NAS is based on Moldova's commitments to the UN Convention against Corruption, Council of Europe's Civil and Criminal Conventions on Corruption as well as on the Council of Europe's Group of States against Corruption (GRECO) recommendations (Cozonac et al. 2012, p. 36).

Another strategic document with direct implication on the fight against corruption in Moldova is the Strategy for Justice Sector Reform 2011-2016 (SJSR). This strategy is structured on seven pillars, each of which reflect the most pressing problems of the sector (Parliament of the Republic of Moldova 2011b). One of the specific goals of the SJSR is to promote and implement the principle of zero tolerance for corruption events in the justice sector. The SJSR is accompanied by the Action Plan which lists the actions to be taken and implementation costs. In the framework of this strategy the Moldovan Parliament amended and adopted numerous laws which preliminary relate to judiciary sector such as the laws on courts organisation, status of a judge, judges' selection and career, judicial disciplinary process, integrity checks for the judges, judge's communication with third parties etc. (European Commission 2013c, p. 6; European Commission 2014b, p. 7).

The central authority specialised in combating corruption in Moldova is the National Anti-corruption Center (NAC). The NAC was initially established in 2002 as the Centre for Combating Economic Crime and Corruption (CCEC) but since then it was restructured several times. In 2012 the CCEC was renamed into the NAC which focuses on corruption while the economic crimes not related to corruption have been transferred to the Ministry of Interior and the Customs authority (European Commission 2012c, p. 15). This reform was among priority requirements for the visa liberalisation process with the EU (Ibidem, p. 15). The NAC director is appointed for a four years mandated by the President of the Republic at a proposal of a Prime-minister. The European Commission encourages Moldova to change this practice and introduce a more merit-based criteria for this appointment (European Commission 2013a, p. 18). The NAC employs around 350 people and holds important competences in the field of preventing corruption. It is involved in the process of development and implementation of integrity plans of Moldovan institutions, in training of other public servants, awareness raising among citizens as well as providing expertise in drafting anti-corruption legislation. In the field of repression the competences are split between the NAC and the specialised Anti-corruption Prosecutor's Office (APO). The NAC does most of the investigative work with the prosecutor from the APO overseeing its activities during the investigative stage (European Commission 2013b, p. 21). Under the jurisdiction of the NAC are all corruption offences, both petty and high-level (European Commission 2012c, p. 15).

The Anti-corruption Prosecutor's Office (APO) is subordinated to the General Prosecutor's Office (GPO) which conducts and exerts the criminal prosecution and according to the law represents the accusation in court. The reform

of the prosecution service in line with the Council of Europe standards is very much needed. Currently, the Prosecutor General is appointed by the Parliament at the proposal of the Parliament's speaker. However in the future, responsibilities and competences of the GPO should become clearer, the process of appointing the Prosecutor General much more depoliticised, while prosecutors should become more independent from hierarchically superior prosecutors (Council of Europe 2013b, p. 10). In 2013 a blueprint for reform of the GPO was made but without steps which would ensure its implementation it may remain a declaration of intent (Secieru 2014, p. 2).

The National Integrity Commission (NIC) is an independent public authority in charge with verifying the income of public officials, identification of the conflict of interest and their resolution (European Commission 2013b, p. 21). NIC also has the power to initiate the inspection regarding incompatibility i.e. holding of certain public positions concurrently with others (Cozonac et al. 2012, p. 45). The NIC was established in December 2011; however it started to work effectively in January 2013. The establishment of NIC was required by the EU as part of the visa liberalisation process between Moldova and the EU.⁴ President of the NIC is appointed by the Parliament while three out of five NIC members are proposed by the political majority (European Commission 2012c, p. 13). Therefore, NIC's decisions could be politically influenced despite its independent status. The institution oversees high level officials, prosecutors, judges, civil servants and in total it covers about 25.000 officials (European Commission 2013b, p. 21). The work of NIC is supported by 21 staff positions.⁵

The Court of Accounts represents the only state public authority that controls the formation, management and the use of public finances and management of public property. It is the supreme audit institution legally protected against interferences of law enforcement or control bodies (Anti-Corruption Portal of Moldova, 2014). The president of the Court and its members are appointed by the Parliament, which is not without problems from the point of view of its independence. The Court of Accounts employs around 160 people (Court of Accounts – Republic of Moldova 2014).

The role of civil society in drafting anti-corruption legislation and regulatory acts is of crucial importance. The Centre for the Analysis and Prevention of Corruption provides expertise on corruptibility of the draft laws which entered the Parliament. In 2012 the Centre submitted reports on 65 draft laws and formulated objections on 1127 corruptibility elements within these drafts. Similarly, in the same year Transparency International Moldova conducted anti-corruption expertise and submitted proposals on eight regulatory acts (NAC 2012, p. 11-12).

Implementation and monitoring

In the area of implementation and monitoring political will is crucial and it is framed by the parties which are governing the country.⁶ Moldova has over 100 strategies in different sectors but there is insufficient coordination between them. Appropriate coordination is missing between the National Anti-corruption Strategy (NAS) and the Strategy for Justice Sector Reform (SJSR). Additionally, the anti-corruption measures of the various institutions are not synchronised, which gives the perception that the system is somewhat misbalanced.⁷

Monitoring implementation of the National Anti-Corruption Strategy (NAS) is conducted by the special Monitoring Group assisted by the Secretariat whose functions are performed by the National Anti-corruption Centre (NAC) (Parliament of the Republic of Moldova 2011a). The Monitoring Group meets at least once in a quarter and reviews progress of the institutions responsible for implementation of the NAS. The Monitoring Group is composed of public officials as well as representatives from the private sector, parliamentary groups and civil society (Ibidem). Based on a proposal composed by Transparency International Moldova, representatives of all political groups within the Parliament were included in the Monitoring Group. However, they rarely attend the Group's meetings.⁸ The European Commission assesses the NAS and its accompanying action plans as well developed programmatic documents.

However, the Commission warned that estimated deadlines for implementation of the measures are lacking, while many of the measures have been delayed (European Commission 2013b, p. 20).

The interviews carried out as a part of this study in Chisinau in April 2014 pointed out several weak points of the NAS. It was stressed that performance indicators for the NAS are far from being optimal. They are established based on the public opinion surveys which is sometimes problematic because there is no direct causality link between perception of corruption and the actual corruption. Meetings of the Monitoring Group are usually attended by the mid-level public officials with no real decision making power within their institutions. These officials are usually sent as replacements for the high level public officials which are members of the Monitoring Group.⁹ Content of the

Monitoring Group reports was criticised for being formal focusing on the quantitative indicators, while qualitative aspects of NAS implementation are often missing.¹⁰ Furthermore, it was mentioned that reports of the NAS Monitoring Group often end up with no reactions from the side of the Government and other state bodies, in other words without consequences for particular institutions and individuals.¹¹ Finally, the fact that no special funds have been allocated for implementation of the NAS represents a serious problem. This situation has direct repercussions on the quality of action plans which as a consequence contain measures of a limited ambition.¹²

Monitoring implementation of the Strategy for Justice Sector Reform (SJSR) is achieved within a complex system created by the Moldovan Ministry of Justice. To support the SJSR implementation the EU secured 70 million euro grant, which is strikingly different when compared to NAS implementation where funding represents a serious problem (European Commission 2013c, p. 6). As a consequence in 2013 compared to 2012 the budget allocated the justice sector increased by 59.6% (Ministry of Justice of the Republic of Moldova 2012, p. 19). The pace of SJSR implementation is more or less uniform and balanced, but there were delays in its implementation (Ibidem p. 19). To some extent these delays are caused by the arrangements which serve to maintain the political status quo within the ruling coalition (European Commission 2014b, p. 6).

In 2013 SJSR implementation resulted in the elimination of immunity of judges for criminal investigations on corruption. In December 2013 a package of anti-corruption laws has been adopted allowing, among other things, a significant increase in salaries of the judges (Ibidem, p. 6). The judges in Moldova have among the lowest salaries in Europe and the increase of their salaries is among key components of the SJSR (Council of Europe 2013, p. 7). However, some commentators' question the timing of this measure arguing that institutions should have firstly been reformed and only then rewarded (Ghinea, et al. 2013). An additional example of successful SJSR implementation with direct consequences for anti-corruption efforts is the application of the automatic random case distribution in all Moldovan courts. This is a method applied since November 2013 which regulates distribution of cases to available judges without human factor, by means of specially designed software (Ministry of Justice of the Republic of Moldova 2014). Still, there are many areas linked to corruption where results of the SJSR implementation are being awaited, such as for example, more uniform application of the legal norms,¹³ reduction of the cases backlog (Bertelsmann Stiftung 2014, p. 9), reduction of non-enforcement or delayed enforcement of court judgments (Council of Europe 2013, p. 13.) etc.

In the area of financial investigations the National Anti-corruption Centre (NAC) has weaknesses because it lacks the in-depth specialisation of investigators in this area (European Commission 2013b, p. 21). Moldova doesn't have a specialised assets recovery office where trained people would deal with these issues, which causes problems in implementation of some NAC activities.¹⁴ Additionally, certain legislative solutions should be upgraded, bearing in mind the fact that many people keep their assets abroad.¹⁵ In the period between January and September 2013, 400 criminal cases were initiated by the Criminal Prosecution Department of the NAC, but only 126 of these cases were sent to court (European Commission 2013a, p. 19). The problem here is not in the General Prosecutor's Office (GPO) but the fact that more than half of all investigations started by the NAC get suspended and never reach

finalization,¹⁶ which raises some questions about the level of NAC's independence from the political influence. In view of some commentators the aforementioned reform of NAC implemented in 2012 should have been used for bringing these institutions under the same umbrella with Anti-corruption Prosecutor's Office (APO), but this opportunity was missed (Ghinea et al. 2013).

Since 2008 the anti-corruption legal framework in Moldova expanded considerably. However, many of these laws had delayed effects in the initial years of their enactment due to the inexistence of clear implementation mechanisms (Cozonac, et al. 2012, p. 38). The Law on declarations and control of income and property exists in Moldova since 2002 but its application started in 2013, when the National Integrity Commission (NIC) initiated its work providing mechanism for its implementation.¹⁷ Since its initiation NIC recorded some positive developments. For example, while in 2013 some 400 officials failed to declare their income, in 2014 all officials made their declarations.¹⁸ However, the work of NIC is confronted with a number of impediments. Human and financial resources for its operations are insufficient and faces problems in accessing Cadaster without the courts order.¹⁹ NIC collects declarations but in practice it is still difficult for the law enforcement institutions to go in court because of the discrepancy between incomes and assets.²⁰ NIC published all declarations of assets on the web but they are not user friendly. In order to be effective, the declarations would need to be digitalised which is currently not the case.²¹

During interviews conducted in Chisinau, representatives of civil society organisations observed that in Moldova the anti-corruption efforts are spread among to many institutions. NIC doesn't have the full competence to conclude that there is a conflict of interest or irregularities in assets declaration, but shares this competence with NAC that needs to double check the cases. According to some experts the system would be more efficient if NAC as a central authority specialised in anti-corruption deals also with the declarations of income, conflicts of interest and incompatibilities.²²

Civil society organisations have a primary role in monitoring implementation of anti-corruption legislation and other regulatory acts (NAC 2012, p. 14). However, to what extent are their recommendations taken into account and implemented? Sometimes this happens, but usually in cases where it doesn't affect interests at a higher political level.²³ Projects implemented by the civil society organisations often improve the visibility of corruption in Moldovan institutions and society. For example, Transparency International Moldova currently runs a major project which monitors implementation of anti-corruption policies in central public administration and ranks institutions based on their performance.²⁴ Similarly, the Soros Foundation through several of its partner organisations monitors transparency of the budgetary process and implementation of the Court of Accounts recommendations.²⁵ In another project by the Soros Foundation, in parallel with the NIC, a check of personal income declarations of 200 top officials will be made.²⁶

Challenges in key areas

Since 2011 Moldova accelerated the pace of adopting the anti-corruption legislation, but there is still room for improvement. Due to the frequent legislative changes, there are discrepancies and conflicts between different legislative acts and some legislation which is not precise enough.²⁷ Many laws don't provide clear accountability mechanisms. These laws say what the public official should not do, but they don't provide proportional sanctions.²⁸ The NIC believe that there is a need for reviewing the legal framework in the area of anti-corruption from the point of view of its coherence, and they plan to engage in this activity in the upcoming period.²⁹ All officials and experts interviewed in Chisinau during April 2014 agreed that the main problem with legislation relates to its implementation. The risk that somebody will be sanctioned for corruption is currently very low.³⁰ Some civil society activists point that with the major focus on legislation, and not on implementation, it seems that Moldova is emulating the fight against corruption.³¹ Moldova, for example is one of the few countries in the world which has a Law on polygraph testing. Even though this law exists since 2008 the subordinate regulations that would ensure its implementation are still missing.³² An additional problem is the discrepancy in how legal norms are understood and applied by the judges.³³

There are a number of laws regulating public procurement but the question of whether the definitions within these laws are satisfactory has been very much publicly debated (European Commission 2012c, p. 13). The public procurement system in Moldova requires a mandatory publishing of procurement intention announcement before drawing up a procurement process plan. However, implementation of this requirement is insufficient because often announcements are not published and plans not drawn up (Ibidem). Moreover, data related to public procurement often involve the issue of personal data protection and Moldova should regulate what should be the limit to application of the personal data protection regulations when it comes to public functions.³⁴ During 2012 the Moldovan

Agency for public procurement implemented an EU funded twinning project which was focused on drafting secondary legislation for approximation with the EU directives in this area (European Commission 2013c, p. 13).

Impediments to functioning of the National Integrity Commission (NIC) are not the only problem regarding the conflict of interest. In the current Moldovan legislation the definition of the conflict of interest is general, without identification of situations where a conflict of interest is clearly unacceptable (Cozonac et al. 2012, p. 37). Law on the conflict of interest doesn't provide proportional sanctions as well as clear accountability instruments.³⁵ Furthermore, the statute of limitation concerns many cases of conflict of interest and declaration of incomes.³⁶ In 2012 Transparency International Moldova conducted a project which monitored approach to the conflict of interest in 20 central public administration authorities. The project detected: failure of some officials to report the conflict of interest, inadequate awareness of the officials, difficulties in filling in the declarations of personal interests, omissions in monitoring, failure to inform the public etc. (NAC 2012, p. 21).

In 2012, the government initiated implementation of the e-Transformation program which allows citizens and businesses electronic access to public data. Within this program several government portals were created and the quality of the governance was improved by launching electronic services such as online application for the criminal record (Ibidem, p. 15). Such utilities enable people to access public services electronically which reduce the opportunity for petty corruption (Bertelsmann Stiftung 2014, p. 4). Despite these achievements civil society activists underline that in practice not all public institutions comply with the Law on public availability of information.³⁷ Sensitive documents such as reports of the Chamber of Accounts are not publicly available.³⁸ Similarly, the integrity plans made by Moldovan institutions are treated as internal documents despite fact that the UN Convention against Corruption (UNCAC) foresees that the corruption risk assessment activities should be made public.³⁹

Civil society organisations interviewed in Chisinau objected to the quality of integrity plans composed by Moldovan institutions.⁴⁰ These plans don't prescribe sanctions and efficient accountability instruments.⁴¹ Furthermore, they don't show much willingness to identify weak points related to corruption risks and resolve them. Implementation of integrity plans was described as a formal process that needs to be upgraded through proper training.⁴²

One of the most problematic areas in the field of anti-corruption is financing of political parties since existing legislation in this field is inefficient.⁴³ The last Moldova GRECO report published in April 2013 notes that out of 11 recommendations, that the country partly addressed, nine concern transparency of party funding (Council of Europe 2013a, p. 18). The new law on the financing of political parties which addresses weaknesses pointed by GRECO has been drafted and awaits adoption. However, even if adopted in the following months the mechanisms for implementation of this law cannot be created in a short remaining period before parliamentary elections in November 2014.⁴⁴ In view of some commentators there is evident lack of a political will in this area because parties represented in the parliament resist the idea of enforcing a transparent and efficient mechanism of party financing (Bertelsmann Stiftung 2014, p. 27).

The Law on the protection of whistle-blowers currently does not exist and Moldova needs to improve its measures for protection of citizens in this field.⁴⁵ In the study conducted by Transparency International Moldova during 2012 less

than 10% of surveyed businesses and households stated that when faced with corruption they complained about it, stressing as the primary argument that such actions would not change anything (Transparency International Moldova 2012, p. 36).

Moldova needs to strengthen its efforts in prosecution of high ranking public officials. In 2013 just nine criminal cases against high ranking public officials were sent to court: one deputy head of district, five majors, ex-head of the Audio-visual Coordinating Council and head of the State Fiscal Inspectorate (European Commission 2013a, p. 19). In March 2013 the Moldovan Government resigned because of corruption allegations. However, the case was not brought to court but remained at a political level. The former Prime Minister Vlad Filat resigned but most of the ministers joined the new government which was formed in May 2013.

Today the perception of corruption in Moldova is improved, compared to what it used to be some years ago due to the efforts invested in the anti-corruption area as well as the media exposure.⁴⁶ Still the country needs to increase its focus on anti-corruption education because bribery is highly spread among population.⁴⁷ The role of civil society organisations in educating citizens and public officials should be underlined. Good practice can be taken from Transparency International Moldova, who regularly implements workshops and trainings for public institutions on particular corruption related subjects such as: conflict of interest, ethics, national and international legal framework, economic consequences of corruption, declaration of incomes etc.⁴⁸

The subjective perception of people is that the judiciary and police are the most corrupt sectors.⁴⁹ However, general concerns tend to be about petty corruption in education and the health system, rather than high level corruption of top public officials. This could be explained by the fact that high level corruption doesn't affect most of the general population quite as personally.⁵⁰ The aforementioned study conducted by Transparency International Moldova in 2012 notes that that a majority of households and businesses perceive corruption as one of the biggest threats to the countries' development. Despite this only 60% of the surveyed citizens approve zero tolerance towards corruption, while only 56% knew the right meaning of the conflict of interest (Transparency International Moldova 2012, p. 10, 13 and 35).

CONCLUSIONS

- In developing the anti-corruption policy a clear stance against corruption from the political leaders and decision makers is essential including a clear political will for a dedicated fight against corruption at the level of executive government.
- National anti-corruption strategies or programmes need to be developed, covering both preventive and repressive measures, based on the broad consultation at all levels, and they should be effectively implemented.
- The key strategic document for the fight against corruption needs to pay attention to the analysis of the situation in each particular area and focus on detecting problems and corruption risks for a clearly defined periods.
- The fight against corruption is a continual process, which constantly needs to be upgraded to be able to recognise emerging corruption threats which appear and react with effective and appropriate instruments.
- Similar to Moldova, the fight against corruption in Croatia was to a great extent driven by international actors, particularly by the European Union. The EU accession had a strong role in leading the process of establishing legal, institutional and policy framework. Croatia has successfully developed laws, regulations and penalties to effectively combat corruption. However, this is still an open process which needs to be continued.

- It was for the first time in the enlargement process for the Western Balkans that judiciary and fundamental rights was introduced as a separate chapter which contains strong conditionality related to the fight against corruption. Upgrading the system with every new enlargement wave in accession negotiations which are currently taking place (after Croatian accession) the EU insists on opening the judiciary and fundamental rights chapter at the beginning and closing it at the end of negotiation process. Moldova should be aware that in building closer ties with the EU the focus on fighting corruption will always be at the center of the EU's conditionality.
- In the future special funds should be allocated for implementation of the National Anticorruption Strategy. This would enable creation of a more ambitious action plans for implementation of that strategy and it would place it on a more equal footing with the Justice Sector Reform Strategy which has funds for implementation.
- Moldova has established a network of institutions focusing on the fight against corruption but the system of appointing key positions in anti-corruption institutions doesn't secure their full independence from the political influence. In the upcoming period Moldova should establish a more merit based criteria for appointments to key positions in its anti-corruption institutions.
- In order to strengthen implementation of anti-corruption policy in Moldova, more coordination between various strategic efforts in the area of anti-corruption is needed. This particularly refers to coordination between implementation of the National Anticorruption Strategy and the Justice Sector Reform Strategy.
- Law enforcement institutions in Moldova have to be provided with financial and human resources, which should enable them to reduce currently high number of suspended investigations.
- Since 2009 Moldova substantially improved its legislative framework in the area of anti-corruption in terms of alignment with the *acquis* and international anti-corruption conventions. However, it needs to be supplemented. In some areas such as the conflict of interest the legislation should become more detailed in order to limit discretion in application of the legal norms by the law enforcement institutions and the judiciary. Furthermore, the anti-corruption laws should prescribe clearer accountability mechanisms and more proportional sanctions.
- In order to make additional progress, future legislative initiatives should be based on the impact studies that would calculate the human and financial resources which are needed for efficient implementation.
- Moldova has to further increase the transparency in some areas which are of crucial importance for the fight against corruption such as the public procurement, declarations of income and assets, incompatibilities and corruption risk assessment in public institutions (implementation of integrity plans).
- The number of high ranking public officials prosecuted for corruption in Moldova is currently very low. In order to make further progress in fighting corruption, this needs to be improved. Only through prosecution of high ranking officials the citizens will be convinced that the system is working.
- Financing of political parties represents one of the weakest elements in Moldova's anti-corruption efforts. The new legislation preventing illegal links between politicians and businesses should be adopted and implemented as soon as possible.
- The work of Moldova's enforcement institutions in the area of anti-corruption is often burdened by underdeveloped statistics and progress indicators. Therefore more effort should be placed on their development.

- Moldova needs to establish a specialised asset recovery office which would ease implementation of some anti-corruption activities. Additionally, anti-corruption investigators need to receive more training in the area of financial investigations.
- Tolerance towards corruption among Moldovan citizens is still high. Therefore country needs to invest more in raising awareness about the economic consequences of corruption.
- The role of Moldovan civil society organisations in drafting anti-corruption legislation, monitoring implementation of anti-corruption policy and training of public servants should be strengthened by providing greater financial support for the NGO activities from the Moldovan government and international organisations.
- It is crucial that the EU continues motivating the country to make additional efforts and reforms in the area of anti-corruption. The association agreement and visa liberalisation represented huge incentives for Moldova and therefore it is of crucial importance that the EU keeps the momentum with some new incentives.

¹ Croatia's accession to the EU was supported by the instruments of the Stabilisation and Association Process, which also covered the remaining countries of Western Balkans.

² Croatia has ratified the UN Convention against Corruption, the COE Criminal Law Convention on Corruption and Additional Protocol, the COE Civil Law Convention on Corruption, the COE Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime, and other COE Conventions such as the 1957 Convention on Extradition and the First and Second Additional Protocols, the 1959 European Convention on Mutual Legal assistance in Criminal Matters and the First and Second Additional Protocols, the 1983 Convention on Transfer of Sentenced Persons, and the 2001 Convention on Cyber-crime.

³ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.

⁴ National Integrity Commission of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.

⁵ National Integrity Commission of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.

⁶ Ibidem.

⁷ Centre for Analysis and Prevention of Corruption, interview conducted in Chisinau 16 April 2014.

⁸ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.

⁹ Centre for Analysis and Prevention of Corruption, interview conducted in Chisinau 16 April 2014.

¹⁰ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.

¹¹ Centre for Analysis and Prevention of Corruption, interview conducted in Chisinau 16 April 2014; Transparency International Moldova, interview conducted in Chisinau 17 April 2014.

¹² This was stressed by Cristina Tarna, Deputy Director of the National Anticorruption Center of the Republic of Moldova during the 3rd EU – Moldova Forum held in Balti 19-20 June 2014.

¹³ National Anticorruption Centre of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.

¹⁴ Ibidem.

¹⁵ Ibidem.

¹⁶ Centre for Analysis and Prevention of Corruption, interview conducted in Chisinau 16 April 2014.

¹⁷ National Integrity Commission of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.

¹⁸ Ibidem.

¹⁹ Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 17 April 2014

²⁰ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.

²¹ Ibidem.

²² Transparency International Moldova, interview conducted in Chisinau 17 April 2014; Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 17 April 2014.

²³ Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 17 April 2014.

²⁴ Transparency International Moldova, interview conducted in Chisinau 17 April 2014

²⁵ Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 17 April 2014.

- ²⁷ National Integrity Commission of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
- ²⁸ Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
- ²⁹ *Ibidem*.
- ²⁹ National Integrity Commission of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
- ³⁰ Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
- ³¹ Centre for Analysis and Prevention of Corruption, interview conducted in Chisinau 16 April 2014.
- ³² *Ibidem*.
- ³³ National Anticorruption Centre of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
- ³⁴ Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
- ³⁵ *Ibidem*.
- ³⁶ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.
- ³⁷ Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
- ³⁸ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.
- ³⁹ *Ibidem*.
- ⁴⁰ Centre for Analysis and Prevention of Corruption, interview conducted in Chisinau 16 April 2014; Soros Foundation, interview conducted in Chisinau 18 April 2014; Transparency International Moldova, interview conducted in Chisinau 17 April 2014.
- ⁴¹ Soros Foundation, interview conducted in Chisinau 18 April 2014.
- ⁴² Transparency International Moldova, interview conducted in Chisinau 17 April 2014.
- ⁴³ Centre for Analysis and Prevention of Corruption, interview conducted in Chisinau 16 April 2014; Soros Foundation, interview conducted in Chisinau 18 April 2014; Transparency International Moldova, interview conducted in Chisinau 17 April 2014.
- ⁴⁴ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.
- ⁴⁵ Soros Foundation, interview conducted in Chisinau 18 April 2014.
- ⁴⁶ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.
- ⁴⁷ National Integrity Commission of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
- ⁴⁸ Transparency International Moldova, interview conducted in Chisinau 17 April 2014.
- ⁴⁹ National Integrity Commission of the Republic of Moldova, interview conducted in Chisinau 17 April 2014.
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ANNEX

(1) TABLES

Table 1: Corruption trends in Croatia and Moldova (2004-2013)

	2004.	2005.	2006.	2007.	2008.	2009.	2010.	2011.	2012.	2013.
CROATIA	4,75	4,75	4,75	4,75	4,50	4,50	4,50	4,25	4,00	4,00
MOLDOVA	6,25	6,25	6,00	6,00	6,00	6,00	6,00	6,00	6,00	5,75

Note: The ratings are based on a scale of 1 (lowest) to 7 (highest level of democratic progress).

Source: Freedom House. Nations in Transition 2013. (reports for Croatia and Moldova)

Table 2: Corruption perception index – Croatia and Moldova

	2012.	2013.	Change
CROATIA	46	48	2
MOLDOVA	36	35	-1

Note: 0= highly corrupt; 100= low corrupt (clean of corruption)

Source: Transparency international, Corruption Perception Index

Table 3: Citizens attitude towards corruption in Croatia and Moldova

Over the past two years how has the level of corruption in the country changed?		
	CROATIA	MOLDOVA
	%	%
Increased a lot	7	34
Increased a little	14	35
Stayed the same	51	23
Decreased a little	27	6
Decreased a lot	2	2

To what extent corruption is problem in the public sector in the country?		
	CROATIA	MOLDOVA
	%	%
A serious problem	51	71
A problem	29	19
A slight problem	18	8
Not really a problem	2	1
Not a problem at all		
To what extent is the government run by a few big entities acting in their own best interests?		
	CROATIA	MOLDOVA
	%	%
Entirely	16	24
Large extent	41	48
Somewhat	33	25
Limited extent	9	3
Not at all	1	
How effective do you think that government's actions are in the fight against corruption?		
	CROATIA	MOLDOVA
	%	%
Very ineffective	9	16
Ineffective	37	44
Neither effective nor ineffective	35	32
Effective	18	8
Very effective	1	

Percentage of respondents who felt that institutions were corrupt in the country		
	CROATIA	MOLDOVA
	%	%
Political parties	72	75
Parliament/legislature	63	75
Military	24	42
NGOs	28	32
Media	48	33
Religious bodies	31	20
Business	50	53
Education systems	50	58
Judiciary	70	80
Medical and health services	61	70
Police	51	76
Public officials and civil servants	64	66

Response=114000 people in 107 countries

Source: Transparency international; Global Corruption Barometer

(2) THE EU BASIC PRINCIPLES AND GUIDELINES FOR IMPROVING FIGHT AGAINST CORRUPTION

The EU has developed basic principles and guidelines for improving fight against corruption for the countries that are aligning their legislation and policies with the Union. These Principles include the following (European Commission 2005, P 71-72):

- A clear stance against corruption is essential from leaders and decision-makers. National anti-corruption strategies or programmes, covering both preventive and repressive measures, need to be drawn up (based on the broad consultation at all levels) and implemented.
- The EU member's states and candidates should align legislation with the EU *acquis*, and sign/ratify/implement the main international anti-corruption instruments (UN, Council of Europe and OECD Conventions). Third countries should sign, ratify and implement relevant international anti-corruption instruments.
- Implementation of anti-corruption laws is crucial by competent and visible anti-corruption bodies (i.e. well trained and specialised services such as anti-corruption prosecutors). Targeted investigative techniques, statistics and indicators should be developed. The role of law enforcement bodies should be strengthened concerning not only corruption but also fraud, tax offences and money laundering.
- Access to public office must be open to every citizen. Recruitment and promotion should be regulated by objective and merit-based criteria. Civil servants should be required to disclose their assets. Sensitive posts should be subject to rotation.
- Integrity, accountability and transparency in public administration (judiciary; police, customs, tax administration, health sector, public procurement) should be raised through employing quality management tools and auditing and monitoring standards. Increased transparency is important in view of developing confidence between the citizens and public administration.
- Codes of conduct in the public sector should be established and monitored.
- Clear rules should be established in both public and private sector on whistle blowing and reporting.
- Public intolerance of corruption should be increased, through awareness-raising campaigns in the media and training. Civil society has an important role to play in preventing and fighting the problem.
- Clear and transparent rules and control on party financing should be introduced to avoid covert links between politicians and (illicit) business interests.
- Incentives should be developed for the private sector to refrain from corrupt practices such as codes of conduct or "white lists" for integer companies.

(3) LIST OF INTERVIEWS CARRIED OUT IN MOLDOVA FOR THE PURPOSE OF THE STUDY WITH QUESTIONNAIRE.

List of interviews

1. Centre for Analysis and Combating of Corruption, interview conducted in Chisinau 16.04.2014.
2. National Anticorruption Centre of the Republic of Moldova, interview conducted in Chisinau 17.04.2014.
3. National Integrity Commission of the Republic of Moldova, interview conducted in Chisinau 17.04.2014.
4. Soros Foundation in the Republic of Moldova, interview conducted in Chisinau 18.04.2014.
5. Transparency International Moldova, interview conducted in Chisinau 17.04.2014.

Questionnaire for interviews

Institutional aspects

1. Please describe the role of your institution within Moldovan system of combating corruption?
2. Does the 2011-2015 National Anticorruption Strategy of the Republic of Moldova provide a solid enough base for development of effective anticorruption policies? What are its advantages and weak points?
3. Please comment on the effectiveness of the National Anti-Corruption Center and the National Integrity Commission which are of crucial importance for combating corruption in Moldova? Also, how do you evaluate inter-institutional cooperation in the area of anticorruption?
Legislative aspects
4. Is Moldovan anticorruption legislation consistent and precise enough or does it leave the room for interpretation and exceptions? How do you see the current legislation in terms of (i) access to information, (ii) sanctions for violators, (iii) discretion of public authorities, (iv) requirements for persons to fulfil their rights and (v) faulty reference provisions, (vi) other factors of corruptibility?
5. What are the most problematic areas (incompatibilities, conflict of interest, public procurement, financing of political parties, appointments and employment procedures, protection of whistle blowers etc.)?
6. How do you evaluate corruption at the sectorial level (judiciary, health, education, etc.)? Could you please give some examples?
7. Is there a sufficient political will to implement anticorruption policies in Moldova at the local, regional and state level? Are high ranking politicians also being investigated?
8. Do courts and central public authorities have integrity plans aimed at identification of institutional factors that might favor corruption? Are these effective?
EU integration process
9. What is a relation between the EU integration process and implementation of anticorruption policies in Moldova? Are advances made primarily because of the pressures from the EU (implementation of action plans under the European Neighbourhood Policy), are there other factors involved as well?

10. In the area of anticorruption what is the EU mostly insisting upon?
11. How do you estimate impact of the projects focusing on fighting corruption (projects funded by the EU and other international organizations)?
Implementation and monitoring
12. How do you evaluate progress in implementation of anticorruption policies in Moldova?
13. Are all documents in the area of anticorruption publicly available?
14. What is the role of civil society in implementation of anticorruption policies? To what extent is civil society involved in drafting of legislation? To what extent is civil society involved in monitoring of implementation?
Awareness rising and public perception
15. Could you please comment on the fact that civil servants (passive subjects of corruption) are not likely to denounce cases when they are being corrupted by active subjects (NAC Report October 2013). How this might be changed (education, awareness raising campaigns etc.)?
16. How do you evaluate the level of public awareness on the need to combat corruption? What is the public perception of the success of anticorruption activities in Moldova?
17. Compared to five years ago would you say that Moldova is making a progress in anticorruption?
Recommendations
18. Do you have any recommendations for the future development of anticorruption policies in Moldova?
19. Has our questionnaire overlooked some important issues, please indicate?
20. Please provide us with additional documents that might be useful for our study.

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