



Monitoring Anticorruption Policies in Central Public Authorities in 2013

Project Coordinators: Lilia Carasciuc, Galina Bostan

Experts: Ianina Spinei, Mariana Kalughin, Maria Ciubotaru, Stela Pavlov, Domnita Pagoni, Radu Jigau

Monitoring activities were carried out by Transparency International – Moldova and Centre For the Analysis and Prevention of Corruption within the Anticorruption Policy Implementation Monitoring in Central Public Administration Project, funded by Soros – Moldova Foundation, the Good Governance Program. The opinions expressed are authors' opinions and do not represent the point of view of the funder

Chisinau 2014

Table of Contents

<i>Abbreviations</i>	3
<i>Executive Summary</i>	4
General report on application of anticorruption policies in central public authorities	
1. Declaration and verification of income and assets	13
2. Handling conflicts of interests and promoting ethical standards	17
3. Quality of CPAs websites	25
4. Promoting transparency and accountability in public finance management	29
5. Streamlining petition system	33
6. Internal corruption prevention mechanism	38
7. Improving the quality of hotlines	41
8. Final ranking of the CPAs based on the anticorruption policies applied	43

Abbreviations:

TI-Moldova	Transparency International - Moldova
CAPC	Centre for the Analysis and Prevention of Corruption
MJ	Ministry of Justice
MF	Ministry of Finance
MEC	Ministry of Economy
MTRI	Ministry of Transport and Road Infrastructure
MYS	Ministry of Youth and Sport
MTIC	Ministry of Information Technologies and Communication
MH	Ministry of Healthcare
MLSPF	Ministry of Labor, Social Protection and Family
ME	Ministry of Environment
MED	Ministry of Education
MC	Ministry of Culture
MRDC	Ministry of Regional Development and Construction
MD	Ministry of Defense
MAFI	Ministry of Agriculture and Food Industry
MIA	Ministry of Internal Affairs
MEAEI	Ministry of External Affairs and European Integration
MSTI	Main State Tax Inspectorate
SV	Customs Service
NAC	National Anticorruption Centre
NIC	National Integrity Commission
ALC	Agency for Land and Cadastre
CPAs	Central public authorities

Executive Summary

Transparency International – Moldova (TI-Moldova) and Centre for the Analysis and Prevention of Corruption (CCPAs) accomplished a new anticorruption policy monitoring phase in 20 central public authorities (CPA) in 2013. It was done within the Anticorruption Policy Implementation Monitoring in Central Public Administration Project, funded by Soros – Moldova Foundation.

Monitoring goal was to analyze the implementation of anticorruption policies by CPAs and submission of proposals for enhancing their implementation, including the legal framework.

Monitoring object was formed of the following anticorruption policies:

TI-Moldova:

- applying conflict of interest settlement policy and promoting ethical standards;
- income and property declaration and verification;
- enhancing the quality of websites;
- promoting transparency and accountability in public finance management;

CCPAs:

- streamlining petition system;
- internal corruption prevention mechanism application;
- enhancing the quality of Hot Lines.

Subjects of monitoring were the following CPA:

- Ministry of Economy;
- Ministry of Finance,
(including Main State Tax Inspectorate,
Customs Service);
- Ministry of Justice;
- Ministry of Internal Affairs;
- Ministry of External Affairs and European
Integration;
- Ministry of Defense;
- Ministry of Regional Development and
Constructions
- Ministry of Agriculture and Food Industry;
- Ministry of Transport and Road Management;
- Ministry of Environment;
- Ministry of Education;
- Ministry of Culture;
- Ministry of Labor, Social Protection and Family;
- Ministry of Healthcare;
- Ministry of Information Technologies and
Communication;
- Ministry of Youth and Sport;
- Agency for Land and Cadaster;
- National Anticorruption Centre.

Methodological aspects. The following research methods were used: request for information from public authorities via official letters, request for information by telephone, checking information from different sources, verification of information availability on webpage of CPAs, using the *mysterious petitioner* technique.

Synthesis Tables have been filled for the CPAs in the profile of policy monitored as a result of processing the information obtained during the monitoring (see *Annexes* to the Report). The *Synthesis Tables* describe the current state-of-affairs of anticorruption policy applied by the CPAs, findings/issues identified and suggestions to improve the situation. The data from the *Tables* allow us to compare the application of anticorruption polices in a public authority with the situation in other authorities, and eventual implementation of the best practice.

Depending on the findings regarding the anticorruption policy implementation by the CPAs, the later received points/score from 0 to 4¹. The CPAs ranking was formed for each policy in part (see diagrams included in the Report Chapters). At the end, a general ranking of the CPAs with regard to quality of applied anticorruption policies was concluded based on total points/score for all policies applied by authorities.

The methodology was tested in 2012, and has allowed the evaluation of the policy implementation level and quality of measures undertaken by the CPAs. It should be mentioned that in 2013, due to the amendment and completion of legislative framework, the monitoring of some policies has been extended (handling conflict of interest and promotion of ethical standards, quality of websites, promotion of transparency and accountability in public finance management).

At the same time, assuming that anticorruption policies were also monitored in 2012, the report includes an analysis of changes in their application.

Main conclusions and recommendations offered in the profile of policy monitored are as follows:

Declaration and verification of income and assets

Monitoring results show that the CPAs have made efforts to ensure the implementation of declaration of income and assets policy; its application has improved as compared to 2012. However, some CPAs still have issues with regard to the monitoring indicators: submission of declarations of income and assets, submission of declarations to NIC, identification of violations. We would like to underline in particular the reduced capacity of the CPAs to follow-up on the submission of declarations by former employees after one year of resignation, as well as to identify the violations that need to be sanctioned. By all means, some of the issues are generated by defective and confusing legal framework and reduced control capacities of the NIC.

Recommendations:

- To focus the efforts on ensuring the submission of declarations after one year from resignation;
- To provide ongoing training by NIC to people responsible for collection of declarations by focusing on informing competent authorities about the violations and application of sanctions;
- The CPAs' management shall ensure the application of disciplinary sanctions towards people responsible for collection of declarations, if they fail to meet the requirements set forth by law;
- To consolidate the accountability of CPAs' management via express legal provisions that allow their sanctioning for failing to implement the policy within the authority;
- To systematize the provisions of Law No. 1264/2002 and Law No. 16/2008 in one consolidated legislative act, which would regulate both fields: declaration of income and assets and declaration of personal interests, including handling of conflict of interest. The legislative act shall foresee sample declarations of personal interests, income and assets;
- Ongoing efforts of NIC to launch a secure informational system, which will allow on-line declaration.

Handling conflicts of interests and promoting ethical standards

Most of CPAs made efforts to apply the policy of handling conflicts of interest and promoting ethical standards, the situation improving slightly compared to 2012. CPAs have strengthened the process of filing declarations of interests, most of the authorities stating that the civil servants have filed their declarations in due time. The civil servants began to report cases of conflicts of interest, but their number is small. CPAs also began to verify the observance of Law on conflicts of interest, having identified cases of failure to report

¹ „0” means that CPAs did not implement the anticorruption policy/did not provide data confirming application of policy, and “4” – CPAs have implemented fully the policy, in accordance with legal provisions.

conflicts of interest, violations of restrictions and incompatibilities, informing NIC about these cases. However, CPA's capacity to control deviations, especially to detect and handle conflicts of interest are quite low.

NIC has intensified the cooperation with CPA, created a database of persons responsible for declarations collection. At the same time NIC initiated in 2013 a series of controls on possible violations of the law on conflict of interest, has established the existence of conflicts of interest and has informed the NAC in order to apply administrative sanctions. However, the resources of the NIC (including financial, personnel, information, and technical resources) are insufficient for an effective operation. Many of NIC decisions on conflicts of interest establishment are challenged, the Commission may face a wave of complaints of this kind in the future. The motivation part that served as basis for NIC documents establishing the fact is not made public.

An important problem related to the legal framework remains to be the lack of accountability for failure to resolve or handling conflicts of interest (for ex. For making decisions or participation in the decision-making process in situations of conflict of interest).

Recommendations:

- Introduce in the legislation the accountability for failure to resolve or improper resolution of conflicts of interest (for decision making or participation in decision-making in situations of conflict of interest);
- The CPA shall take measures to improve the monitored policy:
 - Capacity building for internal monitoring the Law on Conflict of Interest and Code of Conduct by engaging the control/internal security subdivisions in this process;
 - Introduce in the minutes of the collegial bodies meetings (employment commissions, public procurement commissions, etc.) of notifications related to the fact if their members are or are not in a conflict of interest;
 - Notify the NIC about any violations of the Law on conflict of interest by the employees;
 - Continuous training of employees on topics related to ethical conduct and handling conflicts of interest with a special focus on the mandatory reporting of CI;
 - Inform the public about the results of the policy implementation, including through the websites.
- Enhance NIC capacity to supervise legislation observance: providing necessary financial resources and personnel (including the establishment of a legal department, hiring qualified personnel); salary increase; ensuring the connection to the information providers databases;
- Making the NIC operation transparent: publication of the motivation underlying the establishment of the conflict of interest, publication of voting results of NIC members during meetings; prior announcement on the website of the agenda of meetings;
- More active involvement of NIC in the CPA employees training and communication with them: organization of seminars and workshops to discuss problems and exchange experiences in the field of policy implementation; insertion of a special section for answers to frequently asked questions of the CPAs on the NIC website;
- Ensure the traceability of the control cases initiated by NIC (starting from the opening of the case until the definitive ruling of the court);
- Develop a Guide for CPAs regarding the documentation and settlement of CI cases.

Quality of CPAs websites

The monitoring results show that most CPAs have undertaken measures to ensure the functioning of their websites and to meet the requirements regarding their content. As compared to 2013, application of policy has improved. Although the authorities have placed multiple mandatory information about their activities on their websites, however, as previously, some information is insufficient or missing, for instance, results of audits/controls, budget planning and execution, declarations of income and assets of the management, public procurement planning and their results. Moreover, it is still difficult to track the draft documents regarding decision-making transparency. The information about technical assistance programs and projects, where the CPAs are beneficiaries, is not always provided fully. There are gaps regarding the update of information.

Recommendations:

- To provide mandatory information stipulated in GD No.188/2012 by adding the following data:
 - structure of collegial entities (commissions/working groups for public procurement, employment, distribution funds to NGOs, etc. and administrative constituting acts);
 - information on public procurement (annual plan, advertisements, decisions of Working Group, data on concluded contracts: contracting company, date of contract conclusion, contract value);
 - anticorruption measures (person responsible for anticorruption activity, integrity plan, report on integrity plan implementation, report on corruption risk analysis);
- To notify the CPAs about the need to:
 - develop an internal Regulation regarding publication and updating of information on the web-page or to revise the existing regulations to align them with the provisions of GD 188/2012;
 - publish/upload mandatory information on websites, especially on: results of controls and audits, budget planning and execution, technical assistance programs, declarations of income and assets of the management, list of gratitude and their beneficiaries;
 - update the information on the webpage by indicating the date of placing it and responsible person/subdivision;
- to develop a single format for *Decision-making transparency* column of websites (eventually, based on the MoJ example), which would facilitate the tracking of draft documents.

Promoting transparency and accountability in public finance management

Monitoring results have revealed many issues in applying anticorruption polices in public finance management. Since only some public funds go through public procurement procedure, most procurements are made via small values procurement procedure and from one source. The planning of public procurement process is not transparent in half of authorities. The results regarding the awarding of public procurement contracts are partly transparent; usually these are published with deviations and major delays compared to the timeframe set by law.

The level of transparency and accountability in implementing the recommendations of Court of Accounts is very low. CPAs do not publish, as a rule, the information about measures undertaken to implement the recommendations of the Court. The accountability of people guilty for violations discovered in the audit of Court of Accounts is extremely rare. As for internal audit, one third of CPAs has not been audited at all. Most audited CPAs do not publish the information on audit results.

As for budget transparency, two thirds of the CPAs have not published the information on budget planning and execution on their websites. This information is often not updated.

Recommendations

- To ensure transparency in the public procurement process:
 - public procurement planning and organization should be revised to prevent its division into small value contracts;
 - publication procedure and deadline of the annual procurement plan of the authorities shall be clarified, as well as the deadline for publishing the public procurement contract awarded;
 - introduction of disciplinary sanctions for people who violate the legal provisions;
 - the whole public procurement process shall be made transparent by the CPAs by systematizing, structuring and updating the information in a more accessible manner on the websites;
- To ensure an efficient internal audit:
 - ensure functionality and capacity-building of internal audit subdivisions of the CPAs by hiring and training new personnel;
 - carrying out internal audit missions, including financial audit and implementation of missions' recommendations;
 - cooperation between the internal audit subdivisions of the CPAs and the Court of Accounts, submitting the annual audit plan and report to the Court of Accounts by the authorities;
- To ensure an efficient external audit: increase the term for enforcing disciplinary sanctions for violation of law; identify and apply disciplinary sanctions to people responsible for violations discovered by the Court of Accounts;
- To ensure budget transparency of the CPAs: place detailed and updated information on budget planning and execution (both for headquarter of central authorities and their subordinated subdivisions/institutions) under a separated section on the CPAs web-page.

Streamlining petition system

The comparative analysis of petition system monitored in CPAs in 2012 and 2013 has revealed an increase of CPAs that got equipped with an automated petition/complaint/note/address management system. Also, the information of citizens about the functioning of petition system has been improved; most CPAs have the option to submit the petition online. As for the effective implementation of law on petitions, the situation is unsatisfactory with regard to observance of petition examination terms and failure to sanction civil servants. No progress has been registered in the training area either.

Some regressions were registered in 2013:

- organization of audience of citizens by the CPAs management;
- delivery of information of public interest with regard to a number of questions addressed in accordance with Law on Access to Information;
- as for the attitude of CPAs toward the issues of petitioners, most often the petitions were ignored (this affirmation is based on the results of *mysterious petitioner* technique).

At the same time, we have ascertained that no recommendation formulated in the report on anticorruption policy monitoring in 2012 was fully implemented in 2013. The recommendation regarding placement of exhaustive information on petitioning (including online petition) on the CPAs web-page, organization of petitioners' hearing and recommendation regarding the establishment of special sections on authorities' websites, which give the possibility to submit the petitions electronically were implemented partly.

Thus, the monitoring report has reiterated the *recommendations* formulated in the Report on anticorruption policy implementation monitoring in CPAs in 2012 regarding:

- The placement of exhaustive information on petitioning on the CPAs websites,

- Establishment of special sections on authorities' websites, which provide the possibility to submit the petitions electronically,
- Revise the audience schedule of institutions' management,
- Ensuring a rigorous internal control within CPAs with regard to due time examination of petitions and organization of petitioners' hearing,
- Ensuring ongoing professional training of the personnel involved in the process of petition examination,
- Enhancing legal framework in the field of petitioning.

Internal corruption prevention mechanism application

In the monitoring period of 2013, the Government Decision No.906 of 28.07.2008 on the Approval of the Corruption Risk Analysis Methodology in Public Institutions has been amended. The amendments adopted by Government Decision No.736 of 17.09.2013 confirmed the main definitions used in the corruption risk analysis method, set forth the skills of NAC employees within the activities of evaluation group and vested NAC with selection of institution that should carry out the evaluation.

Monitored institutions (except for MEC, MEAEI, MYS, MJ, MF, MIA) have implemented erroneously the provisions of GD, either to ensure institutional comfort or due to little will to change things. From this point of view, the role of NAC employees is very important, especially in the light of last amendments operated in the GD No.906/2008 and taking into account the fact that the results of monitoring show rather a passive role of the NAC in this field.

The comparative analysis of monitoring results of internal corruption prevention mechanism application in CPAs in 2012 and 2013 can be characterized as "run around in circles": general, incomplete, confuse and irrelevant information offered by the entities during monitoring; formal approach; failure to evaluate the subordinated institutions, although these institutions exercise the most vulnerable activities.

At the same time, we would like to state that only the first recommendation was partly implemented in 2013 (only as an amendment of GD No.906/2008). In this context, we are reiterating the *recommendations* formulated previously:

- To extend the procedure of corruption risk self-assessment on the institutions subordinated to public authorities, especially – on those with increased corruption risks;
- To develop institutional integrity standards;
- To improve the monitoring process of risk analysis and implementation of integrity plans carried out by NAC by exercising pressure on authorities and Government to sanction any institutional failure in applying the internal corruption prevention mechanism;
- To make self-evaluation procedure, its results and NAC analyses more transparent by placing relevant information/documents on the institutions' websites.

Improving the quality of hotlines

Following the comparative analysis of hotlines monitoring results in CPAs in 2012 and 2013, an improved functionality has been attested due to increased visibility level of anticorruption hotlines and number of CPAs that have established anticorruption hotlines within their specialized subdivisions. At the same time, passing the Law on the approval of the Regulation on the anticorruption hotlines functioning on 25.10.2013 has established an essential and necessary condition to consolidate the anticorruption policy.

However, following the monitoring of hotlines in 2013 some deficiencies have been identified that need to be tackled by the CPAs. The anticorruption hotlines are not sufficiently promoted. Some CPAs do not advertise

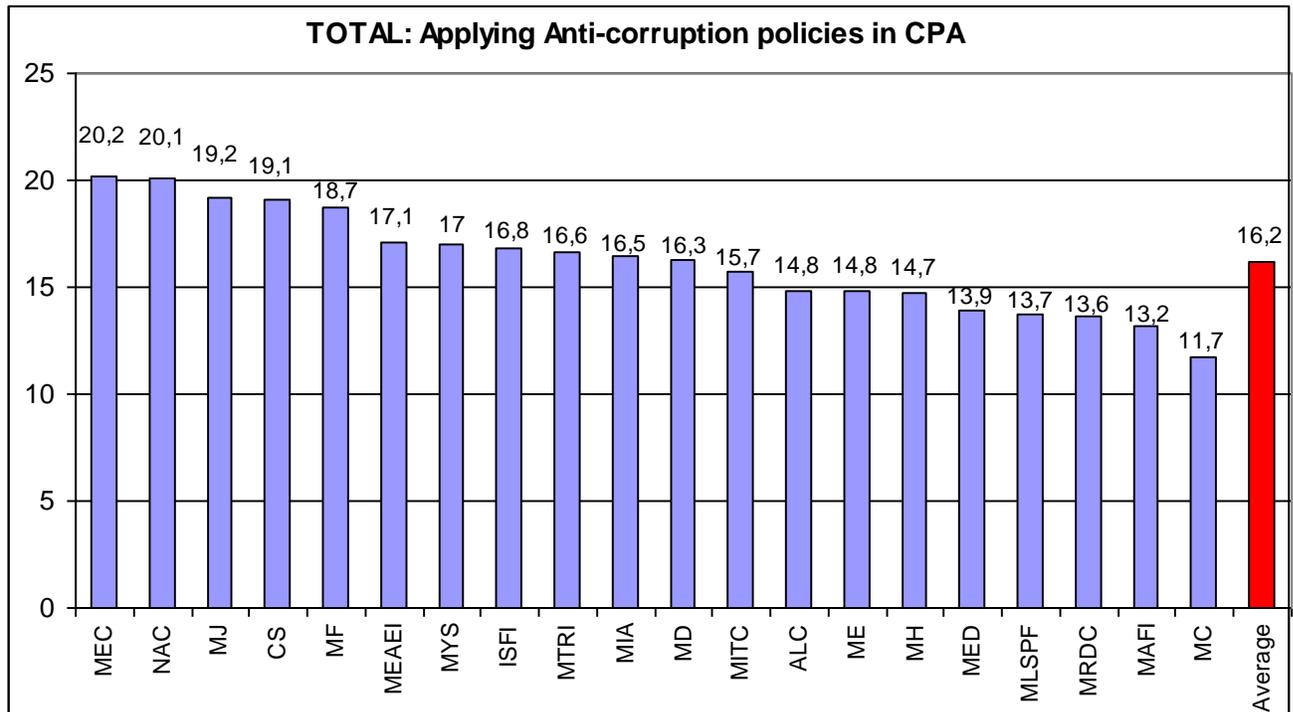
the telephone number accordingly, and its identification is difficult. Most CPAs lack trained operators, who are dedicated exclusively or mostly to answering the hotline calls, by observing a pre-established and publicly available schedule. The hotline operators condition the consultation of persons addressing the anticorruption hotline with the personal presence to submit a complaint and/or cannot convince the citizens of confidentiality.

At the same time, we would like to state that the recommendation to establish a regulatory framework regarding anticorruption hotlines formulated in the report on anticorruption policy monitoring in the CPAs for 2012 was the only one implemented in 2013. In this context, the *recommendations* previously formulated are included in the monitoring report:

- To ensure an increased visibility of telephone anticorruption hotline numbers by central public authorities;
- To appoint persons responsible for communication with citizens on anticorruption hotlines within central public authorities, who would have necessary skills and competences;
- To ensure ongoing functionality of anticorruption hotlines, irrespective of annual or sick leaves of the anticorruption hotlines operators and to inform the public about working hours of the hotline;
- To extend the ways of informing the public about the opportunities of hotlines.

Final ranking of CPAs depending on the quality of applied anticorruption policies

To generalize the results of the CPAs in all applied anticorruption policies, points assigned to authorities were summed in the profile of each policy monitored and the following ranking has been drafted.



CPA results in the profile of anticorruption policy are as follows:

CPAs	Handling conflicts of interests	Declaration on income and assets	Quality of websites	Public finance management	Petition system	Internal corruption prevention mechanism	Hot-lines	Total
MEC	2.8	2.7	3.1	3.1	3.1	3	2.4	20.2
NAC	3.6	2.5	2.6	2.6	2.3	3	3.5	20.1
MJ	3.3	2.5	3.6	3.3	2	1.8	2.7	19.2
CS	3	2.7	2.6	2.8	2	2.5	3.5	19.1
MF	3	2.7	3	3.2	1.3	3	2.5	18.7
MEAEI	2	2.7	2.6	3.2	2.3	3	1.3	17.1
MYS	2	2.7	2.6	2.5	3	2.7	1.5	17
MSTI	3	2.7	3.1	2.9	2.1	1.3	1.7	16.8
MTRI	3	2.5	2	1.9	2.7	2.7	1.8	16.6
MIA	1.4	1.8	2.5	2.9	2.7	2	3.2	16.5
MD	2.7	3.3	2.3	2.1	2.7	1	2.2	16.3
MITC	2	2.3	2.5	1.9	2.7	2.3	2	15.7
ALC	2.3	2.6	2.2	2.5	1.3	1.8	2.1	14.9
ME	2.5	2.5	2.1	2.1	1.3	2.8	1.5	14.8
MH	1.7	2.8	3	2.6	1.4	1.5	1.7	14.7
MED	1.7	1.3	2.3	2	2.2	1.2	3.2	13.9
MLSPF	1.4	2	2.2	3	2.7	1.3	1.1	13.7
MRDC	1.7	2.5	2.2	2.3	1.3	1.7	1.9	13.6
MAFI	2.3	2	1.9	1.9	2.1	1.7	1.3	13.2
MC	1.7	2.7	1.9	1.3	1.8	0.8	1.5	11.7
Average	2.4	2.5	2.5	2.5	2.2	1.9	2.1	16.2

Public authorities have a sufficient legal framework to apply the anticorruption policies. In 2013, the legal framework was strengthened by adopting a number of important laws meant to ensure the independence of judges, to allow extended seizure of wealth acquired via corruption acts, as well as to permit the integrity testing. Also a new type of law infringement has been introduced – the illicit enrichment. The sanctions for anticorruption actions were increased, and the prohibition to hold public positions for those convicted with corruption was topped to 15 years. The normative framework has been amended, including the Methodology to evaluate the corruption risks in public institutions. The Regulation on keeping record of gifts, the Regulation on the anticorruption hotlines functioning and the Guidelines to fill out declaration of income and assets and personal interests have been approved. However, *there are gaps and lacks that impede good application of policies* (especially, in Law on Declaration and Control of Income and Assets, Law on Conflict of Interest, and Law on the National Integrity Commission).

The National Integrity Commission has started its activity in 2013. *Having insufficient financial means, qualified personnel, informational and technical resources, etc., the results registered by the Commission in overseeing the observance of legislation in the given field have been quite modest.* NIC has started to download scanned declarations of income and assets onto its web-page; it has created the database of persons responsible for collection of declarations; has organized a number of training courses for declaration

collectors and CPAs employees. NIC has initiated about 120 audit files of people from central and local public authorities in 2013. More than half of the files were focused on potential conflict of interests and incompatibility². Mostly, the audits have started because of the information provided by the investigating journalists, notifications of NGOs and CPAs. *The greatest share of NIC's findings has been appealed. The justification in NIC's findings has not been published. Since there is no automatic declaration system, the verification of declarations by NIC remains to be difficult.*

In general, monitored CPAs have made efforts to ensure the implementation of anticorruption policies in 2013. As compared to the previous year, the authorities have advanced in policy application: declaration of income and assets, handling conflicts of interests and promoting ethical standards, quality of websites, operational hotlines. The application of other policies has not registered any progress. The best achievements in applying anticorruption policies have been registered with MEC, NAC, MJ, CS, the worse – MAFI and MC. It should be mentioned that the CPAs monitored have offered, as usual, complete and explicit information in confirming the application of polices, however, *there were situations when authorities avoided to submit or submitted incomplete, confuse and irrelevant information. In some cases, the authorities were formal in approaching the subjects regarding anticorruption policies, and have not extended the application of policies to subordinated institutions, although these exercise activities vulnerable to corruption.*

² NIC, 2013 Activity Report, http://www.cni.md/Upload/Raport_final_2013_ro.pdf

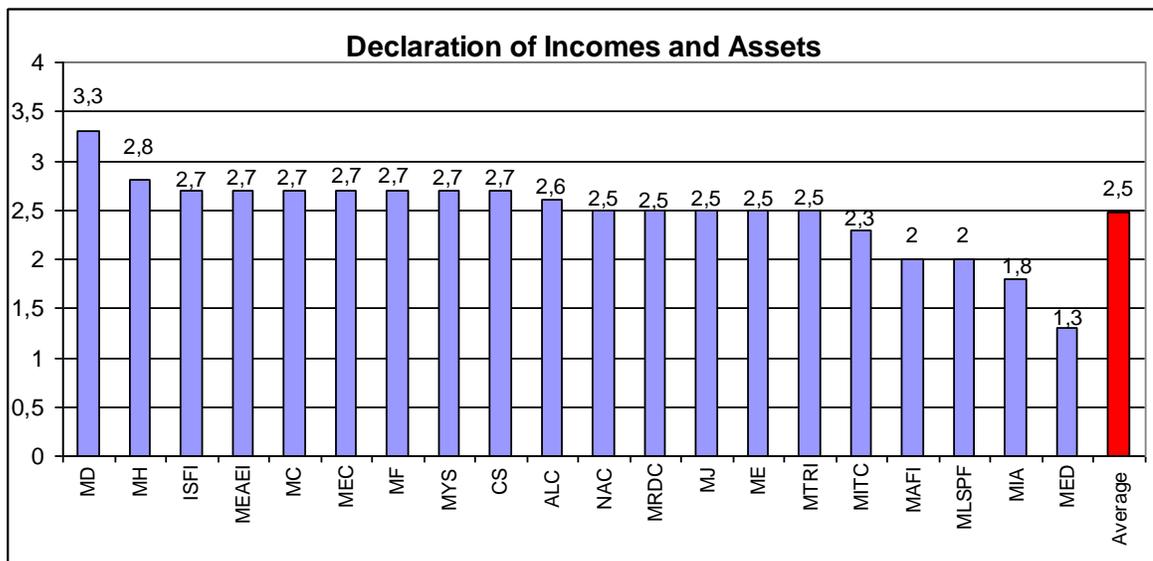
General report on application of anticorruption policies in central public authorities

1. Declaration and verification of income and assets

Legal framework applied: Law No. 1264 of 19.07.2002 on Declaration of Income and Assets of Dignitaries, Judges, Prosecutors, Public Servants and Some People with Managing Positions (Law No. 1264/2002)³.

Methodology. The monitoring was done on the basis of written information obtained from the CPAs monitored (period of reference - 2013), which was cross-checked with data offered by the National Integrity Commission (NIC). The assessment of policy implementation level was made using the following indicators: submission of declarations in accordance with Art. 8 para. (1) of Law No.1264/2002; submission of declarations in accordance with Art. 8 para. (2) of Law No. 1264/2002; submission of declarations in accordance with Art. 8 para. (3) of Law No. 1264/2002; submission of declarations in accordance with Art. 8 para. (5) of Law No. 1264/2002; sending declarations to NIC; identification of violations.

Implementation within authorities. The monitoring results have discovered that CPAs have made efforts to ensure the implementation of policy. The Ministry of Defense has succeeded very well (3.3 points), followed by the MH (2.8), and MSTI, MEAEI, MC, MEC, MF, MYS, CS – ranking with 2.7 points. Also, ALC (2.6) ranks higher than NAC, MRDC, MJ, ME, MTRI – with 2.5 points, and the MTIC – with 2.3 points. Two CPAs (MAFI and MLSPF) have cumulated exactly the possible average – 2 points, and two other CPAs have ranked under the average: MAI⁴ (1.8 points) and MED (1.3 points).



Taking into account that the implementation of this policy was monitored and evaluated previously, it should

³ Official Gazette of the Republic of Moldova, No. 124-125, 05.09.2002, Art. 991.

⁴ MIA failed to submit generalized information and the information on its subdivisions: Border Police Department (BPD); Border Guard Service (BGS); General Human Resources Division (GHRD); General Police Inspectorate (GPI – Human Resources Division); Medical Service (MS); Civil Protection and Emergency Situations Service (CPESS); Information Technologies Service (STI). Under these circumstances, it is obvious that centrally, MIA does not have generalized information on declaration of income and assets by all employees of the system. Thus, it is not clear how the provisions of Art. 41 of Law No. 320 of 27.12.2012 on the Activity of Police and Status of Policemen are implemented, according to which the specialized subdivision subordinated to MIA should undertake measures to ensure professional integrity of the policeman, including by monitoring his lifestyle to identify if the lifestyle corresponds with his legal remuneration level and of his family members. The procedure of policeman lifestyle monitoring is stipulated by an Order of the Minister of Internal Affairs. The result of lifestyle evaluation shall be sent to the employer, who examines the materials and appreciates positively or negatively the results. These skills are cross-checked with some competences of NIC. We have already expressed our opinion regarding the unacceptability of this cross-checking, including in the case of NAC vs. NIC.

be mentioned that compared to the situation in the previous period of reference (2012), thirteen CPAs have advanced: MSTI, NAC, MD, MEAEI, MIA, MC, MRDC, MEC, MF, ME, MH, MYS, CS. One CPA (MAFI) has stayed in the same ranking. Six CPAs (MJ, MTRI, MED, MLSPF, MTIC, ALC) have regressed.

Generally, despite the reduced control capacity of the NIC and despite a legal framework that generates unequal practices (especially – submission/non-submission of declarations in case of suspended labor relations, in-company transfer within CPAs, employee exchange between CPAs), we have ascertained an improvement in policy implementation in CPAs. The average score obtained by a CPA in policy implementation is 2.5 points. For comparison, the average score obtained by CPAs in 2012 was 1.9 points.

The submission of declaration in accordance with Art. 8 para. (1) of Law No. 1264/2002 is acceptable. However, four CPAs (MIA, MAFI, MED, MTIC) are facing deficiencies in this regard.

The submission of declaration in accordance with Art. 8 para. (2) of Law No. 1264/2002 is ensured in a much better manner. However, two CPAs (MIA, MED) have registered problems in this regard.

The submission of declaration in accordance with Art. 8 para. (3) of Law No. 1264/2002 is worse at the first two indicators among seven CPAs that are facing difficulties in this regard, and namely: NAC, MEAEI, MIA, MAFI, MED, MLSPF, MTIC.

The most alarming situation has been maintained, as in the previous period of reference, with regard to submission of declaration in accordance with Art. 8 para. (5) of Law No. 1264/2002. Only three CPAs (MIA, MD, MTIC) have informed about declarations submitted after one year of resignation. Some CPAs do not follow the provisions of point 13 let. d) of the Guidelines on the way to fill in and submit the declarations of income and assets approved by Order No.5 of the Chairman of NIC on 08.02.2013, according to which, after the expiry of one year from resignation, the declarant shall submit the declaration in person to NIC before March 31 of the following year. According to these provisions, the NIC has exceeded its competence vested in point 4 let. h) of the Regulation of the National Integrity Commission, approved by Law No. 180 of 19.12.2011. NIC has been vested to develop and approve the Guidelines on the way to fill in and submit the declarations of income and assets and declarations of personal interest without being vested with the regulation of the way to submit the declarations. Furthermore, based on the provisions mentioned in the Regulation, the NIC has established primary norms that are in violation of provisions of Art. 9 para. (2) of Law No. 1264/2002: all types of declarations have to be submitted to people responsible for their collection. However, these provisions are contrary to one of the pursued goals by asking to mandatorily declare the income and assets after one year of resignation – verification of measure when the declarant is complying with restrictions imposed at the termination of activity (Chapter IV of Law No. 16 of 15.02.2008 on conflict of interest (Law No. 16/2008)). Or, the employer who holds detailed information about the activity of former employee is the only authority capable of notifying the violation of this provision. Generalizing the above-mentioned, the departmental act was issued by violating the requirements set forth in Art. 5 para. (1) let. b) of Law No. 317 of 18.07.2003 on normative acts of the Government and other central and local public administration authorities – a normative act drafted on the basis of a more superior act cannot exceed the competences of that act and cannot contravene with its goal, principles and provisions.

As for submitting the declarations to NIC, we would like to mention that two CPAs (MED, MTIC) have exceeded the term set forth in Art. 10 para. (5) of Law No. 1264/2002.

By cross-checking the information provided by CPAs (number of declarations collected) with the information provided by NIC (number of declarations received), it looks like eleven CPAs (NAC, MD, MIA, MRDC, MED, MEC, MJ, ME, MTRI, MTIC, MYS) did not ensure the submission of all collected declarations to NIC.

The situation has improved in what regards identification of violations. We would like to underline the progress of ten CPAs in this regard, and namely: ALC, NAC, MD, MEAEI, MIA, MAFI, MEC, MED,¹⁴

MH, MYS, which identified certain violations and informed the NIC. At the same time, we would like to appreciate the efforts of the NIC, which in 2013 undertook 12 audits on discovery of eventual violations of legal framework in declaring income and assets on 12 subjects of declaration within CPAs monitored, and namely: NAC – 1 audit; MIA – 4; MAFI – 1; MED – 2; MEC – 1; MF – 1; ME – 1; MH – 1. However, the number of audits (12) related to total number of declarations submitted to CPAs and received by NIC (24437) accounts for 0.08 % - a per cent far below the political expectations.

The CPAs' capacity to identify and ensure the follow-up on violations of Law No. 1264/2002 has been modest. Half of the CPAs haven't reported violations, although they face at least the issue of non-submission of declarations by employees after one year of resignation.

Furthermore, the mechanism for violation sanctioning is not always used correctly. Thus, MD has related the application of warnings to some people who submitted their declarations with delay, in accordance with Art. 14 para. (1) of Law No. 1264/2002, but a disciplinary deviation is considered when the people responsible for collection of declarations failed to meet the requirements stipulated by law. Failure to submit the declaration by declarant in time, according to Art. 14 para. (2), shall be seen as contravention sanctioned in accordance with Art. 330² of the Contravention Code.

By all means, the leadership of CPAs plays an essential role in policy implementation and should assume the responsibility for ensuring this process. Despite the violations committed by some people responsible for the collection of declarations and the excerpt proving it in the Registry of Declarations, the application of disciplinary sanctions by the leadership of CPAs to the abovementioned people (MED, MTIC) has not been confirmed. For comparison - 3 such cases were announced by local public authorities, which applied warnings and reprimands to collectors.

It is alarming the fact that some leaders of the CPAs neither take responsibility in ensuring the implementation of policy nor submit their own declarations. We refer to the Minister of Youth and Sport who tried to exonerate himself for being late with the submission of declaration by trying to shift the guilt on the collector. The explications of the later was enclosed to the answer of the MYS and submitted to NIC.

Conclusions and recommendations. Generally speaking, the implementation of declaration of income and assets policy has been improved in CPAs. However, there are certain issues, which in some CPAs, refer to all monitoring indicators. We would like to underline in particular the reduced capacity of the CPAs to follow the submission of declarations by former employees after one year of resignation as well as to identify the violations to be sanctioned. It is obvious that some of these issues are generated by defective and ambiguous legal framework, and by reduced capacities of NIC.

Bearing in mind some recommendations offered for previous period of reference and which are still up-to-date, the situation could have been improved by:

- focusing the efforts on ensuring the submission of declaration after one year from resignation;
- NIC has to continue the collector training-related activities as well as has to focus on the training process with regard to notification of competent authorities about the violations and their sanctioning;
- the leadership of CPAs has to apply disciplinary sanctions to collectors, when they fail to meet the requirements set forth by law;
- increasing the accountability of CPAs leadership via express legal provisions that would allow their sanctioning for not ensuring adequate implementation of declaration of income and assets policy within the authority;
- systemizing the provisions of Law No. 1264/2002 and Law No. 16/2008 in a consolidated legislative act that would regulate both fields: declaration of income and assets and declaration of personal interests,

including handling of conflict of interest. The systemized legislative act shall foresee sample declarations of personal interests, income and assets. Thus, different unjustified approach to the concepts (including the deadlines for submission), overlapping of information requested by declarants shall be avoided and NIC's resources (including human) shall be saved. The standards should be well-defined and comprehensive, excluding, thus, the interventions of NIC at the level of its departmental act by instituting some initial lawful norms;

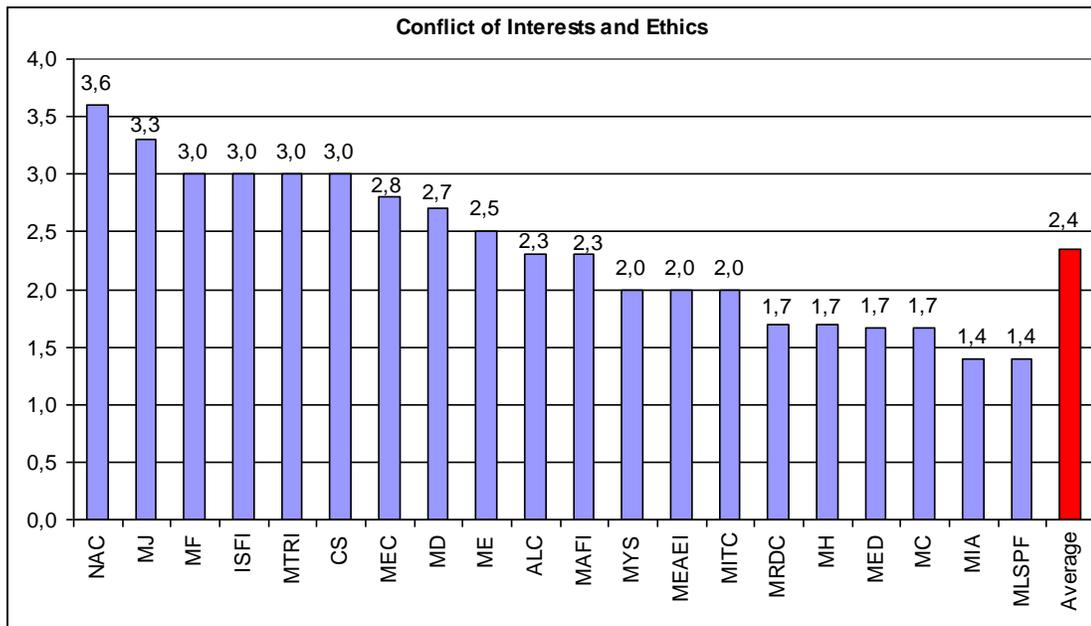
- the NIC shall continue its efforts in trying to launch a consolidated, but also secured, automatic informational system, which would allow to fill in the declaration online. As a result, the declaration and verification process would become more efficient and less time-consuming, which will improve the capacities of NIC to verify the information included in declarations.

2. Handling conflicts of interest and promoting ethical standards

The applicable legal framework: Law no.16-XVI of 15.02.2008 on the conflict of interest (Law 16/2008), Law no. 25 of 22.02.2008 on the Code of Conduct for Civil Servants (Law no. 25/2008) Government Decision no.134 of 22.02.2013 on establishing the permissible value of symbolic gifts, courtesy or protocol related gifts (GD 134/2013).

Methodology: the written request of information from CPAs monitored (reference period: 01.01.2013 - 31.10.2013) and NIC (the year 2013). Compare the NIC information with the information provided by the monitored CPAs. Depending on the responses received, in the profile of each CPA a summary table was inserted that includes a description of the current state of the policy⁵ implementation, findings/issues identified and proposals on improving the situation. As a result of the analysis, depending on the performance of CPA monitored, these have been assigned scores per indicator (on a scale from 0 to 4)⁶ and a ranking was compiled. Given that the policy in question was monitored also in 2012, the report contains an analysis of changes in its application.

Implementation within the authorities. Monitoring results show that most CPAs made efforts to apply and enhance the policy on handling conflicts of interest and promoting the ethical standards. In this context, the best performance is of the NAC and MJ, the worst achievements being registered with MIA and MLSPF.



Since this policy was monitored also in 2012, it could be noted that some authorities have advanced in its implementation (MEC, MD, NAC, MF, ME, MFAEI, MC), others (MRDC, MLSPF) – have regressed, and other authorities have maintained their positions⁷.

The situation regarding the measures applied is as follows

⁵ The inputs in the summary tables were taken from the CPAs letters addressed to the authors.

⁶ Where 0 means that CPA did not apply the anti-corruption policy / did not offer data that would confirm the policy application; and 4 - CPA has applied the policy according to the legal provisions.

⁷ Developments were assessed based on comparable indicators of 2013 and 2012: filing declarations on the personal interests, reporting conflicts of interest, familiarization of the employees with the legislation provisions, the existence of notifications on violation of the code of conduct and undertaking the necessary measures. (Note - in 2013, a new indicator related to the establishment of a Gift Record Commission within the CPAs, recording and publication of the list of gifts reported by officials was introduced). 17

Filing declarations of personal interests (DPI)

Generally, the monitored CPAs have undertaken measures to ensure the submission of declarations of personal interest (DPI) by officials and dignitaries. As a positive aspect, it should be noted that all authorities have communicated about filing declarations and indicated the number of declarants (for comparison: in 2012, 85% of CPAs informed about the DPI submission, out of which one third did not indicate the number of declarants). The information provided by CPAs shows that those responsible for the collection of these declarations ensure usually the DPIs record keeping and their transmission to the NIC.

The results of the survey conducted among civil servants by TI-Moldova 2013⁸ attest positive moments in filing the DPI. The absolute majority of respondents (84%) noted that they filed a DPI in 2013, their share having increased by 24 percentage points compared to 2012. In addition to that, the majority of those who filed a declaration remarked that they received a conformation document and signed in the Registry of Declarations, their share having increased considerably compared to 2012.

As regards the timeliness of DPI submission, 65% of CPAs mentioned that all civil servants have filed their declarations in due time and 35% of authorities have noted irregularities (MEAEI, MAFI, MED, MH, MSTI, MD, and ALC). Although according to the law on conflict of interest⁹, authorities were to announce NIC about failure to submit the declarations in due time, we can assume that not all CPAs complied with this requirement. It seems that only MSTI announced NIC about such a case “NIC was informed that one tax officer has not filed the declaration ...”. Other authorities, in all likelihood, did not inform the NIC, limiting themselves to informing the declarants: “people were warned about the obligation to respect the deadline for filing the declarations” (MED); “People have been warned that they will be liable under the law in force” (MH); “People who have not filed their declarations of personal interests or have filed them in violation of the terms set were informed about the legislation provisions” (MLSPF); “Intranet messages were sent out about the fact that the employees are to submit declarations of personal interests and that they are going to be sanctioned by NIC” (MFAEI); “People who have not filed their declarations in due time were additionally called and informed about the urgent need to file the respective declarations” (MAFI)¹⁰.

According to the information received from the CPAs, we can deduce that some still face difficulties in collecting the PIDs. For example, the MED said that they cannot provide the number of people in managerial and control positions within the state educational institutions to file the DPI due to the confusing interpretation of the term “control positions” in the legislation, and because their declarations are filed through the local authorities. MIA did not provide conclusive data about DPI submission, the possible reasons being the large number of employees, the possible lack of an internal mechanism for collecting and operative processing of data on declarations filed, as well as the overlap of the MIA institutional reorganization process and filing annual declarations.

It was difficult to compare the CPAs information about the filed declarations with the NIC’s respective data, because the Commission has provided the approximate number of declarants due to the lack of automated records. According to the NIC, the establishment of an internal database to keep record of the declarations at the beginning of 2013 was virtually impossible due to lack of equipment and insufficient human resources. It should be noted that the information provided by NAC, MEC, MLSPF, MTIC, MYS, MAFI, MD, ME on initial and annual declarations filed corresponded to the NIC data.

⁸ TI-Moldova, *Results of the survey for civil servants with regard to the application of anti-corruption policies within the CPAs*, 2014, <http://www.transparency.md/Docs/Rezultatele%20sondajului%20CI%20in%20APC%202013%20%20final.pdf>

⁹ Article 10 (2) of the law.

¹⁰ See the answers of the respective authorities in the summary tables.

Reporting conflicts of interest (CI)

Most of the CPAs monitored (75%) communicated that the civil servants did not report any conflict of interest during the reference period, three authorities (CS, NAC and ALC) informed about such cases and two authorities (MIA MLSPF) did not answer this question. For comparison - in 2012, no authority informed about the reporting of conflicts of interest by civil servants. However, in 2013, the number of conflicts of interest reported is scarce: 4 cases reported in 20 CPAs. The CPAs information about conflicts of interest declared and resolved in 2013 is presented in the following table (*in the wording of the authorities*).

CPA	Short description of the CI	Person that examined and solved the CI	CI settlement procedure
NAC, 2 pers.	CI declared by a deputy director of the NAC in the process of examining and signing a document. CI declared by a criminal investigation officer who found that he is in a family relationship with one of the persons mentioned in a case under his investigation.	Situation was coordinated by the institution's director. Management of the General Department for Fight against Corruption.	The document was sent for examination and signature to another deputy director. The officer was removed from the examination of these cases.
CS, 1 pers.	A situation of related person subordination was reported.	Human Resources Division at the indication of the General Director.	The subordinated person was transferred to another position without any conflict of interest.
ALC, 1 pers.	The Chairperson of the Board of Directors of the State Enterprise "IPOT", willing to participate in a competition for the position of enterprise administrator, submitted a letter to the founder that he is in a conflict of interest	Avoided answer	Avoided answer

Also, according to the TI-Moldova survey of the civil servants conducted in 2013, most of the respondents noted that they had not declared any CI. At the same time, being asked to report about the existence of any CI situations within the institution they are working for, some respondents cited possible violations of interdictions, restrictions, decision-making in CI situations, which in all likelihood have not been reported¹¹.

It should be noted under the positive aspect that a number of CPAs (NAC, CS, MIA, MH, MAFI, MEC, MED, and MYS¹²) have identified cases of failure to report conflicts of interest by employees, notifying NIC about this. Based on these complaints, the NIC initiated seven controls on possible violations of restrictions, incompatibilities and failure to declare the conflicts of interest within the CPAs monitored, including: MF, MH, MED, ME, MAFI, and MEC. As a result of these controls, the NIC has identified conflicts of interest and informed the NAC with a view to applying administrative sanctions (exception - deviations from MED). It is noteworthy that in half of the cases, the NIC's decisions were contested. On 25.04.2014, the situation of the control files is as follows¹³:

¹¹ www.transparency.md/Docs/Rezultatele%20sondajului%20CI%20in%20APC%202013%20%20final.pdf. Among the examples, there were presented cases of hiring relatives without a contest, the activity of a civil servant being under the direct supervision of a relative, making decision on public procurement in favor of a related company, etc.

¹² Answer of NIC no. 03139 of 05.02.2014 at the request of information on behalf of TI-Moldova.

¹³ Additional information provided by NIC at the request of TI-Moldova.

- MF: a conflict of interest was established at the Ministry of Finance¹⁴, the NAC was informed in order to apply administrative sanctions (NIC decision was appealed in the court);
- MH: conflicts of interest were established in case of two officers from the ministry¹⁵, NAC was informed (in both cases, the NIC decisions were appealed);
- MED: a conflict of interest was established in the case of the former minister of education¹⁶ (NIC decision was appealed in court, the case in ongoing);
- MAFI: a conflict of interest was established in relation to one of the officials¹⁷, NAC was informed with a view to applying administrative sanctions;
- MEC: a conflict of interest was established in relation to the Director of the Energy Efficiency Agency¹⁸, NAC was informed in order to apply administrative sanctions;
- ME: the violations of the legal regime of the conflict of interest identified in relation to the former deputy minister¹⁹. According to NIC, the violations were committed before 01.03.2012 (date of entry into force of the Law on the NIC), due to this, the legal competences of NIC could not be extended over these violations.

According to the NIC report for 2013, the Commission initiated 120 controls targeting people from the central and local public administration authorities, more than half of the cases being focused on potential conflicts of interest and incompatibilities²⁰. Largely, the controls were initiated based on the information of investigative journalists, NGOs information on confirming the widespread practice of decision-making in situations of conflicts of interest and incompatibilities. This means that the public authorities, especially the central public authorities do not undertake sufficient measures to prevent and identify conflicts of interest, eventually by engaging the control / internal audit subdivisions in the process.

It should be noted that the MEC, NAC, CS have developed and applied internal documents governing the reports and documentation/evidence on conflicts of interest. According to MEC, the conflicts of interest are identified by the internal auditors, during the audit missions at the MEC subdivisions and MEC subordinated enterprises comprising actions related to the detection of conflicts of interest. The NAC, by order no. 12 of 23.01.2013 on approval of the instruction on investigations as part of disciplinary proceedings, Human Resources and Security General Department is responsible for investigating the CI cases detected among employees. In the case of SV, this process is regulated by Order no. 345-D of 05/07/2013 of the Managing Director on the identification of conflicts of interest. However, these documents were not found on the websites of the CS and NAC; their placement would be useful to other CPAs for experience sharing.

¹⁴ NIC found that the Minister of Finance, Anatol Arapu, violated the interdiction to use the public property goods for personal purposes.

¹⁵ In the first case (Minister of Health, Andrei Usatîi), the NIC found that the minister, by the reorganization order of 3 hospitals, created favorable conditions for their administration (after the finalization of the mandate, the minister is entitled to return to his previous position of head physician in one of the hospitals). In the second case, the NIC found that the deputy minister Octavian Grama participated in making the decision on including the products of a firm, which representative office in Moldova was headed by his wife, in the list of medicines compensated by the state.

¹⁶ NIC established that the former minister, Mihail Şlehtiţchi, made a decision in favor of an organization, where he is a founder (he authorized the organization to endorse plans, programs for continuous professional training for adults).

¹⁷ NIC established that Alexandru Ciobanu facilitated the procedure of issuing the phyto-sanitary certificate to a company, where he was a founder.

¹⁸ According to NIC, Mihail Stratan participated in the public tender and identified as winner his own company.

¹⁹ According to NIC, former minister of environment, Jolondcovschi Alexandru, participated as a member of the Board of Directors of the National Ecological Fund when making decision on allocation of funds to the entities led by him.

²⁰ NIC, *Activity Report for 2013*, http://www.cni.md/Upload/Raport_final_2013_ro.pdf

Employees' familiarization with the provisions of the Law on Conflict of Interest and Code of Conduct for civil servants

The monitored CPAs, except for MRDC and MIA, have informed about the measures aiming at making the civil servants aware about the above mentioned laws. These measures consist of internal training, especially, for the debutant civil servants on the legislation provisions and promotional materials dissemination. In some CPAs, the civil servants were trained also at the Academy of Public Administration.

Although, during recent years, there has been a positive trend in making civil servants aware of the legal framework provisions on handling the conflicts of interest, the level of familiarization remains insufficient. According to the civil servants survey conducted by TI-Moldova in 2013, a large part of the interviewed people interpret negatively the notion "personal interest", bringing as example cases of restrictions, incompatibilities violation and eventual cases of corruption; more than half of the respondents confuses the conflict of interest with corruption; the share of respondents aware about the sanctions for violation of the law on conflict of interest is low. Often, the respondents confuse the income and assets declaration with the personal interest declaration, and the personal interest declaration – with the income and assets declaration. About one third of the interviewed civil servants said they participated in trainings on handling conflicts of interest and declaration of income and assets²¹. According to the answers of some CPAs at the request of information on behalf of TI-Moldova, we may conclude that the authors confuse the personal interest declaration with reporting the conflict of interest (e.g. the letter of the Customs Service states that „there were hired or appointed 367 civil servants, all of them filed *declarations on conflicts of interest*”).

In this context, it should be noted that some CPAs request the organization by NIC of seminars on filing in the personal interest declarations and income and assets declaration, creating a special area for *Questions and Answers* on the NIC's website, which would enable the authorities to receive consultancy and exchange experience on-line in filing the personal interest declarations and conflict of interest reporting.

Existence of information/complaints on violation of rules of conduct

70% of CPAs reported that they received complaints about violations of the Code of Conduct by employees of the institution, 20% (ME, NAC, MSTI, CS) confirmed receiving complaints and MRDC and MIA did not provide any answer. The results of the civil servants survey conducted by TI-Moldova in 2013 come to confirm the following data: 16% of respondents said there were violations of the Code of Conduct (including CS-48% of respondents, NAC - 33%, MD - 30 % ME - 29%). It should be mentioned that only 30% of all respondents said they had been informed about the violations of the Code of Conduct and the measures taken²².

The information about complaints concerning violations of the Code of Conduct and the measures taken are summarized in the following table. It is noteworthy that, as in the previous year, the CPAs have not published these data, at least not on their websites.

²¹ www.transparency.md/Docs/Rezultatele%20sondajului%20CI%20in%20APC%202013%20%20final.pdf

²² www.transparency.md/Docs/Rezultatele%20sondajului%20CI%20in%20APC%202013%20%20final.pdf

CPA	Number of complaints received	Type of violations established	Sanctions applied
ME	3 calls from employees of the ME.	Recorded violations: actions that damage the prestige and image of the authority, neglect and delay in carrying out the work and superiors indications.	3 sanctions were applied in the form of reprimand and warning. The sanctions were not challenged.
MSTI	101 complaints about the illegal actions of the tax officials (no petitions have been received from the employees).	Out of the total number of complaints, 39 were not confirmed, 59 - were confirmed, 3 – are pending. The materials were submitted to the disciplinary committees for review, according to the competence.	29 people have been disciplinary sanctioned (warning, reprimand, severe reprimand). Three sanctions were challenged (appeals are still pending).
CS	77 written complaints and 48 complaints via the hot-line were received.	92 investigations were completed, where violations of the Code of Conduct were identified. Violations fall under Article 11 and 13 of GD no. 456 of 27.07.2009 on the Code of Conduct of the customs officers.	324 sanctions were applied (observations – 205; reprimand - 69; severe reprimand - 35; retro-gradation in position - 1; dismissals - 14. No summons t ocourt have been received to contest the sanctions.
NAC	65 notifications about the violation of professional obligations, office discipline and professional conduct have been received: - Petitions, notifications – 34; - Communications via the hot-line or dedicated phone lines 1 – 5; - reports of the employees – 17; - other information – 9.	36 investigations were initiated, 5 disciplinary procedures were launched (committing material errors in handling the criminal case, delay in prosecution procedure, improper behavior in the society, superficial examination of the materials, failure to observe the secret and personal information.	4 employees sanctioned disciplinary, (reprimand – 1; warning – 3). No contestations were received.

Establishment of commissions for keeping record and valuation of gifts, gifts registry maintenance, publication of the list of gifts

According to GD 134/2013 on the establishment of permissible symbolic gifts value, those provided as courtesy or during certain protocol actions, CPAs should create commissions for keeping record of gifts, maintaining the gifts registry and, when gifts are received and reported by officials, to make public the list of gifts. The CPAs have established the commissions for keeping record of gifts²³. In the MJ, NAC, CS, the civil servants have reported receiving gifts, authorities communicating about registering these in their registries. As of 01.02.2014, the list of gifts was published on the NAC website²⁴.

It should be noted that the value of the gifts, which, according to the law, can be accepted by the civil servants is not a symbolic one (1000 MDL), in particular considering the average value of the pensions of about 1000 MDL and the average wage in the budgetary sector of about 3400 MDL.

Problems in applying the policy on handling conflicts of interest

Most CPAs did not indicate any problems in applying this policy. However, some authorities mentioned in this context the following: “there is no effective collaboration with NIC: legislation on declarations of interest has many uncertainties and consultations offered by NIC differ in time for the same situations”; “workload of the declaration collectors is big and we often fail to do it because of other responsibilities we have”; “There are cases when the civil servants refused to file declarations claiming confidentiality of information”; “NIC

²³ According to MYS, the ministry has developed the draft administrative act on the approval of the Commission for keeping record and valuation of gifts (in conformity with GD 134/22.02.2013) and it follows to be submitted for approval subsequently.

²⁴ http://cna.md/sites/default/files/combatere/web_lista_cadou_2013.pdf

did not organize any training on filing in declarations of personal interests and declarations of income and assets”; “NIC should adjust the legislative and normative basis to establish distinct functions/staff units responsible for the whole process of collecting declarations (collection, recording, issuance of confirming documents, sending declarations to the NIC) in the CPA, since designating the employees of HR departments for this purpose as collectors are burdening their work”.

Conclusions:

Most of CPAs made efforts to apply the policy of handling conflicts of interest and promoting ethical standards, the situation improving slightly compared to 2012. CPAs have strengthened the process of filing declarations of interests, most of the authorities stating that the civil servants have filed their declarations in due time. The civil servants began to report cases of conflicts of interest, but their number is small. CPAs also began to verify the observance of Law on conflicts of interest, having identified cases of failure to report conflicts of interest, violations of restrictions and incompatibilities, informing NIC about these cases. However, CPA’s capacity to control deviations, especially to detect and handle conflicts of interest are quite low.

NIC has intensified the cooperation with CPA, created a database of persons responsible for declarations collection. At the same time NIC initiated in 2013 a series of controls on possible violations of the law on conflict of interest, has established the existence of conflicts of interest and has informed the NAC in order to apply administrative sanctions. However, the resources of the NIC (including financial, personnel, information, and technical resources) are insufficient for an effective operation. Many of NIC decisions on conflicts of interest establishment are challenged, the Commission may face a wave of complaints of this kind in the future. The motivation part that served as basis for NIC documents establishing the fact is not made public.

An important problem related to the legal framework remains to be the lack of accountability for failure to resolve or handling conflicts of interest (for ex. For making decisions or participation in the decision-making process in situations of conflict of interest).

Recommendations:

- Introduce in the legislation the accountability for failure to resolve or improper resolution of conflicts of interest (for decision making or participation in decision-making in situations of conflict of interest);
- The CPA shall take measures to improve the monitored policy:
 - Capacity building for internal monitoring the Law on Conflict of Interest and Code of Conduct by engaging the control/internal security subdivisions in this process;
 - Introduce in the minutes of the collegial bodies meetings (employment commissions, public procurement commissions, etc.) of notifications related to the fact if their members are or are not in a conflict of interest;
 - Notify the NIC about any violations of the Law on conflict of interest by the employees;
 - Continuous training of employees on topics related to ethical conduct and handling conflicts of interest with a special focus on the mandatory reporting of CI;
 - Inform the public about the results of the policy implementation, including through the websites.

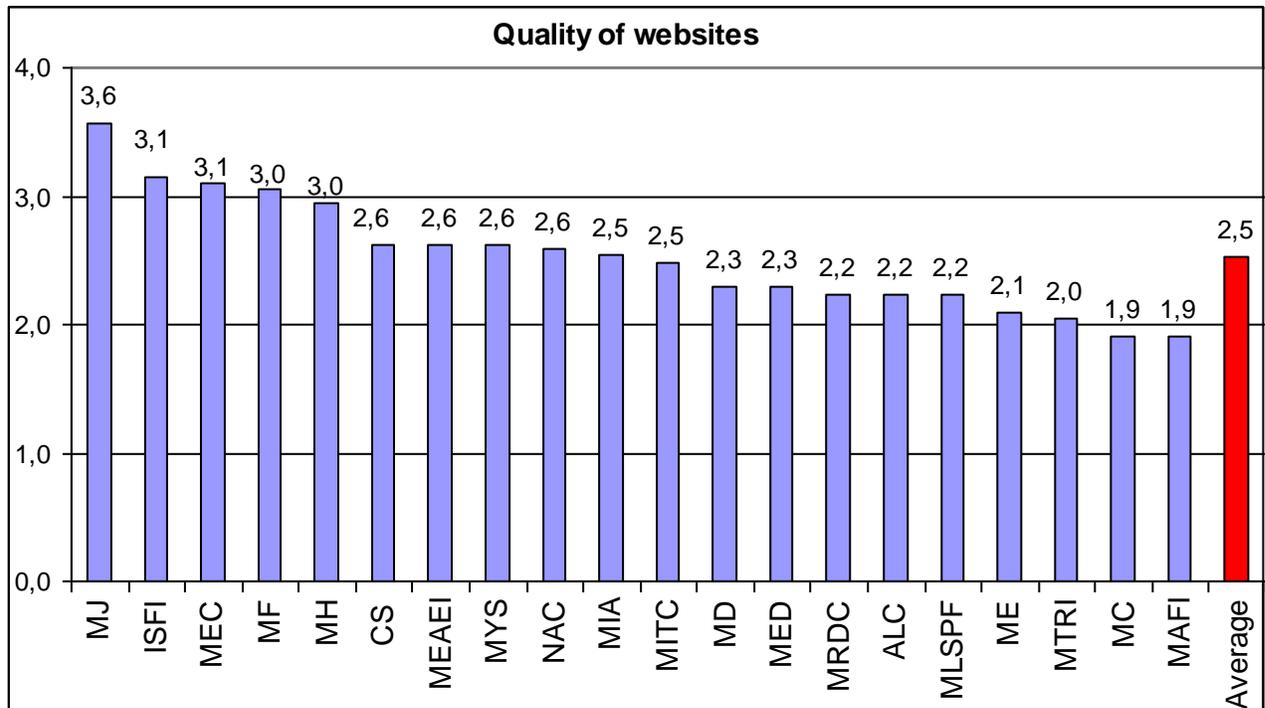
- Enhance NIC capacity to supervise legislation observance: providing necessary financial resources and personnel (including the establishment of a legal department, hiring qualified personnel); salary increase; ensuring the connection to the information providers databases;
- Making the NIC operation transparent: publication of the motivation underlying the establishment of the conflict of interest, publication of voting results of NIC members during meetings; prior announcement on the website of the agenda of meetings;
- More active involvement of NIC in the CPA employees training and communication with them: organization of seminars and workshops to discuss problems and exchange experiences in the field of policy implementation; insertion of a special section for answers to frequently asked questions of the CPAs on the NIC website;
- Ensure the traceability of the control cases initiated by NIC (starting from the opening of the case until the definitive ruling of the court);
- Develop a Guide for CPAs regarding the documentation and settlement of CI cases.

3. Quality of websites of Central Public Authorities

Relevant legal framework: Law No.239 of 13.11.2008 on Transparency in Decision-Making Process (Law 239/2008); Government Decision No. 188 of 03.04.2012 regarding Official Internet Websites of Public Administration Authorities (GD 188/2012); Government Decision No.195 of 04.04.2012 on Approving the Open Government Action Plan for 2012-2013 (GD 195/2012); Parliament Decision No.12 of 17.02.2012 on Approving 2012–2013 Action Plan for the implementation of National Anticorruption Strategy for 2011–2015, Government Decision No.134 of 22.02.2013 on the establishment of permissible symbolic gifts value, those provided as courtesy or during certain protocol actions and the approval of Regulation on record, evaluation, maintenance, use and redemption of symbolic gifts, those provided as courtesy or during certain protocol actions (GD 134/2013).

Methodology: analysis of content of CPAs websites (information on 2013 activity), request for information from CPAs. The policy application was assessed depending on the presence, completeness and update of information on websites of CPAs, as well as relevance and fullness of answers offered by the CPAs. Monitoring was carried out in January 2014.

Implementation within authorities. The monitoring results show that most CPAs have undertaken measures in 2013 to ensure the functionality of websites and to observe the requirements related to their content. The MJ, MSTI, MEC, MF, MH got the highest ranking. As compared to 2012, progress has been registered in the content of the MEC, MEAEI, MF, MRDC and ALC, including with regard to the implementation of recommendations of TI-Moldova formulated in the previous monitoring procedure.



However, the results have discovered the existence of some issues in the website administration/maintenance, especially if half of the CPAs does not have an *internal Regulation on way of publication and updating the materials on the website* (some haven't developed any regulation: MRDC, MAFI, MTRI, MED, MLSPF, MTIC²⁵, and some are under development: MEAEI, ME, ALC. Other authorities follow, as a rule, internal

²⁵ MITC has communicated that the activity is carried out "in accordance with GD No. 1211 of 27 December 2010 on mass media information and communication with central public authority as well as the Communication Strategy and internal Action Plan". 25

documents approved in 2008-2010 before the enforcement of GD No. 188/2012. It should be mentioned that only MJ has developed and approved in 2013 the internal Regulation on way of publishing and updating materials on website, which is available on institution's website²⁶.

All CPAs have appointed people responsible for the administration of website, usually these are employees from Human Resources Divisions (about ½ of CPAs) and E-transformation (1/5). There are many people/subdivisions involved at the same time in website administration/maintenance. However, it is unclear if there is any coordinator responsible for eventual errors.

Although the websites of CPAs contain multiple information about their specific activities, as in previous years, a number of mandatory information is missing or is minimal:

- the majority (85%) of the CPAs haven't placed the *results of audits/controls on the websites* carried out in the authorities or posted insufficient information. Only MF, MSTI and MRDC have downloaded information about the planned audits and their results, and depending on the case, the decisions of the Court of Accounts on the results of audits carried out in 2013;
- about ½ of the CPAs has not uploaded the data on *budget planning and execution* (MAI, MD, MAFI, MED, MC, MTIC) or placed insufficient data (ME, ALC, NAC, MSTI, CS);
- more than half of the CPAs have not downloaded *report on public information publication* (MEC, MF, MEAEI, MD, MRDC, MTRI, ME, MED, MC, MLSPF, NAC, CS);
- 1/3 of the CPAs has not placed data on *public procurement*, or have limited themselves to the publication of some procurement advertisements (MTRI, ME, MAFI, MC, MTIC, ALC). Only MEC, MJ, MD, MSTI have met the requirements for data publication, and published the award and signing of public procurement contracts.

As for *declarations of income and assets* of the management, 1/3 of the CPAs failed to publish them on the website (MF, MTRI, ME, MLSPF, ALC, CS, MSTI). Unlike these, the MJ, MEAEI, MH, MTIC, MYS have published the declarations of income and assets of ministers and vice-ministers and, depending on the case, their declarations of personal interest. The hardcopies are kept in the archive by the institutions. It should be mentioned that there are only two declarations of income and assets for 2012 placed on that the website of the Government under the Section Cabinet of Ministers²⁷ - of the Prime Minister and Minister of Education. The majority of annual declarations of ministers are for 2011, but there are no links that could allow their downloading.

Although all authorities have filled out the *Decision-making transparency* Section, ensuring links to www.particip.gov.md portal, all the information about this subject, as in previous years, are not sufficient. It is difficult to "track" draft documents starting with publication of call for development of decision from A to Z. Only 2 authorities (MJ and NAC) have placed information about developing decisions in a table of synthesis, which facilitates the information analysis by stakeholders.

Most CPAs have uploaded information about *anticorruption activity* on the website, including quarterly reports on NAS implementation, institutional integrity plans, reports on their implementation. However, MAFI and MLSPF haven't uploaded information about this subject, and MSTI, MH, MC have uploaded insufficient data (it should be taken into account that the 2012-2014 Integration Plan of MC does not include risks and vulnerabilities analyzed from the point of view of institution's integrity, objectives to decrease the risks, people responsible for implementation of the plan and performance indicators).

²⁶ Regulation on the operation of the Official Internet Website of the Ministry of Justice approved by Order No. 264/2013 was developed to regulate the process of designing and maintaining official websites of MJ and its subordinated institutions. The Regulation shall set forth the obligations of persons responsible for the functionality of website, responsibilities of people who provide information and informational and technical content administrators, deadlines for information uploading, procedure to receive and submit answers to petitions and complaints, ensuring the update and security of the website, etc. (see http://justice.gov.md/public/files/file/Structura%20Ministerului/Regulamentprivind_mentinerea_paginii_oficiale_Web_a_MJ.pdf)

²⁷ <http://www.gov.md/pageview.php?l=ro&idc=404>

There are some shortcomings in reflecting data on *technical assistance programmes* provided to CPAs: MTIC, NAC, MSTI, CS haven't uploaded any of these information on their websites, and MD, MJ, MLSPPF and ALC have placed insufficient data. As in 2012, CPAs haven't published *anything regarding information source and date* (exceptions are *News* and *Announcements* Sections). There are gaps with regard to *updating of websites*, especially: CVs of management, operative data, budget planning and execution, statistics in fields, technical assistance programmes.

The Government Decision No.134 of 22.02.2013 on the establishment of permissible symbolic gifts value, those provided as courtesy or during certain protocol actions was adopted in 2013, according to which, the *lists of gifts and beneficiaries* should be published annually on the CPAs websites. At the request of TI-Moldova, only three authorities (NAC, CS, MJ) have informed about the registration of gifts received by civil servants. As of 01.02.2014, the list of gifts was placed on the NAC²⁸ website.

At the request to provide the expenses for maintaining the website, each second institution has specified its value (some mentioned distinctive articles), other institutions mentioned that "no funds have been allocated", "no costs have been met", "no special funds are foreseen". As for the number of website visitors, some CPAs have specified the total number of visitors; number of exclusive visitors; "different visitors"; number of accesses, including repeated access of websites, etc. In this context, it is difficult to collect data that would allow an eventual analysis of website efficiency; the consolidated statistics of accessing the CPAs websites and calculation of costs for their administration/maintenance are welcome.

The CPAs have invoked such issues as keeping qualified IT personnel to maintain websites and limited number of persons in e-transformation subdivisions, requiring training for staff responsible for website administration/maintenance.

Conclusions

The results of monitoring have discovered that most CPAs have undertaken measures to ensure the functionality of websites and to meet the requirements regarding their content. As compared to 2013, the application of policy has improved. Although the authorities have placed multiple mandatory information about their activities on the websites, however, as previously, some information is insufficient or missing, for instance, the results of audits/controls, budget planning and execution, declarations of income and assets of management, public procurement planning and its results. Also, it is difficult to track the draft acts regarding the decision-making transparency; the information is not always complete about the technical assistance projects and programmes provided to the CPAs. There are shortcoming in updating the information.

Recommendations:

- To provide mandatory information stipulated in GD No.188/2012 by adding the following data:
 - √ structure of collegial entities (commissions/working groups for public procurement, employment, distribution funds to NGOs, etc. and administrative constituting acts);
 - √ information on public procurement (annual plan, advertisements, decisions of Working Group, data on concluded contracts: contracting company, date of contract conclusion, contract value);
 - √ anticorruption measures (person responsible for anticorruption activity, integrity plan, report on integrity plan implementation, report on corruption risk analysis);
- To notify the CPAs about the need to:
 - √ develop an internal Regulation regarding publication and updating of information on the web-page or to revise the existing regulations to align them with the provisions of GD 188/2012;

²⁸ http://cna.md/sites/default/files/combatere/web_lista_cadou_2013.pdf

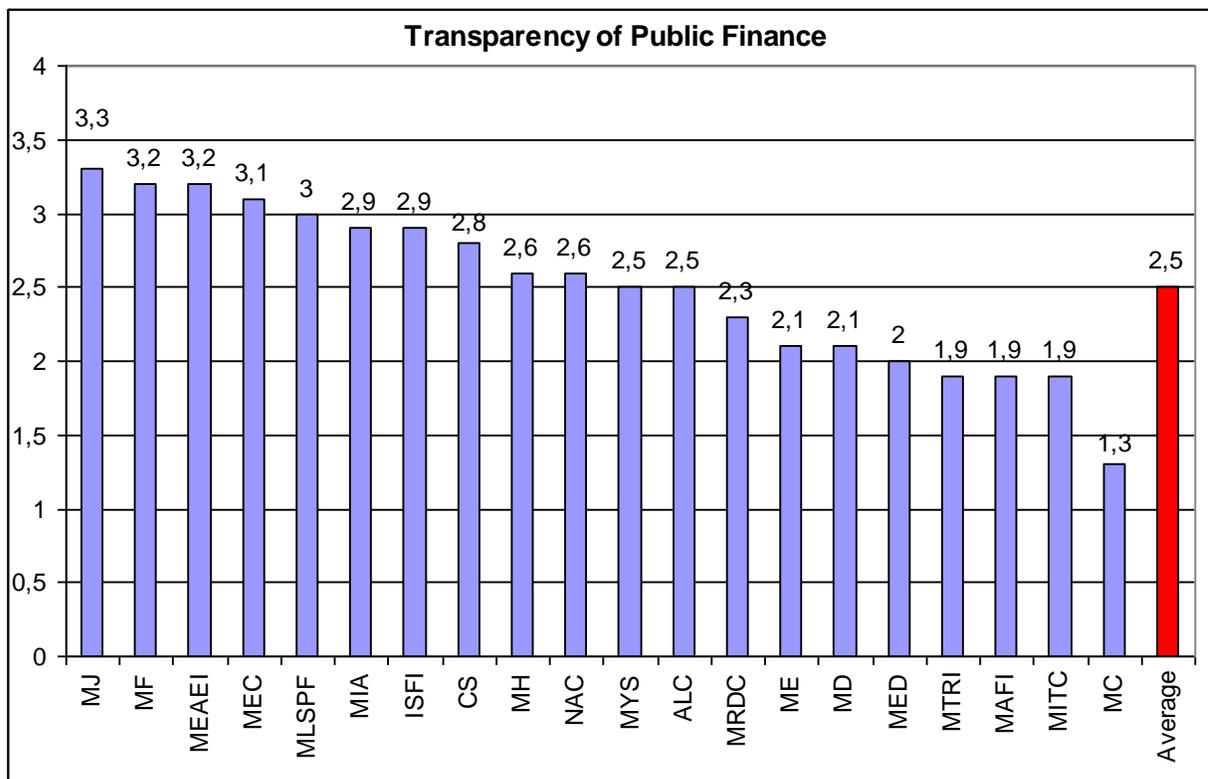
- √ publish/upload mandatory information on websites, especially on: results of controls and audits, budget planning and execution, technical assistance programmes, declarations of income and assets of the management, list of gratitude and their beneficiaries;
- √ update the information on the webpage by indicating the date of placing it and responsible person/subdivision;
- To develop a single format of the *Decision-making transparency* column of websites (eventually, based on the MoJ example), which would facilitate the tracking of draft documents.

4. Promoting transparency and accountability in public finance management

Legal framework: The Law on Public Procurements, no. 96-XVI dated 13.04.2007 (Law no. 96/2007), Law on Court of Accounts, no. 261-XVI dated 05.12.2008 (Law no. 261/2008), the Law on Internal Public Financial Control, no. 229 dated 23.09.2010 (Law no. 229/2010); Law on State Budget for 2013 no. 249, dated 02.11.2012 (Law no. 249/2012).

Methodological benchmarks: Required information in writing from the CPAs; compared information provided by the CPAs with the data provided on their web-sites, as well as with the data of the Public Procurements Agency, with the data published in the Public Procurement Bulletin, with the data of the Court of Accounts and of the General Prosecution. Compared with 2012, evaluation has been extended on the planning process and execution of CPAs budget.

Implementation by the authorities. The public authorities subjected to monitoring have shown various levels of openness and availability to provide details about the implementation of anti-corruption policies in terms of public finance management. Some authorities have systematized and provided detailed information (MJ, MEC, MLSPF, NAC, CS), some others have been reticent about giving answers to some questions (MRDC, MC), there have been also cases of non-observance of legal and normative stipulations (MITC). One quarter of the public authorities have scored highly – with values equal or higher than 3, half of them scored yearly average – with values varying from 2,1 to 2,9, another quarter scored low - with values bellow 2 (see the chart).



In order to assure *transparency in the public procurements process*, the problems have been found, as follows. The *first* one is, that on the public money, on which transparency needs to be provided, only part of that is channeled via the public procurements procedure. Most procurements of goods, services and works are performed by means of small installments, and from one source. Just as year example, the Ministry of Technology and Communications has shown it has not performed any public procurements in 2013, and the Ministry of Transports and Road Infrastructure – the installments amount was not more than MDL 76000. It seems like the public authorities break up procurements in contracts of small installments, in order to avoid

following all the stages stipulated by the Law no. 96/2007, when making procurements of goods and services, which get above a certain ceiling. *The second* is that on the web sites of the public authorities there are various categories of data about public procurements, but they are not organized in an easily accessible manner to make possible follow the process of public procurements. Usually, public authorities publish the information consecutively, in chronological order, without systematizing it in terms of years and stages of the public procurements. *The third* is that the planning process of the public procurements is not transparent in all the public authorities, and only half of the number of monitored authorities (MJ, MF, MEAEI, MIA, CS, MH, NAC, MD) have published in the Public Procurement Bulletin (PPB) the announcements on the intention to plan public procurements, having explained that there had not been planned procurements over the threshold of MDL 200000. At the same time, the Annual Plans of Public Procurements are published on their web-sites only by one third of the public authorities (MJ, MF, MIA, MSFI, CS), only several public authorities work out and publish complex annual plans of procurements, which include planning of both public procurements stipulated by the Law no. 96/2007, and the small amount procurements. *The fourth* problem is that the results of the assigned contracts on public procurements are only partially transparent, they are published with deviations, particularly with major delays from the term established by legal stipulations. According to art. 21 pt. 2 of the Law no. 96/2007, the contracted authority is obliged to publish both in the PPB and on the web site of the Public Procurements Agency (PPA) the announcement on assigning contract for public procurements not less than 30 days from the date of its termination. In practice, the announcements on assigning contracts for public procurements to economic agents is published on the web site of the PPA, in the rubric „Transparency/Contracts” and in the PPB. Usually, in the PPB the results on assigning contracts for the current business year is published either in the semester II of the year or semester I of the following year. At the same time, less than a half of the number of monitored authorities have published the results on assigning public procurement contracts on the web sites of the public authorities (MJ, MF, MEAEI, MLSPF, MIA, MSFI, CS, NAC, MD).

As a result of the monitoring the implementation of *external audit* policies, a low level was unveiled of transparency and accountability, in terms of accomplishing the recommendations of the Court of Accounts, addressed to the public authorities subjected to external audit. The public authorities report in detail about the recommendations of the Court of Accounts, taking over these recommendations from the decisions of the Court of Accounts, and in general, report about actions included in the Action Plans concerning accomplishing of recommendations of the Court of Accounts by the authorities, while limiting to relate only about working up the action plan and level of actions accomplishment, and that the report is supposed to be returned to the Court of Accounts. Both action plans mentioned, and the reports on accomplishing these plans are not transparent, they have not been published on the web sites of the public authorities, and it seems like the respective action plans and reports are neither accessible for the employees of the respective public authorities. The only positive practice is observed with the Ministry of Internal Affairs, which has published on the web site detailed information with regards to implementation of recommendations by the Court of Accounts audit, in 2012. Although the audits of the Court of Accounts found various violations, *practice of disciplinary accountability of persons in charge is very insignificant*. Thus, the monitoring has revealed only two examples of disciplinary accountability, related by the Ministry of External Affairs and European Integration and by the MTRI. The other authorities have revealed that nobody has been punished for the deficiencies identified by the Court of Accounts during the external audit with the public authorities, having explained by the fact that the disciplinary accountability has to be applied during 6 months from the moment when it was committed. Usually, the decisions of the Court of Accounts are published after this term, thus, nobody ever will be sanctioned for the deficiencies found by the Court of Accounts in the frame of the external audit with the public authorities. MIA monitoring has found four cases of penal liability: with the Ministry of Culture and some subordinated institutions, based on Decision of the Court of Accounts no. 17, dated 28.03.2013, and with the Ministry of Education, based on Decision of the Court of Accounts no. 2,

dated 25.01.2013; the respective violations were already under penal investigation, as informed by the General Prosecution.

With regards to implementing the policy of *running annual internal audit*, it has been found that one third of the public authorities had not carried out any internal audit missions (NAC, ALC, MRDC, MD, MTRI, MAFI, MC), either due to lack of employees in the internal audit subdivision, or due to lack of necessary capacities. Most public authorities who did not perform internal audits do not open the information about the impact of the internal audit missions. At the same time, the public authorities do not publish on the web sites their plans on internal audits (only MYS has published the plan for 2013) and annual reports on internal audit; only some authorities include brief information in the annual activity report of the authority. Although the art. 31 of the Law no. 229/2010 stipulates collaboration among internal audit subdivisions of the public authorities/institutions and the Court of Accounts, in particular submitting to the Court of Accounts of the annual plans and reports of the internal audit activity, usually the authorities do not comply with these requirements. In this context, monitoring has identified that only the Ministry of Finance has submitted officially the both papers to the Court of Accounts, other authorities have submitted officially only the internal audit plan, some authorities have reported that they have submitted the respective documents to the head of the auditors team of the Court of Accounts, during the external audit, whereas the authorities who did not run internal audit missions it seems they have neither worked out annual plans of internal audit.

Concerning *transparency in planning or execution of the public budget* by the public authorities, a low level of openness has been ascertained, in terms of submitting information about the mid-term budget framework, financing plan, draft budget, budget proposals and the report on budget execution. The planning process and budget execution is transparent with 2/3 of the public authorities under monitoring. Thus, only 1/3 of the authorities (MJ, MEC, MLSPF, MH, ALC, MRDC, MTRI) have published on the web sites both information about budget planning and information about the budget execution by the authority. At the same time, some monitored authorities have published the budget approved by State Budget Law for 2013, whereas the others only respective information for previous years, without updating the data. The data on planning and budget execution by public authorities is not organized in easily accessible manner, it is published in different rubrics, it is not systematized in terms of years and stages of the budget process, and only several authorities have created „budget authority” rubrics. At the same time, ¼ of the public authorities (ME, MEC, MAFI, MITC, MC) do not assure any kind of access to the data on the budget planning and execution, thus, they do not comply with the legal provisions.

Recommendations:

In order to assure transparency of the public procurements process, it is necessary to:

- amend and complete the Law no. 96/2007, particularly with regards to using the electronic procedure in the frame of the Automated State Informational System on public procurements, with a view to:
 - revise the procedures of planning and running public procurements in order to impede dividing procurements in contracts of small amounts;
 - clarify the procedure and term of assuring by the contracting authorities, of full transparency in the planning process of public procurements, as well as specify the terms of publishing notices on assigning contracts on public procurements to economic actors, in order to assure real transparency;
 - introduce disciplinary sanctions for culpable persons for the violation of legal provisions in the field of public procurements.
- Public authorities should assure maximum real transparency and free access to the entire process of public procurements, including at the stage of planning and running procedures of public

procurements, as well as at the stage of reporting the results of assigning contracts on public procurements to economic entities, by systematizing, structuring and updating the information in an easily accessible manner on the web sites of the authorities.

In order to assure external audit efficiency, it should be necessary to:

- amend and complete the current legal framework (if necessary also Law no. 229/2010) and introduce stipulations on majoring the term of enforcing disciplinary sanctions for culpable persons for violations of current legislation and admit deviations in their activity;
- public authorities should create special rubrics on the audit of the authority (with specifications on external audit and internal audit) on the web site of the public authority, where they should publish the decisions of the Court of Accounts concerning the external audits, they have been subjected to, action plans on accomplishing recommendations of the Court of Accounts and reports or data on the above-mentioned action plans (or respective information should be included in the report on accomplishing the Action Plan of the public authority);
- identify and subject to disciplinary sanctions the persons culpable for violations found by the Court of Accounts during the external audit or, depending on circumstances, notify the legal enforcement bodies with a view to subject to penal liability.

In order to assure the internal audit efficiency:

- assure functionality and development of internal audit subdivision capacities of the public authorities, by employing personnel to vacant positions, and if necessary train the staff;
- adopt the Chart on Internal Audit and Strategic Plan on Internal Audit (if not worked up yet), annual plans and reports on performing the activity of internal audit and submit these documents to the Ministry of Finance;
- public authorities should create special rubrics on audit of the authority (with sections external audit and internal audit) on the web site of the public authority, where should publish annual action plans and reports or data on the activities of the internal audit (or respective information should be included in the report on accomplishing the Action Plan of the public authority);
- carry out internal audit missions, including financial ones, with the authorities, and implement recommendations of these missions;
- cooperation between the internal audit subdivision and the Court of Accounts, including by means of officially transmitting to the to the Court of Accounts of annual plans of internal audit and reports on the annual internal audit of the public authority.

In order to assure transparency in planning and budget execution of the public authority:

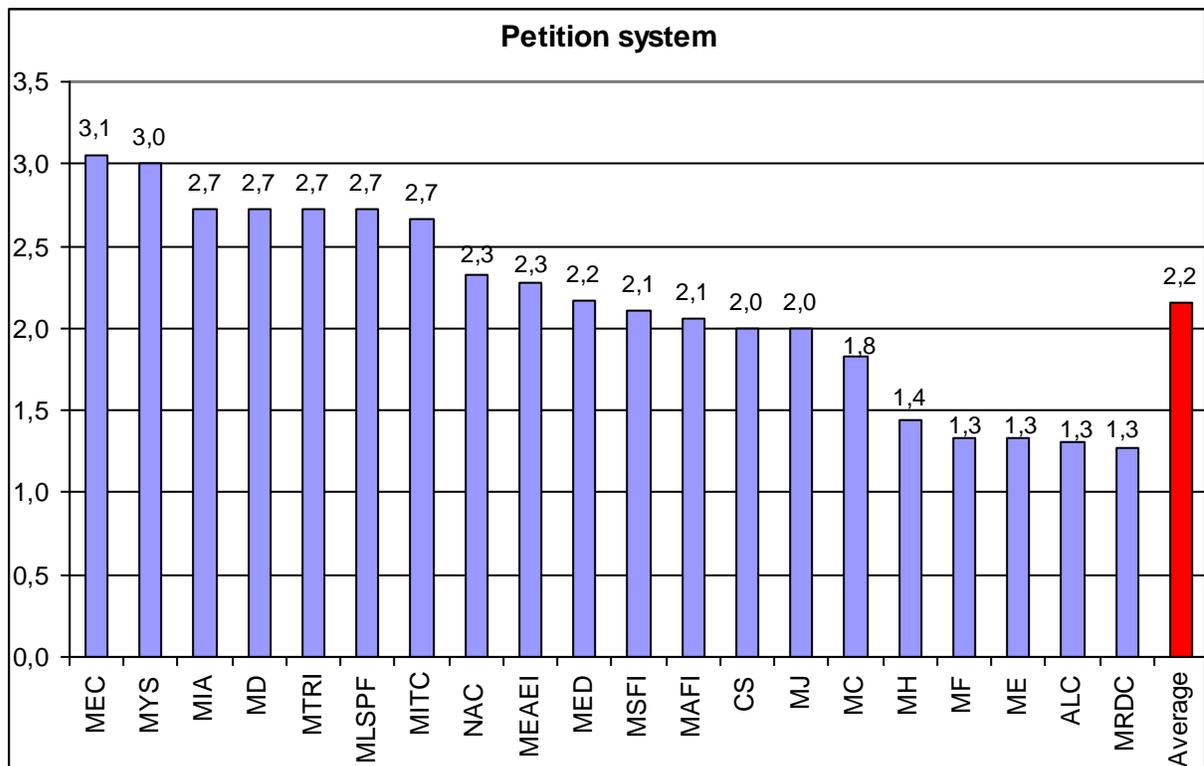
- public authorities should assure maximal transparency in terms of planning and budget execution of the authority, not only by publishing on their web sites the budget approved by Law on annual state budget, but also by publishing information about budget planning and budget execution;
- public authorities should create on the web site of the authority a special rubric concerning the budget authority (if it is missing), where to publish data about planning and budget execution of the authority in an easily accessible manner, *i.e.* classified in terms of years and by stages of the budget process);
- ministries should assure both transparency in planning and budget execution by the central staff of the ministry, and transparency of distribution of public funds to the public authorities/institutions subordinated to the ministry.

5. Streamlining petition system

Legal framework: The Law on Petitions no. 190-XIII dated 19.07.1994; Law on Administrative Litigation no. 793-XIV dated 10.02.2000; Law on Public Function and Status of the Public Official no. 158-XVI dated 04.07.2008; Decree of the President of the Republic of Moldova on Assuring Citizen Right to Petition no. 46-II dated 17.02.1997; Decision of the Parliament on Assuring the Right to Petition to Parliament no. 71-XIV dated 02.07.1998; Government Decision for Approving Instructions on Secretarial Works Concerning Petitions of the Individuals and Legal Entities, addressed to the state bodies, enterprises, institutions and organizations of the Republic of Moldova no. 208 dated 31.03.1995; Government Decision on Raising Efficiency of Petition Examination and Organizing Audiences no. 141 dated 08.02.2006; Government Decision on Approving the Plan of Measures on Assuring Respect of the Right to Petition, Information and Access to Justice, no. 1013 dated 12.09.2007; Government Decision on Organizing Audiences of Citizens no. 689 dated 13.11.2009.

Methodological benchmarks: Verify information on the CPAs sites; requiring information from the CPAs; comparing information from various sources; “Mysterious petitioner” technique.

Implementation with the authorities: Currently, available in the CPAs computerized systems for petition registration has become a need, given that they, on the one hand, raise the effectiveness and flexibility of the CPAs activity, and on the other hand create conditions for operative analysis of the problems of the citizens and of managerial processes, simultaneously assuring a vast working experience in new conditions of the electronic documents circuit.



Despite of that, of those 20 CPAs monitored, 15 CPAs have endowed themselves with computerized systems for handling petitions/claims/intimations/appeals from the citizens (ME; MF; MJ; MIA; MEAEI; MD; MAFI; MTRI; MLSPF; MITC; MYS; NAC; MSFI; ALC and CS), 3 CPAs (MRDC; MED; MC) avoided to inform about existence of such a system. According to information received from the MH, at this institution a computerized system is missing, for petition registration, although in

2012, according to information received from the same ministry, this kind of system used to exist in 2012. In the ME petitions are registered in a register handled manually, sewed and numbered.

A full and explicit information on the manner of petition system functioning, with respective references to pertinent normative acts, including procedure of submitting petitions, can be seen on the web sites of 11 CPAs (MEC; MJ; MD; MC; MLSPF; MITC; MYS; ALC; NAC; MSFI; CS). Also, most of the official sites of the authorities subjected to monitoring make possible to submit petitions on-line, except for the MF, MEAEI, ME, MED and MLSPF.

As it has been mentioned in the monitoring report for 2012, in all the CPAs there is a time-table of the citizens audience; it is posted on the official websites of the CPAs (except for MJ). Despite of that, in 11 CPAs (MF; MIA; MEAEI; MRDC; MED; MH; MITC; MYS; ALC; NAC; MSFI) the time-tables established do not comply with the requirements of the Government Decision no. 689 dated 13.11.2009, on organizing audiences for citizens. The main drawbacks in effective implementing of this Government decision are as follows: number of reception days is diminished, the time-table does not comprise all the CPAs management, the audience days established do not comply with those stipulated by the Government.

A significant number of institutions, subjected to monitoring in 2013 (MF; MRDC; ME; MED; MH; ALC; MSFI; CS) have ignored the legal stipulations and have avoided to supply information of public interest concerning a series of specific questions addressed in compliance with the Law on Access to Information and have neither met the first or second requirement of information on behalf of the civil society. At the same time, MJ, MIA, MED, MC, MLSPF, MH, ALC and NAC, although have submitted required data, have avoided to answer a series of questions provided, without any explanation in this regard.

Although the CPAs monitoring in 2013 made possible to ascertain available computerized system for petitions registration with most authorities, only in the MH, MSFI and CS statistical data submitted correlate both in terms of semesters and among them. Some authorities (MF; MJ; MRDC; MTRI; ME; MED; MLSPF; MITC; MYS; ALC; NAC and CS) do not control rigorously the examination in due time of petitions, neither thorough examination of petitions from individuals and legal entities by respective institution, a fact confirmed by an existent big number of petitions with overdue examination term. Although occurrences have been of overdue terms of petitions examination, on the top being MLSPF with 466 overdue examined petitions and MJ with 138 during 2013, only in the MYS were found public servants sanctioned for violation of legislation on petitions; with the other institutions there were no found sanctions for violating the petitions legislation. The existent legal framework provides administrative sanctions for violation of petitions legislation. Thus, according to art. 71 of the Administrative Litigations Code, approved by Law no. 218-XVI dated October 24, 2008, a violation committed by responsible person of legal provisions on access to information and on petitions, shall be sanctioned with fines from 40 to 50 conventional units, and submission of an answer to a claim, with obviously erroneous data, shall be sanctioned with a fine from 45 to 55 conventional units enforced on the responsible person. At the same time, art. 312 and 313 of the same legal act sanctions the abuse of power or abuse in service, as well as excess of power or exceeding service duties, with fines from 50 to 150 conventional units by depriving of the right to hold a certain function or of the right to run a certain activity for a period from 3 months to 1 year. Nevertheless, it seems that these legal norms are not applied given that of 20 CPAs subjected to monitoring, there was sanctioned - most probable only disciplinarily – just one public servant.

During 2013, in all the CPAs monitored, except for MED, there were registered petitions addressed to authorities repeatedly, the leading ones in this regard have been as follows: NAC - 284 petitions addressed repeatedly, MIA - 202 and MJ - 131, which shows a perfunctory attitude manifested by public servants who are responsible for handling petitions and examine problems submitted by citizen.

In the respective period, in 12 CPAs (MF; MJ; MIA; MEAEI; MD; MAFI; MTRI; MC; MYS; NAC; MSFI and CS) there were issued court definitive and irrevocable decisions, by which institutions were compelled³⁴

to pay certain payments, according to Law on Administrative Litigation. This fact shows that the public authorities admit abuses and/or excess of power, whereas the persons who consider themselves encroached upon one's rights, by a public authority, recognized by law, by means of an administrative act or by non-settlement within legal terms of a claim, appeal to the administrative litigation court to valorize one's rights and claim reparation.

Only in 5 public institutions (MD; MAFI; MED; MLSPF; MH) of 20 monitored there is a report on the manner of petitions examination. Although some CPAs (MEC; MF; MEAEI; MRDC; MC; MSFI; CS) inform about the existence at the institution of a report on the manner of petitions examination and organization of audiences, they have not been submitted. Moreover, such an information can neither be accessed on the web sites of those institutions, only MD having shown the respective report on its official website. Six public authorities (MJ; MTRI; ME; MITC; MYS; NAC) have shown expressly that they have not worked out reports, whereas the MIA and ALC have avoided to inform about either existence or missing such reports. Thus, the above-mentioned CPAs violate provisions of the pt. 2 of the Government Decision no. 689 dated 13.11.2009, stipulating that the managers of ministries and other central administrative authorities must keep strict records and examine petitions, as well as observe the audience time-table and will systematically debate on the results of petitions examination and granting audience to citizens, submit to the Government information on yearly basis, until the 20th of January of the year following to that under reporting.

Applied during 2013 the "Mysterious petitioner" technique made possible to make the following conclusions: of 20 CPAs subjected to monitoring only 6 (MEC; MIA; MTRI; MYS; ALC and MSFI) have honored petitioners' requirements. The other authorities (MF; MJ; MEAEI; MD; MRDC; MAFI; ME; MED; MC; MLSPF; MH; MITC; NAC and CS) have ignored examination of petitions, whereas petitioner has been violated one's rights, as stipulated in the petitions legislation.

During 2013 in 5 CPAs (MED, MF, MD, MH and CS) there were trainings of public servants in the field of handling petitions.

In the process of monitoring the CPAs petition system some drawbacks have been found of the legal framework applicable to this system; some of have been shown in the expertise report of the corruptibility of the draft Law on Amending and Completing the Law no. 190-XIII dated 19.07.1994 on petitions (art.8, 9, 10, etc.):

- existence of some legal impediments with regards to examination of petitions in electronic format (on-line);
- ambiguity of legal norms, with regards to qualifying anonymous petitions, which triggers unclear and equivocal meaning and thus, make possible abusive interpretations, being qualified as factors of corruptibility to the extent which makes possible enforce the norm in preferred interpretation, depending on the interest of the people responsible for the implementation and control on enforcing;
- established some unjustified terms, imposed by legislative regulations too big administrative terms, which complicate meeting the rights and interests of petitioners;
- missing clear and specific regulations on assuring transparency of the petition system, including by publishing analytical information/reports on the official web sites of the institutions;
- missing some legal provisions on periodical control on observance by central public authorities of the petitions legislation, by the superior bodies;
- missing legislative/normative prescriptions on training and on-going improvement of the staff in charge for handling petitions.

Conclusions and recommendations:

After a comparative analysis of the results of monitoring petition system at the CPAs for 2012 and 2013, ascertains an increase of the CPAs number (from 8 to 14), which have equipped themselves with computerized systems for handling petitions/claims/notices/appeals from the citizens. Also, information has improved from citizens, on the manner of petition system functioning, in most CPAs being created the opportunity to submit petitions on-line. With regards to effective implementing of the petitions legislation, the situation continues to be unsatisfactory with regards to observance of terms of petitions examination; the public servants who are culpable have not been sanctioned. Progress has neither been registered in terms of training of the public servants.

At the same time, during 2013 there were registered also some regresses, as follows:

- in the field of organizing and receiving of citizens in audience by the CPAs management;
- in the field of submitting information of public interest to a series of specific questions addressed in compliance with the Law on Access la Information;
- with regards to CPAs attitude towards problems of petitioners, in most cases petitions having been ignored (this ascertainment is based on the results of applying "Mysterious petitioner" technique).

In conclusion, given:

- drawbacks in the statistical data submitted by the CPAs;
- missing annual reports on the petition system;
- results of using the „mysterious petitioner” technique;
- authorities' ignorance towards requirements of the public for information;
- perfunctory attitude shown by institutions on examination of problems approached by citizens;
- big number of petitions submitted repeatedly, as well as of those examined overdue;
- abuses and/or excess of power admitted by the authorities, which implied issued definitive and irrevocable court decisions, that obliged institutions to pay reparation to the victims of those abuses and/or excesses of power,

denote existence of some organizational, institutional and normative drawbacks in this field of CPAs activity.

At the same time, we find that in 2013, in the field of petition system was implemented entirely not a single recommendation formulated in the monitoring report on anti-corruption policies in the CPAs for 2012. Partially there was executed recommendation on showing on the web sites of CPAs exhaustive information on the manner of submitting petitions (including on-line), and of annual reports on the results how petitions are examined and settled, and of organizing audiences for petitioners and recommendation on creation of some special sections on the web sites of the authorities, that would make possible submit petitions in electronic format.

In this context, we reiterate **recommendations** formulated previously:

- Show on the web sites of the CPAs exhaustive information on the manner of submitting petitions (including on-line) and of annual reports on the results of petitions' examination and settling, as well as on organizing audiences for petitioners;
- Create some special sections on the authorities' web sites, that would make possible submit electronic petitions;
- Revise the time-table of audiences by institutions' management, by managers and deputies of the managers of structural subdivisions, in compliance with requirements of the Government Decision no. 689 dated 13.11.2009 on Organizing Audience for Citizens;

- Assure a rigorous internal control in the CPAs with regards to due time examination of petitions and organizing audience for petitioners;
- Provide on-going professional training of the staff involved in the process of petitions examination, with a view to create groups of professional public servants, integral and motivated for a due quality of respective activities;
- Amend legal framework in the field of petitions, with regards to: reviewing terms of petitions examination; exclude mandatory rubric of “residential address” on submitting petitions in electronic format; include in the draft some norms which might stipulate mechanisms of supervision and control of the public authorities' activity; establish mandatoriness of on-going training and improvement of staff members, who are responsible for dealing with petitions.

6. Internal corruption prevention mechanism

Legal framework: Law no. 90-XVI dated 25.04.2008 on Prevention and Fighting Corruption; Government Decision no. 906 dated 28.07.2008 on Approving Methodology of Corruption Risks Evaluation in the Public Institutions.

Methodological benchmarks: Requested information from the CPAs; verified information from the CPAs sites; compared information from different sources.

Implementing internal mechanism of corruption prevention: Efficiency of the internal mechanism of corruption prevention is a precondition of preventing corruption in the public service. Periodical evaluation of the legal instruments and administrative measures to determine if they are adequate for corruption prevention, pertains to the competence of the specialized central bodies of the public administration, on virtue of the Art. 14 para. (2) of the Law no. 90-XVI dated 25.04.2008 on Prevention and Fighting Corruption. An important instrument in the analysis of the internal mechanism of corruption prevention constitutes evaluation of the institutional corruption risks, a tool applied on virtue of the Art. 7 item (4) of the Law above-mentioned, by Government Decision no. 906/2008.

As a matter of fact, most authorities monitored (except for CS and MSFI) have integrity plans in compliance with the stipulations of the Government Decision no. 906/2008. By answers received from the CS and MSFI, we have been informed that these institutions are not central specialized bodies and consequently were not obliged to execute stipulations of the Government Decision no. 906/2008. We consider that this interpretation of restricted applicability of the Government Decision no. 906/2008 is erroneous, given that the amendments 17.09.2013 have extended/specified the field of enforcing the Government Decision no. 906/2008. At the same time, to mention is that from the total number of the CPAs, MD and MC have avoided to provide exhaustive information on the internal mechanism of corruption prevention.

According to the information received from the CPAs, most authorities monitored (except for the MED, MIA, MLSPF) have included employees of the NAC in the self-evaluation group. With regards to the quality of NAC employee, to mention is that the amendments dated 17.09.2013 in the Government Decision no. 906/2008 established competencies of the NAC employee in the evaluation activity, and namely: trains the managerial staff of the institution on the concept, aim and importance of corruption risk evaluation; trains and provides consulting to the methods of collecting and evaluation of normative framework, of the organizational structure, of information on rules of ethics, of methods to identify and research the risks; monitors the activity of risk evaluation; provides recommendations to working up the Action Plan of the evaluation group, in drafting the Evaluation Report and of the Integrity Plan; attends the sessions of the evaluation group, expresses attitudes on the correctness of respecting the procedure, proposing, if necessary, objections of formulating recommendations, which shall be annexed to the evaluation report; coordinates working up and execution of the integrity plan.

The NAC employees have been included in the composition of corruption risk evaluation groups of 11 CPAs (MTRI, MC, MF, MRDC, MAFI, MYS, MEAEI; MJ, MEC, MH, ME). Only 6 CPAs have held working sessions of the corruption risk evaluation groups: MEAEI – 3 sessions, ME – 3 sessions, MITC – 2 sessions, MH – 2 sessions, MED – 2 sessions, MRDC – 1 session.

Most CPAs have found vulnerable activities of the institutions, except for MD, where it was impossible to see in the public sources either existence of non-existence of integrity plans.

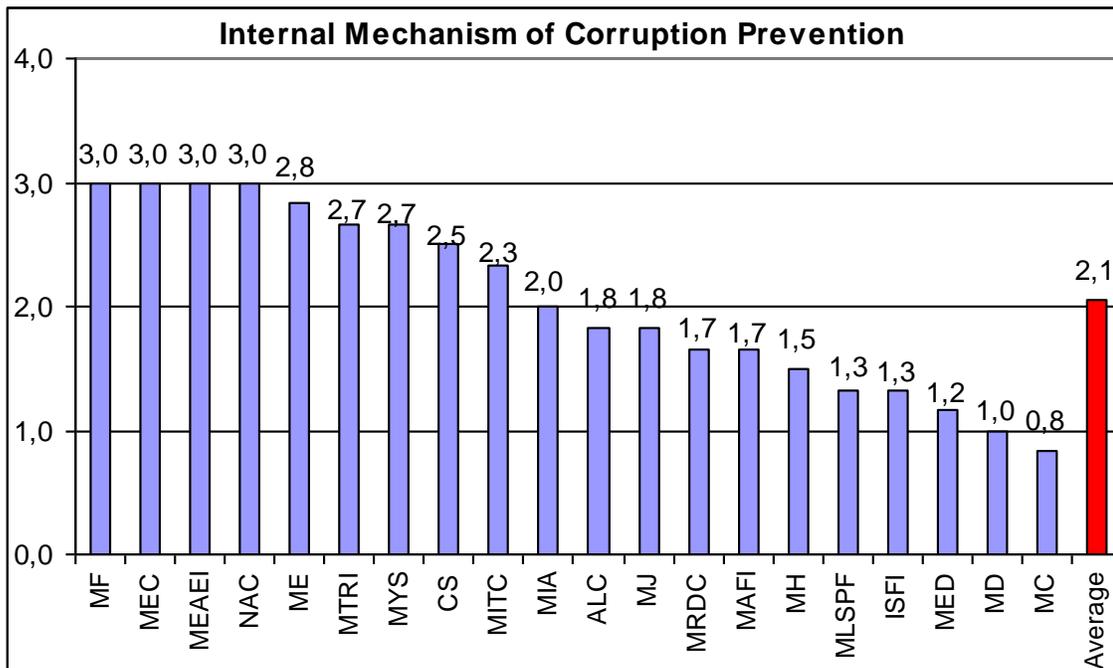
The analysis of vulnerable activities shown in the CPAs Integrity Plans allowed us to find that some institutions either manifest a perfunctory attitude towards the contents of the vulnerable activities, or interpret erroneously the notion of „vulnerable activity”, although it is expressly defined in the Methodology of Corruption Risk Evaluation in the public institutions, approved by Government Decision no. 906 dated 28.07.2008. For example, the integrity plan of the ALC contains 3 „vulnerable activities”: familiarization³⁸

of employees with internal rules; quality of internal communication and assuring process of decision-making process. From the plan reading of the contents of „vulnerable activities”, we can conclude that the shown statements constitute simple activities, but certainly not vulnerable activities.

With regards to the evaluation of corruption risks, only 8 CPAs (ALC, MYS, MF, MITC, ME, MEAEI, MEC, MTRI) have started somewhat evaluations by researching and identifying risks, without making any analysis thereof, as established in the Corruption Risk Evaluation Methodology in the public institutions, approved by Government Decision no. 906/2008.

All the CPAs, except for MIA, have reported about missing analysis of corruption cases, either due to alleged lack of at the respective institution, or due to the fact that non had been found.

Most of CPAs, except for MH and MC, have remitted informative notes to the NAC, about implementation of the integrity plans.



Conclusions and recommendations: In the monitoring period for 2013, Government Decision no. 906 dated 28.07.2008 on Approving Methodology for Corruption Risk Evaluation in the Public Institutions has been amended. Amendments adopted by Government Decision no. 736 dated 17.09.2013 have specified the main notions used in the Corruption Risk Evaluation Methodology, established the competencies of the NAC employees in the activity of the evaluation group and invested the NAC with authority to select the institution which is supposed to run evaluation.

The entities monitored (except for MEC, MEAEI, MYS, MJ, MF, MIA) interpret the stipulation of the Government Decision erroneously, either with a view to assure one's institutional comfort, or due to lack of will to change the state of affairs. In terms of the employees' role, NAC becomes extremely important, particularly in light of the recent amendments made by the Government Decision no. 906/2008 and taking into account the fact that the monitoring results so far, denote rather a passive role of the NAC in this field.

Comparative analysis of the monitoring results of using the internal mechanism of corruption prevention in the CPAs in 2012 and 2013, can be characterized as „going around in circles”: general, incomplete, confuse and irrelevant information offered by some entities in the monitoring; perfunctory approach; evaluation not covering subordinated institutions, although they run most vulnerable activities.

At the same time, to mention is that in 2013 there was partially implemented (only as an amendment to the Government Decision no. 906/2008) only the first recommendation. In this context, we reiterate the recommendations formulated previously:

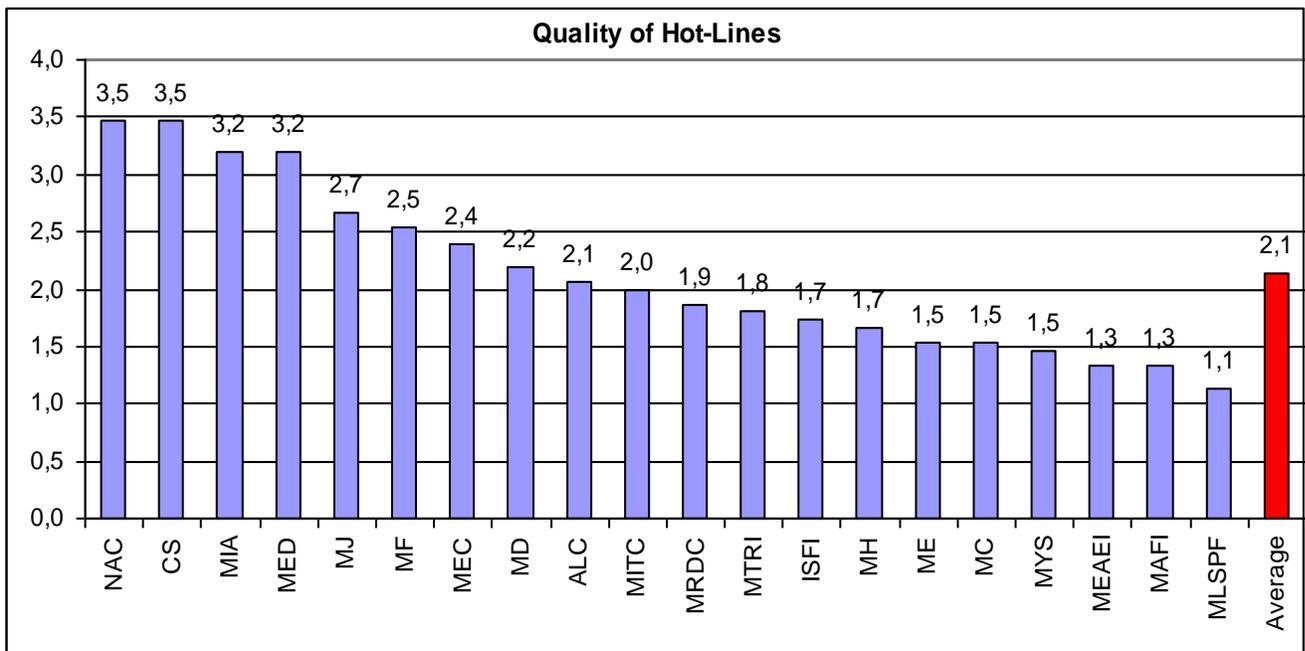
- Extend procedures of corruption risks self-evaluation upon the institutions subordinated to public authorities, particularly upon those with high corruption risks;
- Work up some standards of institutional integrity;
- Improve the process of monitoring carried out by the NAC of risks evaluation and implementation of integrity plans by putting pressures on the authorities and on the Government which should sanction an institutional failure in applying the internal mechanism of corruption prevention;
- Raise transparency of self-evaluation procedures, of self-evaluation results, of NAC analyses in this regard by displaying respective information/documents on the institutional sites.

7. Improving the quality of hotlines

Legal framework: Law no. 252 dated 25.10.2013 on Approving the Regulation on Anti-corruption Hotlines System; art.14, item(2), letter b) of the Law no. 90-XVI dated 25.04.2008 on Preventing and Fighting Corruption.

Methodological benchmarks: Verify information on the CPAs sites; require information from the CPAs; „Mysterious petitioner” technique.

Implementation by the authorities. 2013 has been outstanding in terms of replenishment of legal framework on CPAs hotlines functioning, by adopting the Law on Adopting Regulation on Anti-corruption Hotlines System. Thus, according to same Regulation, the anti-corruption hotlines system comprises 3 levels: national anti-corruption hotline; specialized anti-corruption hotlines and informational institutional hotlines. Those 3 levels of anti-corruption hotlines are aimed to run simultaneously, and complement each other in the frame of the specialized central public administration authorities, of the autonomous administrative authorities and of the local public administration authorities, with a view to receive, by means of telephone, information on eventually committed corruption acts, of corruption related acts or of acts of corruptible behavior, with a view to examine information received and take respective measures, including submission of respective information to the competent body. The Anti-corruption Hotlines System operates based on principles as follows: confidentiality, collaboration, authorities openness to the citizen, and accessibility. Although this legislative novelty was necessary for ordering the activity of the institutional hotlines, nevertheless, taking into account the date when it was adopted (end of 2013), the impact of the new normative framework could not be evaluated.



As mentioned already in the Monitoring Report for 2012, all the CPAs have created anti-corruption hotlines. Their visibility is provided by showing the hotline number on the site of the institution. Some CPAs (CS; MSFI; MJ; MH) have posted this information also in the premises of the institution and/or in the territorial subdivisions. In 3 CPAs (MEC; MED; MEAEI) finding hotline numbers on the sites of the institutions was uneasy. Thus, although this statement has been made in the report for 2012, with regards to MED and MEAEI, those institutions did not change the place where to show the information about the anti-corruption hotline number on their own site, whereas MEC involuted in this regard, due to changing the site of the institution.

Only three CPAs (MH; ALC; CS) of 20 monitored have information on the time-table of anti-corruption hotline functioning, and only with two CPAs (ALC and CS) this information is shown on the starting page or in a distinct section.

Institution of anti-corruption hotlines, in frame of specialized subdivisions, and assigning some trained staff for their management is a decisive factor for a good functioning of hotlines. Although this aspect has been highlighted also in the Monitoring Report for 2012, in the process of CPAs hotlines monitoring in 2013, it has been found that ten CPAs (MD; MRDC; MAFI; MC; MLSPF; MH; MITC; MYS; MEAEI; ALC) did not institute hotlines in their specialized subdivisions. Nevertheless, these results constitute an evolution compared with findings of the monitoring in 2012, which showed that the anti-corruption hotlines were instituted in the frame of specialized subdivisions of only six CPAs.

Given that currently the citizen of the Republic of Moldova, when whistle-blowing a corruption case usually do not want to disclose identity and leave their contact details, it is very important that the anti-corruption hotline operators not to condition giving advise to citizens on the anti-corruption hotline, to be personally present in their attempts to submit claims, and be able to convince that confidentiality will be assured.

During 2013, most CPAs have registered phone calls on the anti-corruption hotline concerning various topics. Only with six of them CPAs (MF; CS; MJ; MIA; MD; MED; NAC) part of the recorded calls pertained to alleged corruption acts. The only authority which for two years relates to the NAC on alleged corruption acts, recorded on the hotline, is the MED. Although the MED has mentioned this fact also in the answer on request of monitors, the fact of notifying NAC by the MED about cases of alleged corruption acts, have not been confirmed by NAC, according to which not a single CPAs has notified the NAC about any corruption cases.

Conclusions and recommendations

As a result of the comparative analysis of the results of hotlines monitoring in the frame of the CPAs for 2012 and 2013, an improvement has been traced out, due to raising level of anti-corruption hotlines visibility and raising number of CPAs, which instituted anti-corruption hotlines at the specialized subdivisions. At the same time, the adopted Law on Adopting the Regulation on Anti-corruption Hotlines System, on 25.10.2013, constitutes an essential and necessary assumption for consolidation of this anti-corruption policy.

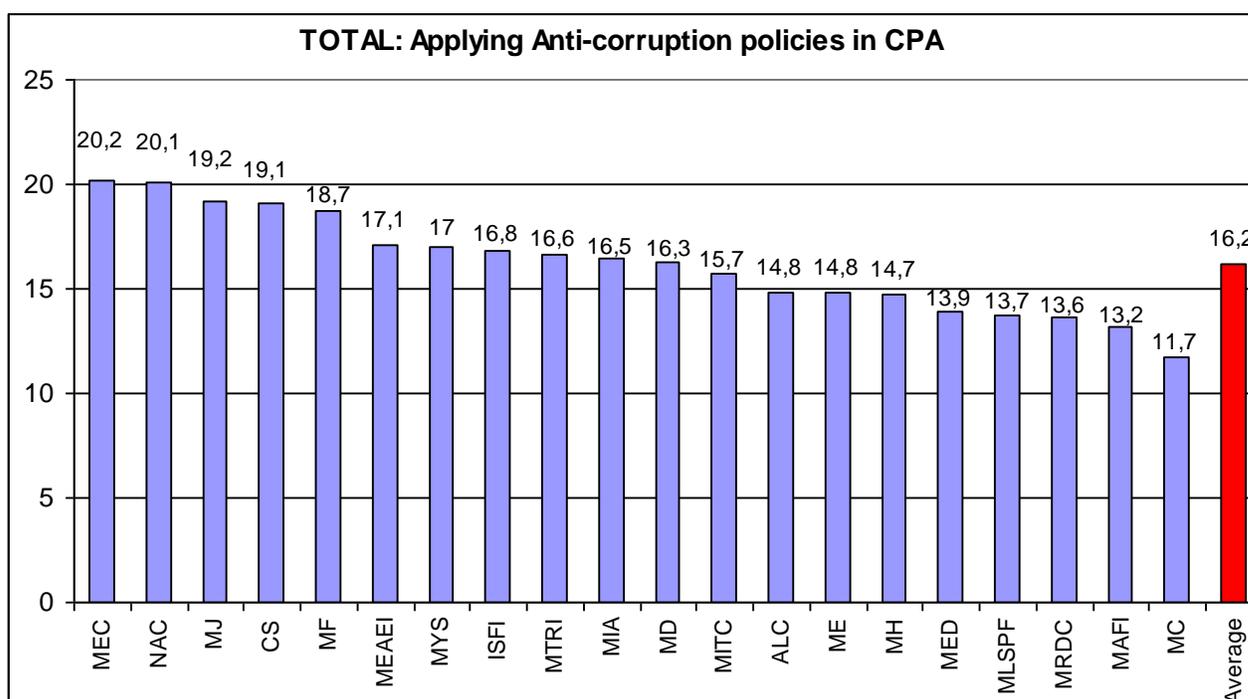
Despite of that, as a result of hotlines monitoring in 2013, some drawbacks have been found, which are supposed to be removed by the CPAs. Thus, the anti-corruption hotlines are not promoted efficiently; at some CPAs the telephone number is not posted correctly, and is difficult to find it. Most CPAs do not have trained operators, dedicated exclusively, or in a big extent, to serving the anti-corruption hotlines, by observing some pre-established and made public time-table. Hotline operators condition the consulting to individuals on anti-corruption hotline by their personal presence to submit claims either/or do not manage to convince the citizens that confidentiality will be insured.

At the same time, to mention is that in 2013 only the recommendation has been entirely implemented formulated in the CPAs for the 2012, about institution of a regulatory framework on anti-corruption hotlines. In this context, we reiterate recommendations formulated previously:

- CPAs should assure a better visibility of the phone numbers assigned for anti-corruption hotlines;
- in the frames of the public authorities should be assigned persons in charge for communication with the citizens via anti-corruption hotlines, who should be competent and posses necessary skills;
- assure on-going functioning of the anti-corruption hotlines, regardless of yearly vacation periods or sick leaves of persons in charge for anti-corruption hotlines, and inform the public about hotlines functioning time-table;
- extend information ways to the public about the hotlines access opportunities.

8. Final ranking of the CPAs based on the anticorruption policies applied

To generalize the results of the CPAs in all applied anticorruption policies, points assigned to authorities were summed in the profile of each policy monitored and the following ranking has been drafted.



CPA results in the profile of anticorruption policy are as follows:

CPAs	Handling conflicts of interests	Declaration on income and assets	Quality of websites	Public finance management	Petition system	Internal corruption prevention mechanism	Hot-lines	Total
MEC	2.8	2.7	3.1	3.1	3.1	3	2.4	20.2
NAC	3.6	2.5	2.6	2.6	2.3	3	3.5	20.1
MJ	3.3	2.5	3.6	3.3	2	1.8	2.7	19.2
CS	3	2.7	2.6	2.8	2	2.5	3.5	19.1
MF	3	2.7	3	3.2	1.3	3	2.5	18.7
MEAEI	2	2.7	2.6	3.2	2.3	3	1.3	17.1
MYS	2	2.7	2.6	2.5	3	2.7	1.5	17
MSTI	3	2.7	3.1	2.9	2.1	1.3	1.7	16.8
MTRI	3	2.5	2	1.9	2.7	2.7	1.8	16.6
MIA	1.4	1.8	2.5	2.9	2.7	2	3.2	16.5
MD	2.7	3.3	2.3	2.1	2.7	1	2.2	16.3
MITC	2	2.3	2.5	1.9	2.7	2.3	2	15.7
ALC	2.3	2.6	2.2	2.5	1.3	1.8	2.1	14.9
ME	2.5	2.5	2.1	2.1	1.3	2.8	1.5	14.8
MH	1.7	2.8	3	2.6	1.4	1.5	1.7	14.7

MED	1.7	1.3	2.3	2	2.2	1.2	3.2	13.9
MLSPF	1.4	2	2.2	3	2.7	1.3	1.1	13.7
MRDC	1.7	2.5	2.2	2.3	1.3	1.7	1.9	13.6
MAFI	2.3	2	1.9	1.9	2.1	1.7	1.3	13.2
MC	1.7	2.7	1.9	1.3	1.8	0.8	1.5	11.7
Average	2.4	2.5	2.5	2.5	2.2	1.9	2.1	16.2

Public authorities have a sufficient legal framework to apply the anticorruption policies. In 2013, the legal framework was strengthened by adopting a number of important laws meant to ensure the independence of judges, to allow extended seizure of wealth acquired via corruption acts, as well as to permit the integrity evaluation. Also a new type of law infringement has been introduced – the illicit enrichment. The sanctions for anticorruption actions were increased, and the prohibition to hold public positions for those convicted with corruption was topped to 15 years. The normative framework has been amended, including the Methodology to evaluate the corruption risks in public institutions. The Regulation on keeping record of gifts, the Regulation on the anticorruption hotlines functioning and the Guidelines to fill out declaration of income and assets and personal interests have been approved. However, *there are gaps and lacks that impede good application of policies* (especially, in Law on Declaration and Control of Income and Assets, Law on Conflict of Interest, and Law on the National Integrity Commission).

The National Integrity Commission has started its activity in 2013. *Having insufficient financial means, qualified personnel, informational and technical resources, etc., the results registered by the Commission in overseeing the observance of legislation in the given field have been quite modest.* NIC has started to download scanned declarations of income and assets onto its web-page; it has created the database of persons responsible for collection of declarations; has organized a number of training courses for declaration collectors and CPAs employees. NIC has initiated about 120 audit files of people from central and local public authorities in 2013. More than half of the files were focused on potential conflict of interests and incompatibility²⁹. Mostly, the audits have started because of the information provided by the investigating journalists, notifications of NGOs and CPAs. *The greatest share of NIC's findings has been appealed. The justification in NIC's findings has not been published. Since there is no automatic declaration system, the verification of declarations by NIC remains to be difficult.*

In general, monitored CPAs have made efforts to ensure the implementation of anticorruption policies in 2013. As compared to the previous year, the authorities have advanced in policy application: declaration of income and assets, handling conflicts of interests and promoting ethical standards, quality of websites, operational hotlines. The application of other policies has not registered any progress. The best achievements in applying anticorruption policies have been registered with MEC, NAC, MJ, CS, the worse – MAFI and MC. It should be mentioned that the CPAs monitored have offered, as usual, complete and explicit information in confirming the application of polices, however, *there were situations when authorities avoided to submit or submitted incomplete, confuse and irrelevant information. In some cases, the authorities were formal in approaching the subjects regarding anticorruption policies, and have not extended the application of policies to subordinated institutions,* although these exercise activities vulnerable to corruption.

²⁹ NIC, 2013 Activity Report, http://www.cni.md/Upload/Raport_final_2013_ro.pdf