

Independent Reporting Mechanism (IRM): Moldova Progress Report 2016–2017

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Executive Summary:

Moldova Year 1 Report



Action plan: 2016–2018
Period under review: December 2016–December 2017
IRM report publication year: 2018

Moldova's third national action plan focused on open data, e-government and public sector evaluation, initiatives linked to existing reforms. Most commitments saw limited completion in the first year. Moving forward, the government needs to clearly identify the institutional responsibilities of relevant agencies, extend the mandate of the multistakeholder working group and build on ongoing efforts of public procurement transparency.

HIGHLIGHTS

Commitment	Overview	Well-Designed? *
1a. Increase public procurement transparency	This commitment will introduce, among other activities, a transactional e-procurement system (MTender), ultimately to be used by all public authorities and open to the public, linking information from the planning and implementation phases.	No
4. Participative policy-making process	Development of a new e-platform as a public consultation mechanism for drafting laws represents a positive step forward for participatory policy making.	No
5. Public sector evaluation	The aim of the Public Sector Scorecard is to monitor the progress and efficiency of public authorities.	No

*Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact

PROCESS

The E-Government Center and Open Government Institute facilitated the development of the action plan through working group meetings and an online survey. CSOs were consulted but it is not clear how their feedback was incorporated. The government did not publish minutes of the consultation meetings. The multistakeholder working group covered only the development of the action plan and did not monitor implementation.

Who was involved?

	Government			
		Narrow/ little governmental consultations	Primarily agencies that serve other agencies	Significant involvement of line ministries and agencies
Civil society	Beyond “governance” civil society	✓		
	Mostly “governance” civil society			
	No/little civil society involvement			

The multistakeholder working group included 13 representatives from civil society whose work went beyond governance issues. Other than the Open Government Institute, which promotes open government and participatory democracy, the working group consisted of CSOs, such as Fundatia pentru Dezvoltare which aims to improve access to educational services, and NGO Terra 1530 which seeks to strengthen the capacity of rural communities. Though ministries were not directly involved in the co-creation process, all ministries (16 at the time) and their agencies have received the AP draft and were requested to provide their opinion on the content, commitments, etc.

Level of input by stakeholders

Level of Input	During Development
Collaborate: There was iterative dialogue AND the public helped set the agenda	
Involve: The government gave feedback on how public inputs were considered	
Consult: The public could give input	✓
Inform: The government provided the public with information on the action plan.	
No Consultation	

OGP co-creation requirements

Timeline Process and Availability Timeline and process available online prior to consultation	No
Advance notice Advance notice of consultation	Yes

Awareness Raising Government carried out awareness-raising activities	No
Multiple Channels Online and in-person consultations were carried out	Yes
Documentation and Feedback A summary of comments by government was provided	No
Regular Multi-stakeholder Forum Did a forum exist and did it meet regularly?	No
Government Self-Assessment Report Was a self-assessment report published?	Yes
Total	3 of 7

Acting contrary to OGP process? A country is considered to have acted contrary to process if one or more of the following occurs: <ul style="list-style-type: none"> The National Action Plan was developed with neither online or offline engagements with citizens and civil society The government fails to engage with the IRM researchers in charge of the country's Year 1 and Year 2 reports The IRM report establishes that there was no progress made on implementing any of the commitments in the country's action plan 	No
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COMMITMENT PERFORMANCE

Moldova's action plan contains eight commitments ranging from public procurement to open data and public sector evaluation. Completion, however, remains limited for all but one commitment. Moving forward, the government should clearly identify institutional responsibility and extend the mandate of the multistakeholder working group to improve implementation.

Current Action Plan Implementation

2016–2018 Action Plan	
Completed Commitments (Year 1)	0 of 8 (0%)
OGP Global Average Completion Rate (Year 1)	18%

Previous Action Plan Implementation

2014 Action Plan	
Completed Commitments (Year 1)	1 of 4 (25%)
Completed Commitments (Year 2)	N/A
2012–2013 Action Plan	
Completed Milestones (Year 1)	16 of 47 (34%)
Completed Milestones (Year 2)	N/A

Potential Impact

2016–2018 Action Plan	
Transformative Commitments	0 of 8 (0%)
OGP Global Average for Transformative Commitments	16%
2014 Transformative Commitments	0 of 4 (0%)
2012–2013 Transformative Milestones	12 of 47 (26%)

Starred commitments

2016–2018 Action Plan	
Starred Commitments* (Year 1)	0 of 8 (0%)
Highest Number of Starred Commitments (All OGP Action Plans)	5
2014 Starred Commitments	0 of 4 (0%)
2012–2013 Starred Milestones	14 of 47 (30%)

* Commitment is evaluated by the IRM as specific, relevant, has a transformative potential impact, and is substantially complete or complete

IRM RECOMMENDATIONS

1. Increase ambition in commitments
2. Strengthen action plan development and implementation
3. Improve open data and public disclosure information
4. Strengthen public participation in decision-making processes
5. Continue transparency efforts in public procurement

COMMITMENT OVERVIEW

Commitment Title	Well-designed (Year 1)*	Starred (Year 1)	Overview
1a. Increase public procurement transparency	No	No	As part of the Public Procurement System Development Strategy 2016–2022, the commitment aims to make private data publicly available and to develop and extend the application of a new e-procurement system, Mtender. Implementation is delayed due to staff turnover across the government and understaffed departments.
1b. Increase knowledge of procurement process	No	No	The Ministry of Finance and MiLab Social Innovations Laboratory held training sessions for public institutions piloting Mtender and for civil society and software developers on how to use its procurement data. Moving forward, the government could assess training needs and expand the coverage of sessions to rural areas.
2. Ensure budgetary	No	No	Although this commitment aims to publish a variety of budget documents, it does not

transparency			sufficiently address the lack of budget data that is citizen-friendly and provided in open format. So far, the government has published reports on the execution of the public budget and the annual budgetary laws.
3a. Open data in education sector	No	No	The listed activities, such as assessing the needs of open data beneficiaries and developing a web interface on the Open Data Portal, restate ongoing World Bank-supported efforts without clarifying the added value, affecting the overall ambition of this commitment.
3b. Publish government-held open data	No	No	Government reorganization and lack of clear coordination for the publication of datasets on the Open Data Portal have hindered completion. This commitment could benefit from including measures to improve the availability of public data and government practices around information requests.
4. Participative policy-making process	No	No	This commitment aims to promote and implement a new public consultation mechanism for drafting laws and developing annual subsidy regulations. The Ministry of Justice will relaunch a public tender for the e-legislation system in 2018, and the Agency for Intervention and Payments in Agriculture has developed an online chat between public institutions and potential beneficiaries of grants.
5. Public sector evaluation	No	No	The State Chancellery has committed to developing and regularly updating a scorecard to monitor government agencies on implementing reforms, policy documents, and their overall performance. It is not clear whether citizens will have the opportunity to participate in this process and the reassignment of agency responsibility has delayed implementation.
6. Ensure quality of service delivery	No	No	Although related to the expansive Modernization of Public Services Reform strategy, the scope of this commitment is limited to specific services in social protection, agriculture, and interactions with economic agents. Its activities also lack a public-facing element that would make it relevant to open government values.

*Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact

ABOUT THE AUTHOR

Diana Mirza-Grisco is an independent researcher, with more than 10 years of experience in evaluation, policy and academic research, including participatory approaches, and management of projects in Moldova, Germany, Serbia, United States, and other European countries. She also focuses on topics such as political/public participation, associative sector, migration and intercultural issues, and education.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership (OGP) is an international multistakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Moldova began its formal participation in 2011, when the then Prime Minister Vlad Filat declared his country's intention to participate in the initiative.¹

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public officials' asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Moldova developed its national action plan from January 2016 to June 2016. The official implementation period for the action plan is 29 December 2016 through 30 June 2018. This Year I report covers the action plan development process and first year of implementation, from December 2016 to December 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation, December 2017, will be assessed in the end-of-term report. The government published its self-assessment report on the OGP website in February 2018, one month after its due date. However, there is no evidence that the government provided an opportunity for the public to review the draft version of the self-assessment before the final version was sent to the OGP secretariat.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Diana Mirza-Grisco, who carried out this evaluation of the development and implementation of Moldova's third action plan. To gather the voices of multiple stakeholders, the IRM researcher conducted Skype and phone interviews, conducted a survey, and held individual and group interviews in the capital city, Chisinau. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

¹ <https://www.opengovpartnership.org/sites/default/files/LOI%20Moldova%202.png>

II. Context

The implementation of the third action plan occurs in a context of major government reorganizations, following a financial crisis and political instability. Although the action plan includes commitments on public sector evaluation and open budgeting, it primarily focuses on open data and e-government reforms.

2.1 Background

Over the past decade, the government of Moldova, led by various coalitions oriented around the European Union (EU), has taken steps to advance formal democratic norms in the interest of strengthening ties with the economic and political union. These efforts culminated in the 2014 ratification of the EU-Moldova Association Agreement, a bilateral framework for cooperation that institutionalizes democratic norms within the country, such as administrative and budget transparency and public participation in decision-making processes. However, ongoing corruption scandals, deep political divisions, and a struggling economy create barriers to open governance in Moldova. The political crisis resulting from the 2014 parliamentary elections highlighted the fragility of state institutions and the limitations of democratic reforms to date.

Corruption remains prevalent at all levels of government and business.¹ However, in 2014 the largest single corruption scandal in Moldovan history prompted a political crisis, a credit crunch, and exposed the government's unwillingness to combat the issue. In an event popularly called the “Billion Dollar Theft,” various high-ranking officials, including the previous prime minister, Vladimir Filat, were implicated in the embezzlement of US\$1 billion (12.5 percent of the GDP) from the banking system.² State institutions were paralyzed and three cabinets were dismissed during 2015 amid increased public distrust in the central government.³

Although some stability emerged after the confirmation of the government under the premiership of Pavel Filip in January 2016, Moldova's volatile political climate continues to be a significant obstacle for legislative open government reforms. Since its independence from the Soviet Union in 1991, Moldova has been caught in the battle for influence between the EU and Russia.⁴ This dichotomy defined the political climate in Moldova until the corruption crisis of 2014 triggered anti-government protests from February 2015 to January 2016. The protests, which resumed in 2017, were initially organized by an EU-oriented civic platform, “Dignity and Truth”. Parties in favor of strengthening the country's orientation toward Russia later joined the protests; Igor Dodon, leader of the Party of Socialists of the Republic of Moldova (PSRM), won the 2016 run-off presidential election with 52 percent of the vote. Maia Sandu, an EU-oriented politician, critic of the current government and leader of the Party of Action and Solidarity (PAS) came in second with 48 percent. The PSRM, intent on re-orienting Moldova towards Russia, had emerged for the first time as the largest party in the 2014 elections, but did not have enough seats to form a government.⁵

Dodon's election as President followed a Constitutional Court ruling that indirect presidential elections were unconstitutional.⁶ Civil society and the OSCE Office for Democratic Institutions and Human Rights criticized the lack of sufficient debate and public consultation surrounding this change.⁷

Igor Dodon and Vladimir Plahotniuc (the chairman of the Democratic Party of Moldova [PDM]) cooperated in July 2017 to push through parliament a change from proportional representation to a mixed voting system for future parliamentary elections (50 seats chosen by proportional representation and 51 in single-member districts).⁸ The adoption of the mixed system was criticized by opposition parties and civil society organizations (CSOs) alike, and a number of protests took place as a result,⁹ although the Constitutional Court of

Moldova set out in Decision no. 124 of December 15, 2017¹⁰ that this system does not contravene the Constitution. The system, adopted in the face of criticism from the EU and the Council of Europe's Venice Commission,¹¹ is likely to favor well-funded parties, namely the parties led by Dodon and Plahotniuc.¹²

The new system would award single-member seats on a plurality basis, potentially allowing a candidate to win a seat with only 15 percent of the vote. Additionally, the law does not include the delimitation of the boundaries of the single-member constituencies, and opposition parties are concerned that constituencies might be gerrymandered by the government-appointed boundary commission. The law does not specify the number of single-member constituency seats that should be allocated for the diaspora and Transnistria, a breakaway region of Moldova.¹³ These changes could have a major effect on the results of the February 2019 parliamentary elections, and on the geopolitical direction of the country.

PDM engineered an increase in PDM's initial number of MPs after the 2014 elections, absorbing defectors from other parties, enabling the PDM-led government to be elected in parliament, while lacking legitimacy in the eyes of the public and the international community.¹⁴ The low trust in the government is reflected in opinion polls, which throughout 2017 showed the PDM's support hovering close to 6 percent (the threshold for representation in parliament) against 40–50 percent for Dodon's PSRM and around 25 percent for Sandu's PAS.¹⁵

OGP relevant reforms under EU Association Agreement

Drafted in 2014, the European Union Association Agreement with Moldova entered into full force in July 2016, aiming to deepen political and economic relations between the EU and the Republic of Moldova and create a Deep and Comprehensive Free Trade Area (DCFTA).¹⁶ Bilateral agreements between Moldova and the EU emphasize institutional reform, de-politicization of state institutions, and reconstruction of institutional checks and balances to bring necessary improvement to the business environment and restore public trust.¹⁷ Under the agreement, Moldova launched a series of reforms regarding the judiciary, civil society, anti-corruption, the electoral process, and the economy.

In early 2016 the Ministry of Justice launched the development of a new NGO law, and subsequently created a working group and closely involved civil society in the development process. However, in 2017, the Ministry of Justice unilaterally included amendments, which were not agreed upon with civil society. These included “special provisions on [the] political activity of non-government organizations,” severely limiting their activities and establishing prohibitions for their foreign funding.¹⁸ These provisions would harm the majority of Moldovan NGOs, since approximately 90 percent receive foreign funding.¹⁹ After 75 NGOs called on the Ministry of Justice to renounce the above-mentioned restrictions²⁰, which were contrary to the international standards²¹, the proposed amendments (namely to Articles 26, 27, and 28 of the old law) were withdrawn in September 2017.²²

The new law does not include any restriction concerning foreign funding of NGOs. And, for the first time, the NGO law foresees the right of NGOs to social entrepreneurship.²³ In March 2018, civil society launched a call asking the government to approve the draft law as written, stating that it abides by international and European best practices.²⁴ The amendments were approved in March 2018, and published in the Official Gazette on 20 April 2018.

To combat corruption issues within the Judiciary, Moldova has introduced new legislation that provides criteria for the selection of judges and establishes a ‘Selection and Career Board’ of judges that is charged with issuing decisions on candidates and evaluating judges that are seeking a promotion. Even though reformative legislation has been passed, political influence on the justice system has not decreased. Most recently, the dismissal of Judge Dominica Manole, following an investigation into a potential abuse of power, is widely regarded to be politically motivated and intended to dissuade other judges from opposing the political elite.²⁵ The intimidation of judges who are not in line with the political agenda is

one reason for the decline in Moldova's democracy score, as assessed by Freedom House.²⁶ If reforms are to be realized according to the Association Agreement, implementation of the new legislation must ensure the depoliticization and independence of the Judiciary.

The Association Agreement also includes provisions to promote dialogue and cooperation with civil society stakeholders. According to amendments to the legislation that were adopted in 2014, public authorities are required to publish the announcement on the organization of public consultation meetings on their websites, as well as through other channels, at least 3 days before the meeting.²⁷ Though the legal framework provides for and facilitates public consultations during the decision-making process, a study from 2016²⁸ that was corroborated by a 2016 opinion of the Legal Resources Center from Moldova²⁹ shows that its implementation in practice is flawed and is largely dependent on the government to proactively engage with citizens, which will require institutional change to be fully realized.

According to the EU State of Implementation Report, media is central to achieving the political objectives set out in the Association Agreement, such as "securing fundamental rights for Moldovans and strengthening the rule of law."³⁰ However, Moldova's media freedom has been worsening in recent years.³¹ The leading parties, PDM and PSRM, collectively own six television channels.³² With control of the media, the larger parties are able to limit the amount of exposure of minor parties, in turn aiding their own re-election efforts. In an effort to make the sector more transparent, Moldova has also introduced a legislative package that will address issues such as media ownership, financing, advertising markets and the de-politicization of the main media regulators.³³ The legislation has been adopted too recently to assess any results.³⁴ Moreover, the limitations on concentration of media ownership will come into force only after the expiry of broadcasting licenses in 2023.³⁵

Anti-corruption reforms

Corruption at the highest levels of government makes cooperation between ministries and officials difficult and continues to be one of the largest obstacles to implementing open governance reforms. According to Freedom House, Moldova rates 6/7 on corruption (7 being the most corrupt)³⁶, and ranks 123/176 on Transparency International's Corruption Perceptions Index (CPI).³⁷ Citizens recognize Parliament as the most corrupt state institution, but the problem also affects education, healthcare, law enforcement and other sectors.³⁸

In the aftermath of the "billion-dollar scandal", the Prime Minister at the time, Vlad Filat, became the first high-ranking official to be indicted and sentenced to prison for corruption.³⁹ Following several other corruption scandals, Parliament began drafting and implementing anti-corruption reforms. In June 2017, the Council of Europe began the "Controlling corruption through law enforcement and prevention" (CLEP) Project, an initiative to increase capacities of authorities to implement anti-corruption measures, upgrade information sharing systems, and arrange international cooperation of law enforcement agencies.⁴⁰ However, according to the EU, progress on judicial, public administration and anti-corruption initiatives has taken place, mostly on paper, but has been slowly implemented due to weak government capacity, inconsistent policy making, and state capture.⁴¹

As part of more than 10 anti-corruption reforms initiated as a result of the Association Agreement, Parliament reorganized the National Integrity Commission into the National Integrity Authority (NIA), equipped it with 30 independent integrity inspectors with the power to impose fines, and strengthened its mechanism of verification of income, properties, conflict of interest, etc.; and reformed laws regarding the system of wealth declarations for government officials.⁴² However, the NIA faces capacity issues that hinder its effectiveness. According to the EU State of Implementation Report, the NIA was allotted less money in 2017, no director or deputy director has been appointed, and the number of asset declarations received is too large for current staff members to process.⁴³ According to new

provisions, journalists will now have to refer each case to the NIA rather than the NIA automatically initiating legal cases, which could lead to fewer cases being opened.⁴⁴

In July 2015, Parliament adopted a law on public procurement in accordance with provisions of the Association Agreement. The law reorganizes the Public Procurement Agency, establishes a National Agency of Appeals Settlement, introduces an electronic system of acquisitions, and strengthens capacity for the contracting authorities involved in the process.⁴⁵ In 2017, the government successfully launched a pilot of their public procurement and procedures e-platforms for low value procurement.⁴⁶ However, full implementation has been delayed, among other challenges, due to challenges related to staff turnover and recruiting for the Public Procurement Agency⁴⁷, as well as delays in creating the Agency for Solving Complaints,⁴⁸ which was an important element of the new law's implementation. Additionally, the EU Association Council expressed its concern over the lack of independence of the judiciary and its negative effect on implementation of all new legislation.⁴⁹

2.2 Scope of Action Plan in Relation to National Context

Although the current action plan touches upon relevant issues by including commitments on opening more datasets and facilitating access to government-held information, it does not address the need for monitoring information release or the lack of an efficient complaints mechanism.

Government has developed good e-government infrastructure and systems⁵⁰ which are ready to be used for provision of online public services.⁵¹ However, these are often mistaken for open government instruments, as authorities don't always see them as elements of a broader concept of open government. It is crucial to add the other components of open government to their activity (transparency, participation) to achieve openness, and also to promote these services more intensively by using both off-line and online promotion campaigns.

The action plan does not include sufficient civic participation commitments, nor does it address high-priority themes, such as anti-corruption in the health and education sectors and judiciary. Additionally, it does not address the need for monitoring information release or the lack of an efficient complaints mechanism. Currently, government agencies and ministries are heavily criticized for their delayed responses to information requests (over 15 days, as required by the law⁵²).

¹ Moldova Corruption Report, <http://www.business-anti-corruption.com/country-profiles/moldova>

² BBC News, Moldova Country Profile, <http://www.bbc.com/news/world-europe-17601580>

³ The Economist: The dismal politics of one of Europe's smallest nations, <https://www.economist.com/news/europe/21731065-pro-western-politicians-are-losing-peoples-confidence-dismal-politics-one-europes?zid=307&ah=5e80419d1bc9821ebe173f4f0f060a07>

⁴ European Forum for Democracy and Solidarity: Moldova, <https://www.europeanforum.net/countries/moldova>

⁵ *ibid.*

⁶ European Parliament, http://www.europarl.europa.eu/cmsdata/132034/AFET_603_850.pdf

⁷ European Parliament,

[http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603850/EXPO_STU\(2017\)603850_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603850/EXPO_STU(2017)603850_EN.pdf)

⁸ European Parliament, http://www.europarl.europa.eu/cmsdata/132034/AFET_603_850.pdf

⁹ Euractiv, Thousands in Moldova protest over proposed voting changes, <https://www.euractiv.com/section/global-europe/news/thousands-in-moldova-protest-over-proposed-voting-changes/>

¹⁰ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=374801>

¹¹ Council of Europe, Venice Commission, [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)012-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)012-e), and European Union, External Action,

https://eeas.europa.eu/headquarters/headquarters-homepage/30221/statement-hrvpmogherini-and-commissioner-hahn-amendments-electorallegislation-republic_en

¹² The Economist, The dismal politics of one of Europe's smallest nations, <https://www.economist.com/news/europe/21731065-pro-western-politicians-are-losing-peoples-confidence-dismal-politics-one-europes?zid=307&ah=5e80419d1bc9821ebe173f4f0f060a07>

- ¹³ European Parliament, [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603850/EXPO_STU\(2017\)603850_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603850/EXPO_STU(2017)603850_EN.pdf)
- ¹⁴ <https://www.transparency.md/2017/06/16/state-capture-the-case-of-the-republic-of-moldova/>; <https://www.ecoi.net/en/document/1429175.html>; <http://agora.md/stiri/43260/doc--indignati-de-tradarea-si-migratia-politica-initiativa-unui-grup-de-deputati>
- ¹⁵ IPN news, <http://www.ipn.md/ro/politica/88046>
- ¹⁶ http://europa.eu/rapid/press-release_IP-16-2368_en.htm
- ¹⁷ European Parliament, [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU\(2017\)603836_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU(2017)603836_EN.pdf)
- ¹⁸ Eastern Partnership Civil Society Forum, <https://eap-csf.eu/functioning-of-democracy-in-moldova-at-risk-with-new-draft-law-on-ngos/>
- ¹⁹ Freedom House, Draft Law on NGOs Could Imperil Moldovan Democracy, <https://freedomhouse.org/blog/draft-law-ngos-could-imperil-moldovan-democracy>
- ²⁰ Ministry of Justice, <http://crjm.org/wp-content/uploads/2017/07/2017-07-11-Declaration-MJ-initiative-contrary-to-law.pdf>
- ²¹ Amnesty International, Moldova, <http://amnesty.md/ro/media/moldova-modificarile-de-ultima-ora-in-proiectul-legii-ong-urilor-risca-sa-inabuse-societatea-civila/>
- ²² Ibid.
- ²³ Moldpres, <https://www.moldpres.md/news/2018/01/31/18000763>
- ²⁴ Watchdog, Moldova, <https://watchdog.md/2018/03/28/ong-uri-solicita-guvernului-promovarea-fara-intarziere-a-proiectului-de-lege-cu-privire-la-organizatiile-necomerciale-in-versiunea-propusa-de-ministerul-justitiei/>
- ²⁵ European Parliament, [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU\(2017\)603836_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU(2017)603836_EN.pdf)
- ²⁶ Freedom House, Nations in Transit 2017, Moldova Country Profile, <https://freedomhouse.org/report/nations-transit/2017/moldova>
- ²⁷ <http://lex.justice.md/md/329849/>
- ²⁸ Studiu – ancheta, privind implementarea L. 239/2008 privind transparența decizională a autorităților publice din Republica Moldova, 2016, pag. 4, disponibil la <http://www.romaniacurata.ro/wp-content/uploads/2016/04/Raport-aplicare-L239-din-2008-mp-3.pdf>.
- ²⁹ Legal Resources Centre from Moldova, “Opinie: Participarea efectivă a societății civile în procesul de luare a deciziilor” [Opinion: Effective participation of civil society in decision-making process], 30 June 2016, http://crjm.org/wp-content/uploads/2016/07/CRJM_-2016-07-07-Opinie_SC_cnp_fin.pdf.
- ³⁰ European Parliament, [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU\(2017\)603836_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU(2017)603836_EN.pdf)
- ³¹ European Parliament, [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU\(2017\)603836_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU(2017)603836_EN.pdf)
- ³² Foreign Policy Research Institute, <https://www.fpri.org/article/2017/10/geopolitical-games-expected-ahead-moldovas-2018-elections/>
- ³³ Ibid.
- ³⁴ see 12.
- ³⁵ Mold Street News, <https://www.mold-street.com/?go=news&n=4266>
- ³⁶ Freedom House, Nations in Transit 2017, Moldova, <https://freedomhouse.org/report/nations-transit/2017/moldova>
- ³⁷ Transparency International, Corruption Perceptions Index 2016, https://www.transparency.org/news/feature/corruption_perceptions_index_2016
- ³⁸ Freedom House, Nations in Transit 2017, Moldova, <https://freedomhouse.org/report/nations-transit/2017/moldova>
- ³⁹ Ibid.
- ⁴⁰ Controlling Corruption through Law Enforcement and Protection, <https://rm.coe.int/eccd-clep-project-summary-eng/1680784a6a>
- ⁴¹ European Parliament, [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU\(2017\)603836_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU(2017)603836_EN.pdf)
- ⁴² Freedom House, Nations in Transit 2017, Moldova, <https://freedomhouse.org/report/nations-transit/2017/moldova>
- ⁴³ European Parliament, [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU\(2017\)603836_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603836/EXPO_STU(2017)603836_EN.pdf)
- ⁴⁴ Freedom House, Nations in Transit 2017, Moldova, <https://freedomhouse.org/report/nations-transit/2017/moldova>
- ⁴⁵ Government of Republic of Moldova, <http://gov.md/en/content/government-approved-new-rules-public-procurement-systems-work>
- ⁴⁶ Western NIS Enterprise Fund, <http://wnisef.org/medias/western-nis-enterprise-fund-supports-public-procurement-reform-moldova/>
- ⁴⁷ A. Gariuc, Gh. Grib, interview, December 14, 2017.
- ⁴⁸ Anti-Corruption Policies in Georgia, Moldova and Ukraine, <http://crjm.org/wp-content/uploads/2017/10/Anti-corruption-policies-Georgia-Moldova-Ukraine-02.10.07.pdf>
- ⁴⁹ European Council, <http://www.consilium.europa.eu/en/press/press-releases/2017/03/31/statement-eu-moldova/>

⁵⁰ Portalul, <https://servicii.gov.md/ServiceDetails.aspx?id=ecb9333e-c26a-476b-85f2-3c4e5a5f204c#>, <http://www.e-services.md/>

⁵¹ E-government infrastructure, <http://egov.md/ro/communication/news/5-ani-de-e-transformare-impreuna-cu-centrul-de-guvernare-electronica>

⁵² Law on access to information, <http://lex.justice.md/md/311759/>

III. Leadership and Multistakeholder Process

The E-Government Center and the Open Government Institute (NGO) formed a diverse multistakeholder working group and sought public input to facilitate the development of the action plan. However, the State Chancellery did not fulfill its responsibility to monitor implementation. The final approval of the action plan was delayed due to government reorganization and the prioritization of other reforms.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Moldova. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

I. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✓	
	Shared	Single
Is there a single lead agency on OGP efforts?		✓
	Yes	No
Is the head of government leading the OGP initiative?	✓	
2. Legal Mandate	Yes	No
Is the government's commitment to OGP established through an official, publicly released mandate?	✓	
Is the government's commitment to OGP established through a legally binding mandate?	✓	
3. Continuity and Instability	Yes	No
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?	✓ ¹	
Was there a change in the executive leader during the duration of the OGP action plan cycle?	✓ ²	

Moldova is a parliamentary republic with three branches of government—the legislative, the executive and the judicial.³ The executive branch consists of the President, the head of state, the prime minister, the head of government, and the cabinet. Between 2000 and 2016 the President was elected by members of Parliament. In March 2016, however, the Constitutional Court announced that the president would be chosen through direct election.

The E-Government Center was the leading office responsible for Moldova's OGP activities and the development of the action plan until the end of 2016. The E-Government Center was founded in 2010 to implement the e-transformation and services modernization program of the Government, and is subordinated to the State Chancellery. The E-Government Center led the OGP co-creation process with the support of the Open Government Institute, a local NGO. However, when the third OGP action plan was approved by Governmental Decision no. 1432⁴ on 28 December 2016, the decision also changed the institutional arrangements for OGP. The State Chancellery⁵ was named the

leading office responsible for OGP activities from that point onward.⁶ An official within the State Chancellery was assigned as the OGP point of contact, in charge of OGP-related activities.

Some stakeholders⁷, interviewed by the IRM researcher, stated that the E-Government Center has better capacities to coordinate the open government agenda and that the decision should be overturned. As a central agency, the State Chancellery is well-placed to coordinate OGP activities. However, the E-Government Center has more financial resources (as it mainly receives funds from the World Bank), and has staff with greater technical skills who also have experience working in the private sector.⁸

Overall, government officials and civil society have expressed confusion on which institution is leading OGP activities. Shortly after the Government Decision in late 2016, major government reorganization took place, inevitably leading to high turnover and layoffs within the government. This impacted the ability of the government to monitor OGP implementation, and some leaders supporting open government left their posts in government agencies. It is also important to note that the responsible agencies indicated in the action plan were not updated to reflect the new institutional arrangements. Additionally, in October 2016, the State Chancellery underwent organizational optimization reform as part of the public administration reform strategy⁹, limiting its capacity to oversee the implementation of specific commitments.

There was no dedicated budget line for OGP-related activities in the 2017 national budget.^{10,11} Similar to past action plans, the third action plan is heavily oriented toward open data and technological components; there are few activities focused on accountability and participation.

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan.	12 ¹²	0	0	0	0
Propose: These institutions proposed commitments for inclusion in the	12 ¹³	0	0	0	0

action plan.					
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	16 ^{14,15}	0	0	0	0

In Moldova, participation in the development of the OGP action plan was limited to a handful of agencies. Table 3.2 above details which institutions were involved in OGP.

Central public authorities (ministries and their subordinated agencies, other governmental agencies) were invited to two separate meetings organized by the E-Government Center to discuss the commitments proposed by the multistakeholder working group (detailed below in section 3.3), and to come up with new proposals or amendments. According to the former E-Government Center open data focal point, involved also in the OGP process,¹⁶ the proposed changes are reflected in the action plan. However, a list of specific changes or proposals provided by the central public administration is not available and agendas and minutes of these meetings are not publicly available.

In response to criticisms from the central public administration of previous action plans, for the third action plan, the E-Government Center, with the support of the Open Government Institute, ensured that the plan aligns with current governmental reform that are reflected in the OGP principles. Additionally, the E-Government Center, based on proposals made by the working group, decided to include commitment activities planned within different projects and programs that were already financially covered, as well as activities which did not require a budget.

The process of endorsing and verifying the action plan by the relevant implementing institutions took longer than initially planned (two weeks).

The action plan draft was finalized mid-2016, however it was not approved until 28 December 2016. Based on interviews with involved stakeholders, the IRM researcher identified possible reasons for the delay: the OGP action plan was not as highly prioritized compared to other Government initiatives,¹⁷ the lack of official communication among senior leadership within the State Chancellery and the E-Government Center, leading to institutional memory loss, and the restructuring of the State Chancellery, starting from the second half of 2016.¹⁸ Another consequence of the government reorganization was that it became difficult to identify the responsible persons within some institutions and their tasks for each commitment.

3.3 Civil Society Engagement

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Moldova during the 2016–2018 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 3 of 7

Before	1. Timeline Process & Availability			2. Advance Notice		
	Timeline and process available online prior to consultation	Yes	No	Advance notice of consultation	Yes	No
			X		✓	
	3. Awareness Raising			4. Multiple Channels		
	Government carried out awareness-raising activities	Yes	No	4a. Online consultations:	Yes	No
			X		✓	
		4b. In-person consultations:		Yes	No	
				✓		
5. Documentation & Feedback						
Summary of comments provided				Yes	No	
					X	
During	6. Regular Multistakeholder Forum					
	6a. Did a forum exist?	Yes	No	6b. Did it meet regularly?	Yes	No
		✓				X
After	7. Government Self-Assessment Report					
	7a. Annual self-assessment report published?	Yes	No	7b. Report available in English and administrative language?	Yes	No
		✓			✓	
	7c. Two-week public comment period on report?	Yes	No	7d. Report responds to key IRM recommendations?	Yes	No
			X			X

On 14 December 2015, the E-Government Center launched an open call¹⁹ inviting civil society, experts, and private sector representatives to join the Open Government Working Group. The E-Government Center, in collaboration with the Open Government Institute and working group members, discussed proposed deadlines once meetings began. However, the method for consultation was neither standardized nor straightforward.²⁰

The working group was co-chaired by the E-Government Center and the Open Government Institute and it consisted of 20 members, including government stakeholders, representatives from think tanks and NGOs, legal experts and consultants, a former Moldovan ambassador and a student.²¹ The majority of the members (13 of 20) were civil society representatives, but the IRM researcher was unable to clarify the affiliation of five of these members. Based on the information provided by the government, the working group represented a diverse range of views; however, not all stakeholders were present at each meeting. The offline meetings were usually attended by 11–12 people, including the State Chancellery staff, and the former ambassador (who attended the meetings via Skype). Also, the majority of the group members were from Chisinau. Membership of the working group was voluntary, and the incentive to participate was weak. CSOs rely mainly on donors²² for financial support and, according to several external stakeholders, the lack of OGP-related funding²³ impacted the participation and interest of the members.

The discussions with the central public authorities took place in separate contexts and the private sector was not adequately involved. Although representatives from the E-Government Center and the Open Government Institute were present at all meetings, the representative of the State Chancellery did not attend all the meetings of the working group and other government representatives were also not present.

All working group meetings were held at the World Bank's office in Chisinau. Of the CSO representatives, all but one are based in Chisinau. The first meeting of the group took place on 18 January 2016, and the group met several times until May 2016. According to the self-assessment, four meetings took place during this time. A representative from the World Bank attended all meetings, acting as an observer to the process. According to the government self-assessment, commitments proposed by the working group focused on the following areas: open data, public procurement and open contracting, smart transportation, e-Petitions, and local open government. Although the final action plan does include commitments on transparency in the public procurement process, there are no publicly available meeting minutes or drafts of the action plan to assess the extent of public influence. Even after reaching out to stakeholders, the IRM researcher was unable to gather more information on this matter.

In addition to offline meetings, the members also proposed themes to be included in the action plan through online engagement platforms. An online survey was disseminated through social media, news portals, and the E-Government Center website to involve citizens in the action plan development. 29 people participated in the survey and shared their opinions on what the action plan should include. The survey results were not made public, but three areas, voted by the majority of the respondents, were included in the final action plan: open data on justice, transparent public procurement, and transparency of the decision-making process.²⁴

Although interviews with leaders of the co-creation process confirmed that the government did provide feedback to the action plan draft in two offline meetings, there is no documentation of the feedback and consequently the IRM researcher cannot comment on the government's decision-making process.

The approval of the action plan was delayed by almost six months for reasons including the intense turnover and reorganization within the government, as well as the greater prioritization of the public administration reform 2016–2020. The action plan addressed some proposed themes, such as public procurement transparency, transparent decision making, open justice, and improved access to information; however, many commitments that were selected are part of a broader government reform (e.g., public administration reform, public procurement reform, and public services reform), and have duplicated what was already planned with no added value.

Even though the Open Government Institute²⁵ was highly engaged in the process, the overall level of civil society participation was low. This initiative was unknown outside of the usual channels (especially outside of the capital city) and the majority of the stakeholders interviewed by the IRM researcher stated they did not know about the action plan development process. Those who knew about it, but did not engage in the process, were aware of the efforts made by the Open Government Institute but had no recommendations on how to improve the process.

Based on interviews with 36 stakeholders and the online survey results, the IRM researcher concluded that civil society is underwhelmed by the government's commitment to adopting OGP values in the creation of its action plan. In comparison to previous action plans, the government has demonstrated less interest in promoting open government principles.

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.²⁶ This spectrum shows the potential level of public

influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.	✓	
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		✓

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multistakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

The working group’s initial intent was to develop the action plan and monitor its implementation. After the approval of the plan in December 2016, however, the working group stopped meeting. There is no evidence that the State Chancellery reached out to civil society groups, experts, private sector, and other stakeholders to create a multistakeholder group during implementation in 2017.

During the implementation of the action plan (January–December 2017), the implementing agencies²⁷ were required to submit to the State Chancellery short completion reports. These reports were not made public. The Chancellery collected these reports without taking any action (e.g., providing feedback, notifying delays, requesting narrative reports). Although the State Chancellery was tasked with monitoring the action plan implementation and publishing the results on data.gov.md, this did not take place in 2017.

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The Moldovan government self-assessment did not take place in 2017 because the implementation of the plan did not start until January 2017. The action plan 2016-2018 was approved by the Government on 28 December 2016. The OGP action plan approval deadline was June 2016. The final version of the self-assessment was sent to the OGP secretariat and published on the OGP website in February 2018 but was not available in draft or final form anywhere else. After the OGP researcher asked the government for more information on the self-assessment report on 24 April 2018, the report was then published to the State Chancellery webpage on 27 April 2018. However, the IRM researcher was unable to find evidence of a public comment period or opportunity for the public to review the draft version of the self-assessment report before the final version was sent to the OGP secretariat.

The self-assessment includes a descriptive narrative of the action plan, and information on the completion status of all the commitments and commitment activities. The review also includes a short description of the consultation efforts during the action plan development, however the reasons behind the delay in approval were not discussed. Since there were no consultations organized during the first year of implementation, this topic is not addressed in the self-assessment. The evidence used in the self-assessment to support the completion level is limited (e.g., agendas, minutes, and lists of participants are missing). However, the self-assessment makes references to documents or webpages which demonstrate completion.

Overall, the self-assessment is limited to a descriptive narrative of the commitments and actions, and does not address implementation challenges, future steps and previous recommendations.

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

Recommendation		Addressed?	Integrated into Next Action Plan?
1	Use more specific commitment language and have a broader scope for commitments.	X	X
2	Incorporate multiple stakeholders in the development, implementation, monitoring and evaluation stages of the action plan.	X	X
3	Include specific linkages with social accountability mechanisms.	X	X
4	Address local government issues and mainstream OGP components at the local level.	X	X
5	Reinforce the National Participation Council (NPC).	X	X

The recommendations from the last IRM report were divided into two categories: five recommendations provided by civil society and three recommendations formulated by the IRM researcher. Of these eight recommendations, five have been selected as key, cross-cutting recommendations for the next action plan. None of the recommendations were addressed in the self-assessment.

The first three recommendations were partially integrated into the third action plan. Some commitments broaden the scope by improving transparency in public procurement and budgeting, however, the third action plan still focuses on open data and e-government commitments (Recommendation 1). Though the commitments are more sector-specific, they are still e-government related activities. When developing the action plan, according to the Government, 12 institutions (7 ministries, 3 central agencies, the State Chancellery, and the E-Government Center) proposed commitments for the plan, and the draft was sent for endorsement / opinion to all public central authorities, this however was not publicly documented (Recommendation 2). Although the multistakeholder working group represented diverse viewpoints, it did not monitor the implementation of commitments, as recommended by the previous IRM report. The scorecard commitment partially tackles the third recommendation but does not introduce opportunities for civil society to monitor government performance. The fourth recommendation was not integrated into the action plan at all.

With regards to the fifth recommendation, the National Participation Council (NPC)²⁸ is a consultative body created by the government in 2010. The goal of the council is to foster and promote strategic partnerships between civil society, private sector and the

government.²⁹ Various working groups were created within the NPC, both in 2012–2014 and in 2017–2018. Due to the political instability in 2014–2015, the mandate of NPC was inactive in 2015–2016. In 2017 the NPC started its activities; however, the government did not address the IRM recommendation in the current action plan and the Open Government working group is still inactive.

¹ Full responsibility for the OGP action plan implementation was assumed by the State Chancellery through Government Decision no.1432

² Lilia Palii replaced Tudor Copaci as Secretary General of the Government on 14 September 2016

³ According to the Constitution of the Republic of Moldova,
http://lex.justice.md/document_rom.php?id=44B9F30E:7AC17731

⁴ Republic of Moldova, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=368355>

⁵ The State Chancellery is the Government Apparatus, organized and functioning based on Government Decision no.657 of 6 November 2009. Although the E-Government Center, the previous body responsible for OGP activities, is subordinate to the State Chancellery, the two institutions are separate and operate independently of each other.

⁶ Since the E-Government Center's e-transformation program financial assistance ended in 2016, the open data position was also eliminated.

⁷ C. Amihalachioae, E-Government Center, personal communication, 12 January 2018; Several Central Government interviewees.

⁸ C. Amihalachioae, E-Government Center, personal communication, 12 January 2018;
<http://egov.md/en/about/team-and-structure>

⁹ Government of Moldova, <http://cancelaria.gov.md/ro/content/lilia-palii-reforma-cancelariei-de-stat-presupune-crearea-unei-administratii-publice-moderne>

¹⁰ In the national public budget there is a budget line dedicated only to the E-transformation of Government.

¹¹ State Budget Law 2017 no.279 of 16.12.2016, the Official Gazette of the Republic of Moldova no.472-477 art.943 of 27.12.2016

¹² Ministry of Justice and subordinated agencies, ANRCETI, CNAS, Ministry of Youth and Sports, AGEPI, Ministry of Economy, State Chancellery, Ministry of Agriculture, Ministry of Informational Technology and Communications, Ministry of Finance and Ministry of Culture, and the E-Government Center.

¹³ Ministry of Justice and subordinated agencies, ANRCETI, CNAS, Ministry of Youth and Sports, AGEPI, Ministry of Economy, State Chancellery, Ministry of Agriculture, Ministry of Informational Technology and Communications, Ministry of Finance and Ministry of Culture, and the E-Government Center

¹⁴ Ministry of Finance, the Public Procurement Agency, the Customs Office, the State Chancellery, the E-Government Center, Ministry of Justice, Ministry of Regional Development and Constructions, Ministry of Education, Agency for Land Relations and Cadastre of the Republic of Moldova, National Agency for Regulations of Electronic Communications and Information Technology, Ministry of Agriculture and Food Industry, Agency for Agricultural Interventions and Payments, National Social Insurance Agency, Ministry of Economy, Ministry of External Affairs and European Integration, and Ministry of Culture. After the Government restructuring in July 2016 some ministries ceased to exist (Ministry of Education, Ministry of Culture, and Ministry of Economy).

¹⁵ For accuracy, the researcher provides below the new names of the ministries which were merged: Ministry of Education, Culture and Research, Ministry of Agriculture, Regional Development and Environment, and Ministry of Economy and Infrastructure.

¹⁶ L. Turcanu, E-Government Center (former open data point of contact), personal communication, 20 December 2017

¹⁷ Government of Moldova, <http://www.consilium.europa.eu/en/press/press-releases/2016/02/15/fac-moldova-conclusions/>

¹⁸ V.Cretu, Open Government Institute, personal communication, 13 December 2017; L.Turcanu, former E-Government Center employee, 20 December 2017

¹⁹ E-Government Center, <http://egov.md/ro/communication/news/apel-deschis-devino-parte-grupului-de-lucru-privind-guvernarea-deschisa>

²⁰ The researcher had access to the communications and documents from the closed google group created for the working group's activity and planning.

²¹ Members of the 2016-2018 action plan co-creation working group: Diana Enachi, Institute for Development and Social Initiatives (IDIS) "Viitorul" (think tank/NGO); Ana Svet (Student); Victor Guzun (former Moldovan Ambassador in Estonia, diaspora); Livia Turcanu (E-Government Center); Veronica Cretu (Open Government Institute); Cornelia Potorac Ciurmac (civil society, unknown project or organization); Elena Levinta-Perciu (CICO, NGO); Lilia Iepure (unknown project or organization); Ion Gumene (Expert Grup, NGO); Lucia Casap (GOPA (NGO), currently World Bank); Martinov Andrei (Customs Service subordinated to the Ministry of Finance); Nacu Adrian (Legal Clinic, NGO); Olga Gordila (Fundatia pentru Dezvoltare); Oxana Casu (E-Government Center); Petru Botnaru (NGO Terra 1530); Elena (Sabina) Bivol (unknown project or organization); Stela Leuca (State Chancellery); Veronica Chitan (unknown project or organization); Viorel Plopa (Lawyer); and Constantin Rusu (unknown project or organization).

²² Chiriac, L; Tugui, E. (2014). Mapping Study. Civil Society Organizations from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue. Chisinau.

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- ²³ Information provided by the Open Government Institute, one of the leaders of the process.
- ²⁴ The IRM researcher was granted access to the survey results by the E-Government Center in December 2017.
- ²⁵ The Open Government Institute is an NGO founded in 2002. It was previously known as the CMB Training Center, but was reorganized in 2013 to become the Open Government Institute. It represents a resource center and focuses on capacity building, research, consultancy on open government, public policy, citizen engagement, organizational and community development, project management, etc. The institute has a small team (five people).
- ²⁶ IAP2's Public Participation Spectrum, http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf
- ²⁷ Moldova National Action Plan 2016-2018, <https://www.opengovpartnership.org/documents/moldova-national-action-plan-2016-2018>
- ²⁸ The law, <http://lex.justice.md/md/333477/>
- ²⁹ National Participation Council, <http://www.cnp.md/ro/despre-cnp/prezentarea-generală>

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹

What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
 - **High:** Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
 - **Medium:** Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
 - **Low:** Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
 - **None:** Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
 - **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?²
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Starred commitments** are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.³
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Moldova’s action plan contained no starred commitments. Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Moldova and all OGP-participating countries, see the OGP Explorer.⁴

General Overview of the Commitments

The action plan focuses on the following key areas: transparency in the public procurement process, budgetary transparency, transparency of public administration activity and access to public information, public participation in drafting and promoting normative acts, and public service quality and delivery. The action plan also includes activities that are part of other government reforms, programs and projects, which foster open government areas, including open data.

Since the action plan was approved on 28 December 2016, six months after its content had been finalized, but also because some commitments were duplicated from other governmental action plans, several commitment activities were implemented before the official start date of the implementation cycle (January 2017–December 2017). This report only assesses completion from January 2017 and, consequently, the IRM researcher has downgraded the potential impact coding for the commitments that were already ongoing.

Themes

As part of the IRM exercise the commitments from the Moldovan action plan 2016–2018 were reorganized to provide a better overview of the commitment activities.

Commitment one (from the original action plan) was reorganized into two separate commitments:

- Commitment 1a in the IRM Report includes the first four commitment activities (1–4), which focus on the further development of the electronic public procurement system by piloting new technical and IT systems and extending the list of public authorities who are obliged to use the new IT system.
- Commitment 1b in the IRM Report includes the last three commitment activities (57), which have a greater focus on increasing the awareness of the electronic public procurement system through informational campaigns, trainings, round tables, etc.

Commitment 3 (from the original action plan) was also reorganized into two separate commitments:

- Commitment 3a in the IRM Report includes the first four commitment activities (1–4). These activities are mostly focused on assessing the needs of open data users and improving the accessibility and availability of open data in the education sector.
- Commitment 3b in the IRM Report includes the last nine commitment activities (5–14). These activities are mostly focused on publishing and improving open data online.

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- ¹ Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf
- ² IRM Procedures Manual. Available at: http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx
- ³ The International Experts Panel changed this criterion in 2015. For more information visit: <http://www.opengovpartnership.org/node/5919>
- ⁴ OGP Explorer: bit.ly/IKE2WII

1a. Increase public procurement transparency

Commitment Text:

Title: Increased Transparency of Public Procurement

- 1.1. Migrate more public domain data from the private area of the e-Procurement system to the public area, according to the list of public data fields, and ensure their availability in an automated way through the API (Application Programming Interface)*
- 1.2. Piloting publication of information on public procurement planning and contract implementation, linking information from the planning and implementation phase to information on the other stages of the procurement process*
- 1.3. Develop and implement an electronic procurement transactional system based on the principles of the open contracting standard, with the ability to collect and publish information at all stages of the procurement process*
- 1.4. Extending the list of contracting authorities bound to initiate all procurement procedures through the electronic system*

Responsible institution: Ministry of Finance and the Public Procurement Agency

Supporting institution(s): State Chancellery (E-Government Center); Central Public Administration Authorities

Start date: December 2016

End date: 2nd quarter 2018

Editorial Note: For the purpose of the IRM report, commitment one was broken up into two separate commitments (see details in the General Overview of Commitments section).

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
1a. Increase public procurement transparency			✓		✓			✓			✓		No		✓		

Context and Objectives

In May 2016, a new law on Public Procurement entered into force. The law transposed the 2004 EU Directive on the coordination of procedures for the award of public works, public supply, and public service contracts, and partially transposed two more EU Directives from 2014 into national law.¹ Despite these legal changes, however, the new law did not improve the transparency framework of the public procurement system: procuring entities are still not required to publish or provide full access to all procurement documents.² According to the results of a 2015-2017 monitoring activity conducted by the NGO IDIS Viitorul, the

level of public procurement transparency was low for the majority of the 60 local communities and 32 districts monitored.³

The four activities outlined in this commitment were originally foreseen in the context of the Public Procurement System Development Strategy 2016–2022⁴, and subsequently included in the OGP action plan. The first commitment activity will continue the ongoing migration of private data (or data with limited access), located in the Public Procurement State Registry (SIA RSAP), the existing e-Procurement system, and ensure their availability through an Application Programming Interface (API).

SIA RSAP was launched in 2012 and includes a public field component which provides limited, general information on public procurement.⁵ As stated in the commitment text, however, the difference between private and public areas of data is not clear. After clarifying with the implementing agencies, the IRM researcher understands that the private field (where the actual public procurement process takes place)⁶ is accessible to users of the system (registered users, who use the digital signature for authentication), and it also contains data which cannot be disclosed, according to the Law on private data protection.⁷ The data will be made publicly available on opencontracting.date.gov.md.⁸

Second, the government aims to publish information on public procurement planning and contract implementation, based on open contracting standards⁹, and link the information to different stages of the public procurement process. Though not explicitly stated in the action plan, it is understood by the IRM researcher (after performing additional desk research and interviews) that the information will be published in the e-procurement system, Mtender (see commitment activity I.3 below).

Third, the government aims to continue to develop and implement MTender,¹⁰ an electronic procurement transactional system, which will collect and publish data from all stages of the procurement process. The bill on the concept of the system was submitted for public consultations on the particip.gov.md, the governmental public consultations online platform, on 18 December 2017.¹¹ Mtender is a cloud-based multi-platform (which includes three commercial platform operators¹²) electronic procurement system, which uses open source software. The system employs the Open Contracting Data Standard (OCDS¹³) and includes an open source/OCDS Central Database Unit, the website <http://mtender.gov.md>, and three authorized electronic procurement platforms owned by private companies. The Central Database Unit of the MTender System will be owned by the Ministry of Finance.¹⁴

Fourth, the government plans to extend the application of the MTender system to at least 85 percent of contracting authorities (public authorities). However, it is not clear how a country-wide expansion will take place and by which date.

The overall specificity for this commitment is medium. While not stated explicitly in the action plan text, the activities in this commitment (and Commitment Ib) are referring to the same overall process and its relevance to MTender is understood among relevant stakeholders. However, there are ambiguities in the commitment text that the IRM researcher was unable to gather more information on. For example, it is not clear if the API system from commitment activity I.1 (the system used for SIA RSAP) will be integrated or linked to the new Mtender system.

The commitment is relevant to OGP values of access to information and technology and innovation. By launching a transactional e-procurement system (MTender), which opens all procurement stages (planning, tender, contracting, implementation) to the public, and by ensuring the use of the system by all public authorities, the public procurement process will be more transparent and efficient at all stages.

If fully implemented, the potential impact of this commitment is moderate. Compared to the pre-existing system, developing and implementing Mtender could significantly contribute to

the sustainable accountability of public authorities and bidders. Furthermore, extending the use of this system to a majority of the contracting authorities represents a major step forward in making public procurement more transparent. However, the ambiguity in the action plan makes it difficult to assess the potential impact of the other listed activities.

Furthermore, civil society representatives¹⁵ interviewed by the IRM researcher consider that this is an overly optimistic plan for the action plan timeline: many activities (including legislative changes) linked to the launching of the system are still ongoing (Spring 2018), and the scale of the activity may not be realistic given the action plan timeframe.

Completion

Due to the late approval of the action plan (Government Decision of 28 December 2016, no. 1432), most actions in this commitment were delayed. Delays are largely caused by cross-cutting issues, such as frequent staff turnover across the government and understaffed departments, which has impacted institutional memory, but also related to the complexity of the legislative, technical and implementation aspects of the MTender system. Overall, this commitment's completion is limited.

Data from the PPA's current e-procurement system (also from the private module) were migrated to opencontracting.md, where the information on tenders, contracts, and the contracting authorities are provided in a more visually appealing and user-friendly way (I.1). The completion of the commitment activity was assessed based on the time stamp of the published data on the respective website. Since this is an ongoing activity, however, it is difficult to gauge how much of the data was migrated before and after the implementation of this action plan.

There is limited information regarding the pilot publication of public procurement information. According to the Official Gazette¹⁶ and the Ministry of Finance, the piloting¹⁷ of the MTender system started in January 2017 (I.3). The government bodies piloting the system include the Ministry of Finance, Public Procurement Agency, State Tax Authority, Customs Service, Financial Inspection. As the legal framework, which will make the MTender mandatory for all public authorities, still has to be developed and implemented, participation is currently (2017 - beginning of 2018) voluntary. In May 2017, the Ministry of Finance encouraged public authorities to pilot MTender¹⁸ and, according to the MTender statistics,¹⁹ 148 public and private entities have to date (April 2018) piloted the system. No other concrete actions are known to have been taken so far to extend the use of the system to all public authorities (activity I.4).

During regular information sessions organized by the PPA, the participating public authorities were informed about the new system which will be launched (see more details on the dissemination of information in the assessment of the next commitments' activities, which are linked to these ones). At the time of writing (December 2017–January 2018), negotiations to secure financial support from the European Union to continue the development and implementation of the system were ongoing. However, since the MTender system is planned as a mixed system (the Central Data Unit of the MTender System is owned by the Ministry of Finance, and the three procurement platforms of the system are owned by private companies), IDIS Viitorul²⁰ shared that European Commission experts fear such a system could be too risky. The launch of the MTender system is planned for 2018.²¹ The fourth commitment activity cannot begin until MTender is launched.

The PPA and the e-Government Center, two of the three implementing agencies indicated in the action plan, stated that they are not aware of the implementation status.

Early Results (if any)

According to stakeholder interviews and independent verification, data presented on the PPA website and opencontracting.md are visually appealing, allowing journalists, researchers

and experts to generate different types of data by employing filters and visual aids (commitment activity I.1). However, according to I. Morcotilo of Expert Group NGO²² filters on the website are difficult to operate. The expert considers that data manipulation is not very user-friendly and has also confirmed that many public procurement processes are often missing from the website or are published late.

Next Steps

The commitment should be continued in the remaining period of the implementation cycle. Moving forward, the IRM researcher recommends this commitment be carried forward into the next action plan; however, the government needs to clearly identify what it plans to accomplish and clarify which agencies are responsible for implementation. Other recommended modifications include:

- Ensuring better monitoring of the public procurement open data quality.
- Launching of outreach program to engage with working group stakeholders as well as stakeholders who signed the Memorandum²³ in November 2016. Ensuring effective communication among stakeholders will facilitate the completion of the commitment activity through constant monitoring of the progress, and by ensuring all stakeholder views are taken into consideration.
- Developing extension and transition plans for all central, regional and local authorities, involving contracting entities, and independent national and international experts in the field. The plans should not include only activities focusing on the technical aspects of the new e-system, but also open government principles and values to secure a genuine transfer to a transparent public procurement activity, and avoid achieving only the digitalization of the process.
- Ensuring potential bidders (private sector) are educated and well-informed about the new system, cooperating in this sense with business associations and expert NGOs in this field.

¹ Transparent Public Procurement Rating, Moldova, <https://www.tpp-rating.org/page/eng/country/moldova>

² TPPR Implementation Assessment, https://www.tpp-rating.org/public/uploads/data/7/AOIL/5914b9f9b886fPPL_Implementation-Assessment-Moldova.pdf

³ <http://localtransparency.viitorul.org/>

⁴ The law, <http://lex.justice.md/md/368482/>

⁵ State Registry of Public Acquisitions, <http://etender.gov.md/index>

⁶ SIA RSAP Manual

<https://tender.gov.md/sites/default/files/document/attachments/Manualul%20Utilizatorului%20SIA%20RSAP%20%28partea%20I%29%20v4.0.pdf>

⁷ The law, <http://lex.justice.md/md/340495/>

⁸ The open contracting webpage was developed by the Public Procurement Agency (PPA) in partnership with the E-Government Center and the World Bank. The website features various functionalities which allow export of data in open data format. Data users can explore, monitor, download and re-use data published on this website which covers government related contracting data collected by the PPA. The website is constantly updated with public procurement information.

⁹ Open Contracting Data Standard, <http://standard.open-contracting.org/latest/en/>

¹⁰ The financial support for Mtender is provided by the European Bank for Reconstruction and Development, and the European Union. In September 2017 the Western NIS Enterprise Fund (WNISEF) also joined the efforts, <http://mf.gov.md/ro/content/ministerul-finan%C8%9Belor-va-beneficia-de-un-instrument-electronic-pentru-analiza-%C8%99i>

¹¹ Government public consultations platform, <http://particip.gov.md/proiectview.php?l=ro&idd=4825>

¹² E-licitatie, achizitii private si publice, yptender.md

¹³ Open Contracting Data Standard, <http://standard.open-contracting.org/latest/en/>

¹⁴ Mtender, <https://mtender.gov.md/procuring/index>

¹⁵ Idis Viitorul Think Tank, Expert Grup NGO, European Business Association.

¹⁶ Fiscal Monitor, <https://monitorul.fisc.md/editorial/mtender--un-nou-nivel-al-achiziilor-publice-in-republica-moldova.html>

¹⁷ Piloting the system means that these institutions use the MTender system for all stages of the public procurement process: notification, tender, assigning of contracts, etc.

¹⁸ Mtender pilot, <https://mtender.gov.md/uploads/news/files/590ad5744364f.pdf>

¹⁹ Mtender, Leading by example, <https://mtender.gov.md/>

²⁰ Carolina Ungureanu, IDIS Viitorul expert, telephone discussion, June 2018

²¹ Fiscal Monitor, <https://monitorul.fisc.md/editorial/mtender--un-nou-nivel-al-achiziilor-publice-in-republica-moldova.html>

²² Newspaper Ziarul de Garda newsroom group discussion, 27 December 2017; I. Morcotilo (Expert Grup NGO), personal communication, 21 December 2017.

²³ This memorandum was signed on 30 November 2016 by the Ministry of Finance, the Public Procurement Agency, the E-Government Center, five NGOs, six business associations, and four companies securing the maintenance and management of Mtender, <http://mf.gov.md/ro/content/achizi%C8%9Bii-publice>.

Ib. Increase knowledge of public procurement process

Commitment Text:

Title: Increased awareness and knowledge concerning public procurement process

1.5. Organizing communication, awareness and training sessions of the open data community on the availability and use of public procurement data

1.6. Facilitating access to public procurement procedures for small and medium-sized enterprises through training programs on online accessing bidding documents, registering offers, submitting requests to participate, communicating with other bidders

1.7. Organizing events and sessions with civil society and application developers to link public procurement data and other data sets such as company data to highlight different phenomena that were previously difficult to detect

Responsible institution: Ministry of Finance (Public Procurement Agency), State Chancellery (E-Government Center)

Supporting institution(s): MiLab – Social Innovations Laboratory

Start date: 4th quarter 2016

End date: 2nd quarter 2018

Editorial Note: For the purpose of the IRM report, commitment one was broken up into two separate commitments (see details in the General Overview of Commitments section). These three commitment activities focus on increasing awareness and knowledge of Mtender, the e-procurement system, which was developed as part of the public procurement system development strategy 2016-2020 and the Action Plan 2016–2018¹.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
Ib. Increase knowledge of public procurement process			✓		✓			✓			✓		Yes			✓	

Context and Objectives

The main issue addressed by this commitment is the lack of transparency in the public procurement process, which can contribute to corruption and limit the access of certain social groups to the public procurement process or outcomes. The objectives of this commitment are to 1) raise awareness and hold trainings for the open data community on the use of public procurement data, 2) train small and medium enterprises on public procurement procedures, and 3) train civil society and applications (software) developers on how to correlate public procurement data to other datasets to identify errors, and other

interlinked phenomena. These activities are relevant to the OGP value of access to information and technology and innovation.

The specificity of this commitment is medium since it describes clear activities, although commitment activity 1.5 does not identify the specific stakeholders (within the open data community) the events are targeted for. Although the commitment text does not explicitly state that these events will cover the new e-procurement system, Mtender, this is understood within the overall context of the action plan.

If fully implemented, this commitment could have a moderate potential impact by providing more information on public procurement procedures and by clarifying how Mtender functions, how it can be accessed, and what data and analysis it can generate. Civil society representatives² interviewed by the IRM researcher shared that there is a strong interest among local public authorities, the business sector, journalists and civil society representatives in learning more about the Mtender system and how to use the open data it provides.

Though Mtender is not specifically mentioned in the action plan, it is an important part of the public procurement reform, with a majority of the interviewed stakeholders having referred to it. It was their understanding that Mtender is part of the action plan, justifying the IRM researcher to provide their input on this.

Completion

At the end of the first year of implementation, the commitment is on schedule and substantially complete.

Under the wide scope of commitment activity 1.5, the Ministry of Finance (MoF) held several events in frequent collaboration with the Public Procurement Agency (PPA) and the European Bank for Reconstruction and Development (EBRD). In 2017, MoF hosted a training session for public institutions piloting the Mtender system³; an event launching Mtender, in which 130 stakeholders attended⁴; and a series of 10 training sessions⁵ in various locations⁶ throughout the country. Additionally, other relevant training events were organized by EBRD at the request of MoF.⁷ According to the government, a workshop on “Open Contracting in Moldova” was held on 27 June 2017, where the latest version of the open contracting portal (opencontracting.date.gov.md) was presented to representatives from civil society and the public sector. The PPA, along with IDIS Viitorul, also organized two training seminars on November 3 and 5 2017. The first training was on the functioning of the public procurement system in Moldova and the second was on the process for public procurement in the country.

The MoF also hosted an Mtender workshop in January 2017 with public authorities, held an Mtender event in February for the private sector, and organized an Mtender workshop in collaboration with the Business Association of Moldova in August. The IRM researcher received a list of the events from the EBRD office in Moldova. However, the IRM researcher was unable to verify the completion of these events due to limited publicly available information.

According to the government self-assessment, the PPA organized a training seminar to present “the platform of the low-value electronic public procurement system (IRM researcher note: this refers to the piloting of the MTender system, which allowed in 2017 the piloting for low-value contracts only) to 23 economic operators” (1.6).⁸ It is unclear, however, who the economic operators were and whether or not the seminar included topics on accessing bid documents and communication with other bidders (as stated in the action plan). Also, according to the self-assessment, during this period the government organized six workshops on sustainable procurement and one conference. The IRM

researcher was unable to verify these events and their participants due to the lack of publicly available information.

Concerning commitment activity 1.7, the MiLab Social Innovations Laboratory⁹, together with the E-Government Center, organized various events for civil society and software developers in the fall of 2017.^{10,11} These events included several components: a five-day camp in September¹², a three-month mentorship, and a study visit. The topics addressed during the camp ranged from anti-corruption in the public procurement system, financial frauds to integrity and power abuse.¹³ Twenty-five specialists, activists, journalists, and open data users attended the five-day camp and six of the attendees received mentorship on open data use and took a study visit to Slovakia.¹⁴ Two databases¹⁵ were developed and published: Projects financed from the National Ecological Fund during the period 2011–2016¹⁶ and Elected/Appointed mayors of the Republic of Moldova during the period 1995–2017.¹⁷ The National Ecological Fund database is related to the scope of this commitment activity, and the link provided in the self-assessment leads to a website where the database is presented, and available for download in excel format.¹⁸ The second database is not related to public procurement.

The implementation of the activity was delayed due to some external factors related to the cooperation with the partner, SlovakAid.¹⁹

There were also many activities implemented by various stakeholders supporting the implementation of this commitment, including the Organization of Small and Medium Enterprises (ODIMM),²⁰ the Moldovan Commerce and Industry Chamber,²¹ and business associations.²² However, these stakeholders are not listed as responsible or supporting institutions, and the work they have implemented does not count towards overall completion (as assessed by this report).

Next Steps

For this action plan cycle the IRM researcher recommends that the commitment is completed in the remaining period of the action plan. For the next action plan, the IRM researcher recommends the following:

- Assess the training needs of public authorities, businesses, and civil society concerning the new system.
- Develop clearer training, information and dissemination plan, and consider both offline and online activities to save public resources.
- Expand coverage of training sessions, by potentially using the existing Novateca²³ network. Ensure that rural populations, including small businesses from rural areas, have access to the information on the new system.

¹ The law, <http://lex.justice.md/md/368482/>

² European Business Association, IDIS Viitorul NGO, Expert-Grup NGO, Ziarul de Garda Newspaper.

³ Ministry of Finance, Public Procurement Agency, Customs Office, Tax Authority, Financial Inspection, State Enterprise FinTehInform, and for the commercial platforms, ensuring the frontend service.

⁴ This was confirmed by the EBRD Office Moldova, and the following NGOs, members of the Steering Committee of the MTender Project: AGER, IDIS Viitorul, ExpertGrup.

⁵ These are components of the Technical Cooperation Project between EBRD and the Ministry of Finance; the events were financed by EBRD.

⁶ Chisinau, Hancesti, Orhei, Ungheni, Tighina, Cahul, Comrat Balti, Soroca, and Edinet.

⁷ In 2017, EBRD organized three training sessions on Mtender for the Center for Centralized Public Procurement in the Health Sector, <http://capcs.md/slider/achizitii-publice-in-sectorul-de-sanatate-teorie-si-practica/>

⁸ Self-Assessment Report, https://www.opengovpartnership.org/sites/default/files/Moldova_Mid-Term-Self-Assessment_2016-2018_EN.pdf

⁹ This UNDP project “aims to establish a multilateral platform to engage actors from different sectors (public, private, non-profit, etc.) to seek and experiment with innovative approaches to the society’s problems”,

<http://md.one.un.org/content/unct/moldova/en/home/our-work/joint-un-projects/centrul-de-inovaii-sociale-din-moldova-.html>

Ultimately, the Lab is working on developing solutions that have been tested on the ground and co-developed with the strong involvement of beneficiaries and are ready to be scaled-up in extended environments.

¹⁰ Moldova Social Innovation Lab, Facebook page,

https://www.facebook.com/hashtag/opendatamediacamp?source=feed_text

¹¹ UNDP Moldova,

<http://www.md.undp.org/content/moldova/en/home/presscenter/pressreleases/2017/07/17/pnud-inspir-jurnali-tii-i-activi-tii-civici-s-valorifice-datele-deschise-.html>,

<http://www.md.undp.org/content/moldova/ro/home/presscenter/pressreleases/2017/09/19/25-de-jurnali-ti-i-activi-ti-civici-fac-front-comun-pentru-date-deschise-i-mai-mult-transparen-.html>

¹² Organized with the financial support of SlovakAid.

¹³ Open Data Media Camp, http://milab.md/ro/milab_projects/open-data-media-camp/

¹⁴ Zugo portal, study visit to Slovakia, https://zugo.md/article/castiga-o-bursa-de--1000-si-o-vizita-de-studiu-in-slovia--participa-la-open-data-media-camp-2017_19697.htm

¹⁵ Links to the two databases, <http://openmd.info/fen/> and <http://openmd.info/primari/>

¹⁶ National Ecological Fund, <http://openmd.info/fen/>

¹⁷ Mayors of the Republic of Moldova, <http://openmd.info/primari/>

¹⁸ National Ecological Fund, <http://openmd.info/fen/>

¹⁹ MiLab team (I. Frunza, M.Gurghis, D.Belan), group interview, 19 December 2018

²⁰ The Organization for the Development of Small and Medium Enterprises (ODIMM), a public organization, organized training sessions with SMEs, informing them about Mtender.

²¹ The Moldovan Commerce and Industry Chamber organized events and training sessions on public procurement, which were open to all interested businesses. They also provide on-demand sessions to businesses. This information has been confirmed by the Commerce and Industry Chamber.

²² According to the European Business Association (EBA), several business associations organized joint training sessions on Mtender in 2017 for their members. The IRM researcher has conducted an interview with the representatives of Varolnform, one of the businesses managing one of MTender's commercial e-procurement platforms (the ypages/tender platform). Varolnform provides hands-on training to contracting agencies who volunteer to pilot the e-procurement system and use their platform and is available for consultations via phone and email, as well as on-site.

²³ The Novateca network, <http://map.novateca.md/ro/>

2. Ensure budgetary transparency

Commitment Text:

2.1. Opening of transactional data on the execution of the national public budget components, with monthly frequency and disaggregation until the level of the local public authorities

2.2. Develop an interactive framework on the official website of the Ministry of Finance to reflect the process of tax and customs policy development

2.3. Publishing on the Ministry of Finance's website the estimates of the medium-term budgetary framework and the draft annual budget laws

2.4. Drafting and publishing on the website of the Ministry of Finance the budget for citizens after the adoption of the Budget Law

2.5. Publishing sectoral spending strategies and annual budgets by domains of competence as well as reports on their implementation

2.6. Publication of open data sets on penitentiary system budgets on the data.gov.md portal;

2.7. Publication of information on the implementation of the National Fund for Regional Development and projects from external sources

Responsible institution: Ministry of Finance

Supporting institution(s): Central Public Authorities, the Ministry of Regional Development and Constructions¹

Start date: 4th quarter 2016

End date: 2nd quarter 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Ensure budgetary transparency				✓	✓					✓			No		✓		

Context and Objectives

In 2011 Moldova published a detailed online database of public expenditure², available on the websites of the Ministry of Finance (MoF) and the E-Government Center. Officially, MoF follows the international standards³ for program budgeting. However, an Expert-Grup (NGO) representative stated that data on budget execution is categorized according to economic, and functional-organizational (line-items) criteria, and only upon request on program budgeting.

Although Moldova publishes seven of the eight key budget documents, with the exception of the Mid-Year Review,⁴ on data.gov.md, the documents are not easily understandable. Furthermore, agency and ministry websites are often not well developed, despite the

guidelines outlined in Government Decision no. 188.⁵ The absence of a common webpage structure across institutions makes it difficult to find budget data. According to the interviewed budget data users, disaggregated data are difficult to find: “A lot of data are collected, but the government doesn’t know how to make them citizen-friendly.”⁶ Finally, based on the desk research conducted by the IRM researcher, even if the website of the MoF was modernized in 2017, data are often not published in open data formats; they are either scanned or published as PDFs/excel files.

The Government is making an effort to improve this situation: in addition to the Citizens’ Budget, which has been published since 2015, the MoF website hosts visual aids (e.g., graphs and charts) and provides information on the budget components and the different stages of the budgetary process. However, when assessed on how comprehensive and useful the Citizens’ Budget was, it received a score of 50 out of 100 (or limited).⁷

Additionally, budget data on the penitentiary system has not been published since 2012 on data.gov.md. In the past five years, all relevant documents were published on the website of the Department of Penitentiary Institutions (DPI), but not on data.gov.md.

This commitment addresses the need for budgetary transparency and lists the following activities: 1) open transactional data on the execution of national public budget components on a monthly basis, 2) develop an interactive framework on MoF’s website about the tax process and customs policy development, 3) publish estimates of budgetary framework and annual draft budget laws, 4) draft and publish the budget for citizens, 5) publish sectoral spending strategies and annual budgets, 6) publish open datasets on the penitentiary system, and 7) publish implementation information on the National Fund for Regional Development.

This commitment clearly identifies the topic and location of data to be published, and is relevant to access to information. Although the budgetary process is intensely reviewed and monitored by civil society and mass media,⁸ this commitment does not meet the OGP criteria for public accountability since it does not include a mechanism or intervention to translate that information into change.

Overall, this commitment’s potential impact is minor. Although the commitment aims to publish more budget information, its efforts to tackle the current complexity of budget documents are limited in scale. A more transformative commitment would aim to apply a citizen-friendly approach to all budget documents, by establishing an easily accessible location for budget data and expenditure reporting and for publishing data in open format.

Finally, it is worth mentioning that this commitment tackles one aspect of open budget. A truly ambitious commitment would also include greater opportunities for public engagement throughout the budget cycle by the executive, the legislature, and the supreme audit institution. “The types of tripartite committee meetings which are currently organized don’t represent genuine participation”, says an Expert-Grup representative⁹ interviewed by IRM staff.

Completion

Overall, the commitment’s completion level is limited. Transactional data on the execution of national public budget components¹⁰ are published monthly on data.gov.md (2.1). In 2017, 12 monthly reports on the execution of the national public budget were published. The reports include data on the central consolidated budget, state budget, social state securities budget, mandatory health insurance funds and local budgets. A new interactive framework for tax and customs policy development was developed in 2017 and launched mid-2017 on the MoF website¹¹ (2.2). Users can now monitor each stage of the bill (proposal, submission to government, revision, approval), and access the relevant documentation for each stage.

The annual budgetary laws (the medium-term budgetary framework and the long-term budgetary framework) are published annually on the MoF website (2.3). The Citizens’ Budget

is published once the budget is approved, or even before and is developed in the context of the EU-Moldova Association Agreement (2.4).

The IRM researcher identified several documents of sectoral spending strategies and annual budgets on the websites of ministries¹² (2.5). However, the documents were not easily identifiable on the website. Since the action plan does not specify the public central agencies this commitment activity covers, the IRM researcher cannot assess completion any higher than substantial.

The publication of open datasets on penitentiary system budgets has not been started (2.6). When the IRM researcher asked why, the Department of Penitentiary Institutions (DPI) stated¹³ that they do not have a data.gov.md account. Toward the end of 2017, the DPI requested that the Ministry of Justice (the institution it is subordinated to) provide temporary support.

The IRM researcher was unable to verify whether the Ministry of Regional Development and Construction published information on the National Fund for Regional Development on data.gov.md (2.7). Desktop research did not locate relevant data on the portal, and the IRM researcher was unable to identify the government PoC due to recent government reorganization. Additionally, the vague reference to a timeline in the action plan makes completion difficult to track. For these reasons, the IRM researcher argues that this commitment activity has not been started.

Early Results (if any)

After the first year of implementation, data users and CSOs have expressed discontent with the lack of data in open format, data inaccessibility, and the lack of opportunities for public participation in the budget process.¹⁴ Additionally, the government fails to provide easy-to-understand budget documents for citizens, reducing their incentive to participate in the process. Users of budget data, interviewed by the IRM researcher, confirmed that budget-related information had been sufficiently available in recent years. They also stated that budget data became more aggregated in 2017 and that data publication is sometimes delayed, usually due to political and budget instability, and the lack of good public management in the past two to three years.¹⁵

Next Steps

Moving forward, the government should expand the scope of this commitment to include activities other than opening data and developing e-government components.

For the next action plan, the IRM researcher recommends the following:

- Continue to develop the MoF interactive framework and add more advanced functions.
- Improve the access to budget information by providing more disaggregated data across budget components and sectors; setting open budget standards to be followed unanimously by all governmental/public central authorities.
- Improve data readability by publishing data in open format and publishing citizen-friendly formats of budget related data across central public authorities.
- Strengthen citizen participation in the budget process, by organizing genuine consultations, information sessions and open communication on budgetary aspects at the national and local budget development level.

¹ After the Government reorganization in Summer 2017, this Ministry ceased to exist and the responsibilities from this ministry were transferred to the newly-created Ministry of Agriculture, Regional Development and Environment.

² World Bank, Open Budget Portal, <http://wbi.worldbank.org/boost/country/moldova>

³ World Bank Independent Evaluation Group,

http://ieg.worldbankgroup.org/sites/default/files/Data/reports/performance_based_budgeting_bb.pdf

⁴ Open Budget Survey 2017, <https://www.internationalbudget.org/wp-content/uploads/moldova-open-budget-survey-2017-summary.pdf>

⁵ <http://lex.justice.md/md/342699/>

⁶ T.Savva, Expert Grup NGO, personal communication, 21 December 2017.

⁷ Open Budget Survey 2017, <https://www.internationalbudget.org/wp-content/uploads/moldova-open-budget-survey-2017-summary.pdf>

⁸ The main NGOs and think tanks monitoring the process are IDIS Viitorul, Expert Grup, AGER, but also mass media organizations and outlets: Center for Independent Journalism, Independent Press Association, Ziarul de Garda newspaper, etc.

⁹ T.Savva, Expert-Grup NGO, personal communication, 21 December 2017.

¹⁰ According to Law No. 181 on public finance and budgetary - fiscal responsibilities, the national public budget includes the consolidated central budget and the local budgets.

¹¹ Ministry of Finance, <http://mf.gov.md/ro>

¹² Ministry of Education, Culture and Research, Ministry of Foreign Affairs and European Integration, Ministry of Internal Affairs, Ministry of Economy and Infrastructure, Ministry of Finance, Ministry of Justice, Ministry of Defense, Ministry of Health, Labor and Social Protection, Ministry of Agriculture, Regional Development and Environment

¹³ V. Morari, Department of Penitentiary Institutions, personal communication, 12 January 2018.

¹⁴ Expert Grup NGO, Ziarul de Garda, CPR Moldova

¹⁵ T. Savva, Expert-Grup, personal communication, 22 December 2017.

3a. Open data in education sector

Commitment Text:

Title: Ensuring transparency in the activity of public administration and access to public information

3.1. Assessing the needs of all open data beneficiaries in the education sector

3.2. Inventory of existing open data in the education sector in relation to identified needs, as well as their collection, publication and updating on the data.gov.md portal

3.3. Developing a web interface within the Open Government Portal with the possibility of interactive viewing of data in the education sector

3.4. Implementing activities to promote the availability of open data in the education sector, according to the internal communication plan

Responsible institution: Ministry of Education¹

Supporting institution(s): None

Start date: 3rd quarter 2017.

End date: 2nd quarter 2018

Editorial Note: For the purpose of the IRM report, commitment three was broken up into two separate commitments (see details in the General Overview of Commitments section). These four commitment activities focus on assuring public access to useful education information. Additionally, the “Open Government Portal” mentioned in the action plan is actually referring to the Open Data Portal (date.gov.md).

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3a. Open data in education sector			✓		✓			✓		✓			Yes		✓		

Context and Objectives

In 2016, the government started the implementation of a World Bank-supported project², building the capacities of the previously developed Educational Management Information System (EMIS), to facilitate public access to data and statistics on the primary and secondary education system.

The commitment aims to 1) assess the needs of open data beneficiaries, 2) publish, update and establish an inventory of data on data.gov.md, 3) develop a web interface on data.gov.md, and 4) promote availability of open data according to the internal plan. These activities were duplicated from the third phase of the “Building Capacity - EMIS Project” which focused on opening data in the education sector.³ By updating education data on a publicly accessible portal, this commitment is relevant to the OGP values of access to information and technology and innovation.

Overall specificity of this commitment is medium: despite the clearly articulated activities, there is ambiguity surrounding how open data users' needs will be assessed and what actions will be taken to promote open data. Also, while not made explicit in the commitment text, the education data will be accessible on the EMIS system, which will be also interlinked with the Open Data Portal (data.gov.md), an understanding among relevant stakeholders interviewed by the IRM researcher.⁴

If fully implemented this commitment could have a minor potential impact. An interviewed civil society stakeholder⁵ stated that the practice of updating education data on the platform is not yet mainstream. While publishing and updating data on data.gov.md represents a positive step toward improving access to information, it is not sufficiently clear if this commitment adds significant value to ongoing efforts.

Completion

At the end of the first year, the implementation of the commitment is limited, and commitment activity 3.3 is behind schedule. While not explicitly listed as a commitment activity, the Ministry of Education, Culture and Research (MECC) launched the beta version of the EMIS system on 28 July 2017.

According to MECC, the needs of the education data users, such as parents, were assessed by a local sociological company, CBS Axa (3.1). The IRM researcher was unable to verify the completion of this research, however, since the report is not available to the public. According to MECC, the research was conducted in January 2017. The government self-assessment states that a study was conducted, with the support of the World Bank's International Development Association, on open educational data. Based on the results, the EMIS system was reconfigured to collect and open data without violating the data requirements imposed by the law on the protection of personal data. However, this study is not publicly available and the IRM researcher was unable to verify its results.

The inventory of the available open data was conducted by MECC, with a contracted IT company, in an attempt to explore the technical capacities of the old system (3.2). A working group was created within MECC which identified, based on the data users' needs assessment, the set of data which should be opened, according to the legislation on the protection of personal data. Additionally, an evaluation⁶ of the MECC's statistical capability, e.g. data collection process, indicators, and open data catalog, was posted on the MECC website.⁷ The open data catalogue includes an extensive list of categories and types of open data which shall be constantly collected and updated on the EMIS platform. The location of the evaluation report on the ministry website is not straightforward. Also, it is not yet clear if the sets of data from the catalog will be available via the EMIS platform and also via the data.gov.md platform, or which data will be transferred from the EMIS platform to data.gov.md.

The development of a web interface on the Open Data Portal (data.gov.md) has been delayed due to technical issues related to the testing of the EMIS platform (3.3). Although the two platforms are separate, the Open Data Portal interface relies on data from EMIS. According to the self-assessment, EMIS now allows for interactive viewing of education data and the extraction of data in both textual and graphic forms.⁸

In 2017, in order to promote the availability of open data (3.4), MECC has organized TV interviews discussing the new system.⁹ Due to the ambiguity surrounding the "internal communication plan," as written in the action plan, the assessment of this activity's completion cannot be higher than limited.

While not explicitly mentioned in the action plan text, more than 10,000 government stakeholders in the secondary education system were trained on how to use the EMIS

platform and update data.¹⁰ However, there are no publicly available monitoring reports on their performance.

Next Steps

The IRM researcher recommends this commitment be continued into the second year of implementation. Specifically, the government should consider the following:

- Establish a system to monitor the quality of data published on the platform considering the amount of data which is planned to be collected in real time.
- Clearly differentiate data to be published on the EMIS platform and open data published on data.gov.md. This clarification will avoid the publication of duplicate information, and avoid misleading the public.
- Promote the public comments tool on the Open Data Portal establish a feedback mechanism to allow direct beneficiaries (parents, students, teachers) on the EMIS system.

¹ After the Government reorganization in 2017 it was renamed as the Ministry of Education, Culture and Research.

² MECC, <http://mecc.gov.md/ro/content/sistemul-informatiional-de-management-educatie-va-fi-accesibil-tutoror>

³ The Court of Accounts of the Republic of Moldova, <http://documents.worldbank.org/curated/en/508661517997459620/pdf/Moldova-Education-Management-Information-System-TF019354-Grant-audit-report-for-the-period-ended-September-30-2017-Eng-unofficial-transation.pdf>

⁴ V. Ichim, Head of the E-transformation and digitalization Department, Ministry of Education, personal communication, 14 December 2017; T. Savva, Expert-Grup, personal communication, 22 December 2017.

⁵ T.Savva, expert, personal communication, 21 December 2017

⁶ MECC, <http://mecc.gov.md/ro/content/statistica-l>

⁷ MECC, <http://mecc.gov.md/ro/content/ministrul-educatiei-culturii-si-cercetarii-monica-babuc-avut-o-intalnire-cu-colectivele>

⁸ The EMIS system, www.sime.md:8080

⁹ Prime TV, TV Moldova 1 (national TV station), and TVR1

¹⁰ V. Ichim, Head of the E-transformation and digitalization Department, Ministry of Education, personal communication, 14 December 2017

3b. Publish government-held open data

Commitment Text:

Title: Publishing Government Open Data and Ensuring Access to Public Information

3.5. Publication of geospatial data according to Open Catalogue of the Agency for Land Relations and Cadastre, with possibility of visualization and / or open format:

3.6. Publishing, on the data.gov.md portal, the following datasets:

- The public register of suppliers authorized by the National Regulatory Agency for Electronic Communications and Information Technology to provide electronic communications networks and / or services;*
- The list of license holders issued by the National Regulatory Agency for Electronic Communications and Information Technology for the activity in the field of information technology*

3.7. Publication of open data on the process of fulfilling the commitments assumed by the Moldova-EU Association Agreement on the date.gov.md

3.8. Publication of open data on the cultural sector

3.9. Improving the court portal according to relevant user and legal propositions and providing automated access to information through the Application Programming Interface (API)

3.10. Organization of public consultations with data users to identify their needs regarding the availability of open data

3.11. Continuous opening of additional data sets and updating existing data sets on date.gov.md

3.12. Publication of data on the progress of the implementation of national action plans from the PlanPro monitoring tool, used by the State Chancellery, in a data format opened on the data.gov.md portal

Responsible institution: State Chancellery (according to the Moldovan open data legislation¹)

Supporting institution(s): Ministry of Education, Culture and Research, Agency for Land Relations and Cadastre, National Regulatory Agency for Electronic Communications and Information Technology, Ministry of Economy and Infrastructure, Ministry of Foreign Affairs, European Integration State Chancellery, E-Government Center, MiLab

Start date: 1st quarter 2017

End date: 2nd quarter 2018

Editorial Note: For the purpose of the IRM report, commitment three was broken up into two separate commitments (see details in the General Overview of Commitments section). This is a truncated version of the action plan. For full action plan text, please refer to https://www.opengovpartnership.org/sites/default/files/Moldova_NAP_2016-2018_EN.doc.

Commitment Overview	Specificity	OGP Value Relevance	Potential Impact	On Time?	Completion
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	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3b. Publish government-held open data			✓		✓	✓		✓		✓			No		✓		

Context and Objectives

The Republic of Moldova launched the Open Data Portal (data.gov.md) in April 2011 as one component of technological modernization through the national e-transformation strategy.² According to a government decision³, data must be released in disaggregated, open, machine-readable formats and be licensed for legal re-use. Open data must be non-personal, unrestricted and available for users. However, public central authorities (governmental authorities) do not always publish data following the open data principles. In 2016, Moldova scored poorly on the Open Data Barometer⁴: of the 15 kinds of data assessed, only crime and statistics data was fully open and available.

This commitment aims to use technologies to improve datasets and portals, open various datasets across the government, including geospatial data, data on the Moldova-EU Association Agreement, and cultural sector data, and organize public consultations with data users and updating existing datasets. As such, this commitment meets the criteria for the OGP values of technology and innovation, access to information and civic participation.

Overall, the specificity of this commitment is medium: most activities, other than activities 3.5 and 3.6 (which clearly indicate which datasets will be published, in what format, and where), do not always identify the specific data to be published.

If implemented as written, this commitment would have a minor potential impact. Though opening more datasets will improve access to public data, especially impactful for data regarding the Association Agreement, activities covered in this commitment do not sufficiently tackle the list of problems data users have identified with the current system. This commitment does not address the availability or quality of datasets, and does not include measures to improve government practices around information requests, both of which have been reflected in this commitment's potential impact assessment. A more transformative commitment would be to adopt the Open Data Charter principles⁵ to improve existing open data policy and management and create opportunities for civic participation in the development and implementation of open data policy.

Completion

Between December 2016 and December 2017 it was uncertain who the coordinator of the Open Data Portal was, and a decision on this is still pending. The State Chancellery became the main coordinator of OGP activities in December 2016, however, the E-Government Center remained responsible for the management and maintenance of the portal. At the time of writing, no institution is monitoring the open data published on the Open Data Portal. Additionally, the list of government authorities responsible for posting data on the portal was not updated after the government reorganization in 2017, possibly hindering implementation. Overall, completion is limited.

The publication of geospatial data on geoportal.md is limited (3.5). The Agency for Land Relations and Cadastre is currently developing the catalog of geospatial open data, with plans to launch in mid-2018, and is transferring the current geospatial data platform, geoportal.md, to a new platform, developed according to the EU's Inspire standards.⁶ Once launched, all public institutions⁷ in charge of developing geospatial data will continuously update data in this catalog in order to avoid duplicate information and promote effective access to information. However, in 2017 several Government Decisions were adopted to support the implementation of the national spatial data infrastructure (NSDI) law no. 254 of 17 November 2016.⁸ This legislative framework will allow the development and implementation of NSDI in the Republic of Moldova.

The IRM researcher has verified that the National Regulatory Agency for Electronic Communications and Information Technology has fully published and updated the four datasets (as indicated in the action plan) on data.gov.md (3.6).

The Ministry of Economy (MoE) and the Ministry of Foreign Affairs and European Integration (MFA) have not started the implementation of this commitment activity (3.7). Although MFA published implementation reports on the Association Agreement⁹, the ministries have not posted any relevant data in open format on data.gov.md.

The Ministry of Culture was responsible for publishing 10 open datasets on the culture sector on data.gov.md (3.8); however, the IRM researcher was unable to track the activity of the institution after it was integrated with the Ministry of Education and Research in the summer of 2017. Furthermore, the datasets are not currently available on the open data portal.

The Agency for the Law Courts Management¹⁰ has made progress to improve the National Portal of Law Courts (3.9). The portal is now aligned with the Law no.76 on the reorganization of the law courts, thereby reducing the number of law courts portals from 44 to 15 webpages.¹¹ According to the Government, in 2017 the National Portal of Law Courts was also adjusted to the provisions of art. 56.2 par. (3) of the Law no. 514 of 6 July 1995 on judicial organization and legislation on the protection of personal data. In this respect, the search criteria for court judgments placed on the web pages of the courts of law and courts of appeal were updated, adding five basic filters (case number, date of issuance, case name, case topic, and type [criminal, civil, administrative]). Also, a separate search function for court sentences was added by aligning the court portal to the provisions of the regulation on the way in which judgments are published on the single portal of courts, approved by the Decision of the Superior Council of Magistracy no. 432/19 of 21 June 2016. However, due to the vague formulation of this commitment activity, it is unclear what is meant by "relevant user and legal propositions"¹² and IRM cannot assess the level of progress due to the lack of a baseline in the action plan.

The self-assessment states that between 13 and 17 September 2017 MiLab organized an Open Data School and consulted a community of journalists and civic activists to identify their open data needs (3.10).¹³ However, the relevance of the resulting published articles to the activity's objective is unclear. The MiLab representatives were not aware of any other planned consultations on this topic, besides the Open Data School, and described it not as a consultation exercise per se but a capacity building one.¹⁴ Without more information on the planned public consultations, the IRM researcher is unable to assess this activity's completion higher than limited. The Government has however organized several events relevant for this commitment in 2018, which will be reflected in the end-of-term report.

In 2017, according to the self-assessment, 978 datasets were published by 48 public authorities (3.11). The number of datasets referenced is likely the cumulative number of datasets published at the time of writing, and not the specific number published within the timeframe of this commitment. According to the Open Data Portal, 28 new datasets were

published and 198 datasets were updated in 2017. Since the action plan did not indicate specific datasets, or a target number of datasets to open and update, the IRM researcher was unable to assess if any progress has been made.

At the time of writing, the State Chancellery has not begun implementing this commitment activity (3.12). According to the date.gov.md statistics, the State Chancellery did not post any datasets in 2017 using the PlanPro¹⁵ monitoring tool. The government has however published a report on its 2016 activity on the official webpage of the Government of the Republic of Moldova. The report contains general information on the national action plans.¹⁶

Next Steps

This commitment's implementation should be continued in the remaining period of the action plan cycle. If carried forward into the next action plan, however, the IRM researcher suggests the government modify this commitment based on the following recommendations:

- Open datasets based on user demand and not only on the priorities of the governmental agencies. To ensure users' open data and information needs are being identified, the government should consider organizing consultations and communication mechanisms with data users.
- Establish a point of contact at the State Chancellery with the specific role of providing support for data users, allowing them to report central public authorities that refuse to disclose government-held public information without justification or with false justification. Additionally, the government should establish a mechanism through which these cases can be resolved.
- Improve the efficiency of processing public information requests by eliminating the requirement for written requests for public information (versus requests by phone or email).
- Consider releasing all data "free of charge"¹⁷ in accordance with the Open Data Charter principle.
- Clarify the exact responsibilities of each entity involved in the coordination of open data policy. Ensuring a de facto monitoring of the open data initiative would hold central public authorities accountable. The government institutions responsible for the publishing of specific open datasets should provide a detailed timeline.
- Include civil society engagement and public debate before and during the drafting of laws and policies to implement the Association Agreement, and encourage civil society and independent experts to utilize open data to monitor implementation.

¹ Government Decision no.700 of 25.08.2014 on approving the design (conception) of the governmental open data principles, paragraph 1, section 1 named the description of the situation: <http://lex.justice.md/md/354533/>; see also Government Decision No.710 of 20.09.2011 on the approval of the Strategic Program on technological modernization of governance (e-Transformation); sub-point 23, point 4.1 of Part 4 of this Decision on Measures for Achieving Objectives: <http://lex.justice.md/md/340301/>

² *Ibid.*

³ Government Decision no. 700 of 25.08.2014.

⁴ Open Data Barometer: Moldova, http://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=MDA

⁵ Open Data Charter, <https://opendatacharter.net/>

⁶ European Commission, Inspire Knowledge Base, <https://inspire.ec.europa.eu/>

⁷ According to the Agency for Land Relations and Cadastre, civil society and private institutions will also create geospatial data in the future.

⁸ Government Decision no. 737 of 15 September 2017 on approving the Regulations of norms for creation spatial data services and terms of implementation; Government Decision Nr. 738 of 15 September 2017 on approving the Regulations of norms for creating and updating the metadata for spatial data sets and services;

Government Decision Nr. 458 of 22 June 2017 on responsibilities of public entities on spatial data sets;
Government Decision Nr. 459 of 22 June 2017 on Council of national spatial data infrastructure

⁹ Ministry of Foreign Affairs and European Integration, <http://www.mfa.gov.md/rapoarte-aa/>

¹⁰ The Ministry of Justice is indicated in the action plan as the implementing agency for this sub-commitment, however the Agency for the Law Courts Management was indicated by the Ministry as the responsible entity. This has been indicated to the IRM researcher through personal communication with D.Pocitar-Poparcea (Ministry of Justice) on 15 January 2018.

¹¹ Action plan implementation report, provided by email from the Ministry of Justice, 13 December 2017.

¹² Moldova National Action Plan 2016-2018, <https://www.opengovpartnership.org/documents/moldova-national-action-plan-2016-2018>

¹³ Government of the Republic of Moldova, Self-Assessment report, https://www.opengovpartnership.org/sites/default/files/Moldova_Mid-Term-Self-Assessment_2016-2018_EN.pdf

¹⁴ MiLab team (I. Frunza, M.Gurghis, D.Belan), group interview, 19 December 2017.

¹⁵ The PlanPro monitoring tool, www.monitorizare.gov.md

¹⁶ <https://gov.md/ro/content/premierul-pavel-filip-avand-o-directie-clara-si-lucrand-cu-seriozitate-republica-moldova?status=2>

¹⁷ Open Data Charter Principles, <https://opendatacharter.net/principles/>

4. Participative policy-making process

Commitment Text:

Title: Ensuring a participative decision-making process for drafting and promoting draft normative acts and policy documents

4.1. Promoting the e-Legislation system as a new public consultation mechanism in order to involve citizens more actively in the drafting of normative acts

4.2. Implementing a communication mechanism between public institutions and potential beneficiaries of grants at the early stages of the development of annual subsidy regulations

Responsible institution: Ministry of Justice, the Agency for Intervention and Payments for Agriculture (AIPA)

Supporting institution(s): None

Start date: 4th quarter 2016

End date: 1st quarter 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4. Participative policy-making process			✓		✓	✓		✓		✓			Yes		✓		

Context and Objectives

In 2012, the Government launched a platform (particip.gov.md) to consult citizens on different legislative documents. The platform hosts public consultations on a variety of topics, and acts as a central location for information on all bills promoted by the central public authorities. However, many civil society stakeholders¹ consider that the utility of the platform is low because the platform is not adequately promoted and information is not sufficiently circulated, meaning citizens are not aware of what bill is being promoted and when. Government agencies and ministries “post on the platform, they wait for feedback [from citizens], and when no feedback is received they complain about low participation,” says the interviewee from the Independent Press Association.²

Additionally, there is no genuine offline consultation mechanism. According to interviewed CSO stakeholders,³ ministries invite pro-government CSOs to public consultations but rarely invite stakeholders outside of the usual suspects. Although public consultations are always announced by the Ministry of Justice (or by any other relevant ministry), civil society and mass media⁴ believe that announcements are often short notice on purpose, limiting the participation of external stakeholders.

In 2016, the Ministry of Justice launched the pilot E-legislation system. Currently this system is only accessible to employees of central public authorities involved in the legislative process, and is not available for public comment.⁵ This first commitment activity aims to

improve public participation in the drafting and policy-making process by promoting the new e-legislation system.

During the development of annual subsidy regulations, the Ministry of Agriculture and the Agency for Intervention and Payments in Agriculture (AIPA) organizes consultations with farmer associations. Additionally, local/territorial associations organize discussions and consultations with the farmers and all proposed recommendations are collected and submitted to the governmental authorities. The second commitment activity aims to implement a communication mechanism between public institutions and potential beneficiaries of grants that can be utilized during this process. Both commitment activities meet the OGP value of civic participation, by providing new opportunities for the public to influence decision making.

Although the action plan unambiguously mentions the promotion of the e-legislation system as its objective, it is understood that this commitment is linked to the 2011–2016 Justice Sector Reform Strategy,⁶ which provides a specific framework for the system's aims. As written, the goal is to 1) make all stages of the legislative procedure visible to the stakeholder and to the public; 2) make the system more effective; 3) create an efficient collaboration mechanism between stakeholders; and 4) launch a public consultation mechanism to promote active participation in the legislative process. While the commitment text does not state how the e-legislation system will interact with particip.gov.md, if at all, its activities are verifiable. Since the communication mechanism concerning annual subsidy regulations is also objectively verifiable, the overall specificity of this commitment is medium.

Overall, the potential impact for this commitment is minor. Some interviewed stakeholders⁷ stated that such a consultation mechanism would represent a major change to the current system. However, as written, it is not clear how the e-legislation system will significantly improve upon particip.gov.md without addressing the low awareness and engagement of citizens and the fact that ministries are not required to provide feedback on citizens' input. Similarly, with regards to the second commitment activity, developing a consultation mechanism for potential beneficiaries of grants only represents an incremental change compared to AIPA's pre-existing practice of organizing consultations with farmer associations.

Completion

Overall, the completion of this commitment is limited. The Ministry of Justice (MoJ) launched a public tender on 13 January 2017 in order to add a public commenting function to the e-legislation system.⁸ However, no bids were submitted, thereby canceling the public procurement process. MoJ plans to re-start the tender in 2018. The IRM researcher interviewed civil society and mass media stakeholders who said they were not aware of the e-legislation system or plans to make it public.

In 2017, the Ministry of Agriculture and Food Industry did not begin to develop a communication mechanism for public institutions and potential beneficiaries of grants. However, AIPA, the other implementing agency, launched an online chat in September 2017, which is monitored by the director of the Agency.⁹ Any beneficiary can use the chat at any time; if the director is offline, messages are saved and sent to the inbox. As such, the completion for this commitment activity is also limited.

Next Steps

The IRM researcher recommends this commitment be retained in future action plans until it is fully completed. However, the formulation of the actions should be more specific and include measurable indicators. The government should include the participation of citizens and civil society in the development of the e-legislation public component concept. Once the public component has been developed, the government should organize a broad-reaching

dissemination to ensure different stakeholders are aware of, and use, the e-legislation platform.

¹ D. Alaiba, CPR NGO, Skype interview, 29 December 2017; T. Savva, Expert-Grup NGO, Interview 21 December 2017.

² P. Macovei, API, media NGO, telephone interview, 10 January 2018.

³ A.Radu, journalist ZdG, personal communication, 20 December 2017; T. Savva, Expert-Grup NGO, personal communication, 21 December 2017.

⁴ A.Radu, journalist ZdG, personal communication, 20 December 2017; D. Alaiba, personal communication, 29 December 2017; T. Savva, 21 December 2017.

⁵ The e-legislation system, <http://elex.justice.gov.md/>

⁶ The law, <http://lex.justice.md/md/341748/>

⁷ A.Radu, journalist ZdG, personal communication, 20 December 2017; T. Savva, Expert-Grup NGO, personal communication, 21 December 2017; D. Alaiba, CPR NGO, personal communication, 29 December 2017; T. Savva, Expert-Grup NGO, 21 December 2017, E. Chirilenco, European Business Association, personal communication, 22 December 2017.

⁸ T. Bucur, Ministry of Justice, Center for Legal Information, personal communication, 15 January 2018.

⁹ M. Podubnyi, Informational Technologies Department, AIPA, personal communication, 22 December 2017.

5. Public sector evaluation

Commitment Text:

Title: Ensuring transparency on performance data for public authorities, streamlining monitoring and responsiveness in the public sector

5.1. Developing a Scorecard and periodically updating it to allow monitoring and evaluation by the Government, citizens, donors, etc. the progress and efficiency of reforms in the various branches of public administration, the performance of public authorities, the level of fulfillment of the commitments assumed in the policy documents

5.2. Launch of the Public Sector Scorecard for three areas of central public administration reform

- *5.2.1. Drafting and approving a governmental decision on institutionalizing the responsibilities of public institutions related to data provision and periodic review of progress*

5.3. Launch of the Scorecard for the public and updating it periodically

5.4. Regularly updating the Scorecard and managing the assessment processes, at least quarterly, for the reform areas included in the fiche and for those to be included

Responsible institution: State Chancellery

Supporting institution(s): Central Public Authorities

Start date: 1st quarter 2017¹

End date: 2nd quarter 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Public sector evaluation			✓		✓	✓		✓			✓		No		✓		

Context and Objectives

In the past decade, Moldova has made significant progress in reforming its public administration.² However, challenges remain especially with regards to the high level of corruption in the public services sector. In 2016, Moldova received a score of 30 out of 100 (0 being highly corrupt) on Transparency International's Corruption Perceptions Index. According to the US State Department, bureaucratic red tape stretches out the duration of procedures, such as receiving permits (construction, refurbishment works, etc.) and registering businesses, and creates opportunities for government officials to take discretionary decisions, thus creating more room for abuse and corruption.³

This challenge of corruption in the public services sector is further compounded by a general lack of trust in government in Moldova. According to the 2016 Global Corruption Barometer on Europe and Central Asia, two thirds of Moldovans rate corruption as a major

problem in their country.⁴ Similarly, a 2017 Institute for Public Policy Public Opinion Poll⁵ found that 45 percent of respondents stated that they do not trust the government at all.

In order to address perceptions of corruption in the public services sector, the State Chancellery committed to developing, launching and regularly updating a Public Sector Scorecard. The development of a scorecard was originally set out in the Public Administration Reform Strategy 2016–2020⁶ and further elaborated upon in this commitment. The Scorecard is intended to be a tool for monitoring government agencies on their progress and efficiency in (1) implementing administrative reforms in “three central areas,” (2) implementing policy documents, and (3) rating the performance of public authorities.

The specificity of this commitment is medium: it outlines the steps needed to launch the Scorecard, including getting the necessary governmental approval to institutionalize data provision and periodic review of progress. However, the commitment text does not identify the “three central areas” for administrative reform to be evaluated in the Scorecard, nor is it clear which government authority will be responsible for the Scorecard assessments and updates.

As written, this commitment is relevant to Access to Information and Technology and Innovation for Transparency and Accountability because it aims to increase transparency of public authorities’ performance and activities by developing a technology (the Scorecard) that makes their assessment publicly available. The commitment text includes reference “to allow monitoring and evaluation by the Government, citizens, donors, etc.” of the Scorecard, which will be accessible through a dedicated website as well as through discussions organized by the State Chancellery with civil society representatives. The Scorecard methodology itself also provides for the organization of annual meetings with representatives of civil society to provide feedback.

Provision of public administration activity reports for corruption-prone areas is not a new development in Moldova. Public administration bodies provide activity reports on areas that have been specifically targeted and criticized by the media, CSOs or the donor community.⁷ Additionally, some opportunities already exist for citizens to provide complaints and feedback to ministries through particip.gov.md and the main webpage of the State Chancellery⁸ which lists a “hotline” number for complaints. However, the extent to which those are received and/or incorporated is unclear because ministries are not obligated to respond to citizen comments.⁹ If fully implemented, this commitment could have a moderate potential impact on improving the transparency of public administration reforms and public agencies’ performance because the commitment activities include a provision for institutionalizing responsibilities for data collection on performance and committing resources to providing regular and publicly accessible updates via the Scorecard. A more transformative commitment, however, would utilize this new information to create a mechanism for initiating change or instituting consequences for public authorities that ‘fail’ the Scorecard criteria.

Completion

Overall, the completion of this commitment is limited. The implementation of the Scorecard-related activities was delayed due to a re-assignment of institutional ownership for commitment implementation from the State Chancellery to another agency and then re-assigned back to the Chancellery. According to the World Bank short-term consultant¹⁰ working on this project, the Scorecard platform was developed and simulated toward the end of 2017. Internal, one-pager reports were provided to the Government and data was collected as part of a Scorecard platform simulation exercise in the second part of 2017.¹¹ When launched, the Scorecard will include indicators covering three priority areas: business

environment, social issues and public administration reform, and will include additional areas in the future. The launch of the platform is planned to take place in May 2018.¹²

Most civil society stakeholders, as well as governmental stakeholders interviewed by the IRM researcher between November 2017–January 2018 were not aware of the development of the Scorecard, nor the expected launch date. Additionally, the timeline in the action plan lists the end date for the Scorecard’s launch before the end date of the Scorecard’s development, making it difficult to assess whether the commitment is on schedule.

Finally, the IRM researcher would like to note that the government published an information note and a related legislative proposal in February 2018 explaining the aim, methodology, and responsibilities of different institutions in the Scorecard evaluation process. Since these documents were published well outside the scope of this report, they will be assessed as part of commitment implementation in the Year 2 report.

Next Steps

The IRM researcher recommends this commitment be retained in future action plans until it is fully complete. However, the government should be more transparent about the scorecard development process and inform society on how the instrument functions, and its added value.

Also, it should invite feedback from the public, creating a feedback mechanism to allow collecting input and track government follow ups. Since the scorecard will include only three priority areas, the public should be given the opportunity to propose other priority areas to be included in the future.

¹ In the action plan the timeline and completion dates are inconsistent. According to the plan - <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=368355> – the development of the scorecard was planned for the 1st quarter 2018, however, the institutional launching and the public launching were planned for the first 6 months of 2017.

² Public Administration Reform, <http://documents.worldbank.org/curated/en/406511503626440012/pdf/Moldova-MGSP-PAD-08032017.pdf>

³ US State Department (2017). Investment Climate Statement <https://www.state.gov/e/eb/rls/othr/ics/investmentclimatestatements/#wrapper>

⁴ US State Department, https://files.transparency.org/content/download/2039/13168/file/2016_GCB_ECA_EN.pdf

⁵ Institute for Public Policy, <http://ipp.md/old/lib.php?l=en&idc=156>

⁶ The law, http://lex.justice.md/UserFiles/File/2016/mo459-471md/plan_1351.doc

⁷ Ibid.

⁸ Government of the Republic of Moldova, <http://cancelaria.gov.md/ro>

⁹ Rusu, Constantin. (Legal Services Consultant), in discussion with IRM staff, 14 May 2018.

¹⁰ V.Cretu, Open Government Institute, personal communication, 13 December 2017

¹¹ While the IRM researcher was aware of these reports, she did not have access to them.

¹² V. Cretu, Open Government Institute, personal communication, April 2017.

6. Ensure quality of service delivery

Commitment Text:

Title: Ensuring the delivery of quality public services through process reengineering and optimizing the process of delivering public services

6.1 Reengineering / modernization of the public services in the field of social protection, namely the implementation of the e-Demand service for the allowances granted to families with children

6.2. Developing the online submission system for subsidy files in agriculture

6.3. Farmers' training on the use of the online submission system for grant dossiers, registries and other relevant information systems in the sector according to the annual internal training plans

6.4. Implementing the Cabinet of the economic agent as a mechanism for interaction with the economic agent, with the following functions:

- *possibility of generating reports for the economic agent;*
- *electronic mail;*
- *the mechanism for submitting documents in electronic format and digitally signed*

Responsible institution: National Social Insurance Agency; Agriculture Intervention Agency and Payments Agency (AIPA); Ministry of Finance (Customs Service)

Supporting institution(s): E-Government Center

Start date: 4th quarter 2016
2018

End date: 2nd quarter

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Ensure quality of service delivery			✓		Unclear					✓			No		✓		

Context and Objectives

In September 2016, the government approved the Modernization of Public Services Reform to improve the access, efficiency, and quality of government services.¹ This project will be implemented by the State Chancellery and funded by the World Bank.² This commitment aims to support the implementation of this four-year reform strategy.

Specifically, the goal of this commitment is to 1) modernize social protection public services by implementing the new e-Demand service, 2) develop an online submission system for subsidy files in agriculture and train farmers on how to use it, and 3) implement a mechanism for interacting with economic agents. The online system will make the submission of subsidy files in agriculture more efficient, avoiding travelling to the capital city for this purpose.

However, the National Farmers' Federation considers that a more important step in this process should be to streamline the paperwork needed for submission, and eventually to reduce it, as well as to more clearly communicate to farmers what exactly they need to submit.³

The e-cabinet of the economic agent is a digital application to be included in the general inter-operability platform,⁴ although a separate server for it also exists. The request to introduce such a system (e-cabinet) came from the business sector. The e-cabinet will make the customs-related processes more efficient for business entities, as there will be no need to submit the same paperwork for each activity, but rather it will allow the customs officers to access the paperwork electronically. This will also help avoid errors and potential corruption.

The specificity of this commitment is medium: the first three commitment activities identify deliverables but the function of the cabinet of the economic agent is ambiguous, as is its relevance to the overall objective. Ultimately, while this commitment optimizes the service delivery processes in various fields, it does not contain a public-facing element which would increase access to information, create opportunities for citizens to influence government decision making, or hold government officials accountable. As such, this commitment is not relevant to OGP values.

If fully implemented, this commitment will have a minor potential impact. Despite the general title of this commitment and its relationship to the expansive public services reform, the actual scope of this commitment is limited to specific services in the fields of social protection, agriculture, and economics.

Completion

The overall completion of this commitment is limited. Although the National Social Services Agency (NSSA) fully implemented the e-Demand service, the implementation for the remaining commitment activities is either limited or not started.

In October 2016, the NSSA launched the e-Demand service, which provides three types of allowances granted to families with children (6.1).⁵ Although the action plan was developed in 2016, the development of this e-Demand service began in 2015. The NSSA, with support from the E-Government Center and MiLab, conducted an assessment of the child allowances application process, which included visits to the territorial offices of NSSA, and conducted a survey among beneficiaries (e.g., parents).

The development of the online submission system of agricultural subsidy applications was initiated in 2017 (6.2). No consultations have taken place with the agricultural associations or with the end beneficiaries, but the launch of the new system was discussed during regular meetings⁶ held by agricultural associations. Although a final concept of the system is not yet available at the time of research, the Ministry of Agriculture and AIPA have announced that the system will be launched in 2018.

The government has not begun implementing the farmers' training on the use of the online submission system (6.3) and the interviewed agricultural association⁷ is not aware of any government plans. The association stated that if there are government-led training programs, the farmers will attend the sessions only if participation is a requirement for subsidy applications.

The E-Cabinet of the economic agent is currently being tested on the developer's (BASS Systems, a local IT company) and the Customs Office training server,⁸ but the launch date of the system is not yet known (6.4). However, the formulation of the commitment in the action plan does not fully reflect the activities planned by the Customs Office, the implementing agency, in 2018 to train staff and disseminate information about the new system via government websites and email. The business association representative

interviewed⁹ by the IRM researcher was not aware of plans to develop and launch the new system. The electronic mail component (as listed in the action plan) is not de facto a component of this system, as it exists as a separate activity of the institution.¹⁰ The report generation function is planned for the future but has not been developed. The IRM researcher organized an online survey to inquire about the outcomes of the e-Demand service implementation between November 2016–December 2017. The results show that many parents are not aware of this e-service, despite the information the NSSA has disseminated via websites, social media, TV and radio channels when the e-system was launched. Parents who have used the service have expressed their gratitude and have also recommended further technical improvements to the platform, e.g. adding an application monitoring instrument, and a child allowance calculator. Using this e-service has reduced waiting time, quickened access to services, and reduced costs for beneficiaries who would otherwise have to travel from rural areas to the NSSA.

Early Results (if any)

The IRM researcher organized an online survey to inquire about the outcomes of the e-Demand service implementation between November 2016–December 2017. The results show that many parents are not aware of this e-service, despite the information the NSSA has disseminated via websites, social media, TV and radio channels when the e-system was launched. Parents who have used the service have expressed their gratitude and have also recommended further technical improvements to the platform, e.g., adding an application monitoring instrument, and a child allowance calculator. The application allows monitoring through an already available *verify status* function. Using this e-service has reduced waiting time, quickened access to services, and reduced costs for beneficiaries who would otherwise have to travel from rural areas to the NSSA. Additionally, according to the E-Government Center, offline users have also benefited from the service implementation with a shorter and simplified experience. According to the government, the e-demand service continues to be improved through a citizen-centric and citizen-driven redesign.

There are no early results for commitment activities 6.2, 6.3, and 6.4.

Next Steps

The IRM researcher recommends for this commitment to be completed in the remaining time of the action plan implementation, and taken forward into the next action plan if more time is needed. Specifically, the government should consider the following suggestions to improve the commitment activities:

- Raise awareness and knowledge of the e-Demand service among the public and relevant stakeholders (6.1).
- Organize TV-based training for farmers on the use of the online submission system, as opposed to internet training, seeing as 74 percent of the population¹¹ use TV, compared to only 46 percent who use the internet. Besides, for 65 percent of the population, TV represents the main source of information, while the internet is the primary source for only 24 percent (6.3).
- Develop tools, such as surveys, to measure user satisfaction and the coverage of the e-Cabinet system (6.4).

¹ The law, <http://lex.justice.md/md/366273/>

² World Bank, Modernization of Government Services in the Republic of Moldova, <http://projects.worldbank.org/PI48537/?lang=en&tab=financial>

³ V.Pojoga, National Farmers Association AgroInform, personal communication, 21 December 2017.

⁴ The platform was developed by the Government as a technical solution which will ensure the exchange of data between the Governmental Agencies, and Ministries, <http://lex.justice.md/md/353238/>

⁵ Bani, e-Demand service, <http://bani.md/serviciul-ecere-indemnizatii-familiilor-cu-copii-a-fost-lansat-cine-sunt-beneficiarii-si-care-sunt-conditiile---81359.html>

⁶ V.Pojoga, National Farmers Association AgroInform, personal communication, 21 December 2017.

⁷ V.Pojoga, National Farmers Association AgroInform, personal communication, 21 December 2017.

⁸ V. Girbu, Customs Office, personal communication, 4 January 2018.

⁹ E. Chirilenco, European Business Association, personal communication, 22 December 2018.

¹⁰ V. Girbu, Customs Office, personal communication, 4 January 2018.

¹¹ According to the 2017 Public Opinion Barometer

V. General Recommendations

In the fourth action plan, the government needs to take steps to improve the ambition of commitments and include actions on public information disclosure and participatory decision making, clearly articulating the institutional responsibility for each commitment.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

In the current action plan the main priorities of the stakeholders included public procurement, open contracting, and budgetary transparency, as well as access to government-held information, transparency of decision making, governmental performance and modernization of services.

Stakeholder priorities for future action plans include the following:

Improve access to information

- Disaggregate governmental agencies' and ministries' budgets
- Monitor government-wide compliance to freedom of information legislation and ensure complaints and requests for information are met within the stipulated timeframe, and make public information free for stakeholders
- Provide contact information for each governmental institution and relevant staff
- Conduct user needs assessment for each institution to determine the usefulness of opened government datasets

Improve public participation

- Promote participatory budgeting at central and local levels facilitating public and expert deliberations on the budget development process
- Organize genuine public consultations on general and sector-specific themes when drafting legislative acts¹, and improve offline opportunities for citizens to participate in policy making²

Improve accountability of the government

- Change the approach to public services by training government staff on open government topics in addition to the modernization of public services and e-government development

5.2 IRM Recommendations

In this section the IRM researcher recommends crosscutting, general next steps for OGP in Moldova.

Increase ambition in commitments

Moldova's national action plan contains eight commitments, five of which are part of broader government reforms (e.g., public procurement system development strategy, justice sector reform strategy, public services reform). While the IRM does not unilaterally discourage this practice, in Moldova's case, the government has not clearly identified their added value to pre-existing efforts, making it difficult to assess the potential impact of commitments. To maximize the effectiveness of the OGP process, the government needs to define the

commitment in terms of the related reform, the identified problem, and the commitment's intended impact on beneficiaries based on the progress made thus far.

Strengthen action plan development and implementation

The government should take steps to increase the visibility of OGP throughout the country. Many governmental and civil society stakeholders interviewed by the IRM researcher are not aware that the OGP process exists. In order to increase awareness and facilitate participation during the development process, the government should proactively communicate, with adequate notice, information regarding the process for action plan development, beyond the governmental webpages.

At the end of year one, the completion level for seven of eight total commitments was limited. Common reasons include the recent government reorganization, causing confusion regarding commitments' coordination and responsibility and cross-cutting issues such as frequent staff turnover, which has also affected institutional memory. In order to address these issues, the government could consider the following:

- Clearly identify institutional responsibility when formulating each commitment.
- Produce a legal or regulatory mandate with clear and specific reference to OGP processes, perhaps within the context of the OECD open government framework. Such a framework could define certain roles and responsibilities for public administration officials who are in charge of day-to-day implementation of commitments.
- Extend the mandate of the multi-stakeholder group to monitor implementation and deliberate on how to improve implementation, in addition to coordinating the development of the action plan. A resource the government could refer to is the OGP Participation & Co-creation Standards.³

Improve open data and public information disclosure

Despite the inclusion of access to information commitments in the current action plan, civil society and journalists are concerned that public information and data are not available or are not made available in spite of the legislation in place. The IRM researcher recommends the following measures. First, the government should establish a mechanism to monitor public information disclosure practices and open data publication practices of government agencies and ministries. This mechanism should also be expanded to local authorities. These actions may require an amendment to the current legislative framework.

Second, the government should consider adopting the Open Data Charter⁴ to ensure public information can be accessed and re-used by the general public, experts, journalists and businesses.

Third, the utility and management of the open data governmental portal (data.gov.md) needs to be improved. A technical assessment should be undertaken to ensure filters and information display are functioning properly on the platform. Additionally, one entity should be formally tasked to coordinate the open data strategy among all government agencies and ministries. Each institution is currently responsible for publishing their own datasets, however, the list of datasets to be opened is not always available or clear. The lack of leadership has also impacted the quality and timeliness of the data posted on the portal.

Fourth, the IRM researcher recommends the government conduct an open data user needs assessment. Based on this assessment, the government should decide upon a standardized, citizen-friendly format for publishing data. Currently, data are still not always published in full open data formats, which makes the access and re-use of data difficult for the stakeholders. The websites of the governmental institutions' data can be difficult to navigate.

Strengthen public participation in decision making processes

Based on the accounts of the interviewed civil society stakeholders and journalists, as well as the online materials consulted by the IRM researcher, public and civil society participation in the development of new bills, public consultations ahead of the drafting of bills (e.g. green papers by ministries or third parties, including NGOs, setting out policy scenarios after conducting context and stakeholder analysis), regulations or policies was fairly limited in 2017. The IRM researcher recommends the government to conduct research on international standards, concerning public participation and organization of public consultations, and develop a national framework. In this context, the International Association for Public Participation⁵ could serve as a guide in the process.

The government should also take advantage of existing participatory tools by improving the structure of particip.gov.md, promoting the platform, and improving offline participation mechanisms outside of Chisinau.

Continue transparency efforts in public procurement

In the next action plan, the government could build on its ongoing efforts to increase public procurement transparency. In addition to continued implementation of MTender, the new e-procurement system, the government should align with international best standards and require the publication of critical procurement documents, such as procurement plans, notices of intended procurements, decisions of tender commissions, contracts, etc., and specify their publication in open format.

Furthermore, in the content of MTender's implementation, the limited human and financial resources at the local level could likely become an impediment to digitizing the procurement process. In addition to developing clear offline and online training activities, the government could also consider expanding the coverage of its training sessions to target relevant employees of local authorities.

Table 5.1: Five Key Recommendations

1	Increase ambition in commitments
2	Strengthen action plan development and implementation
3	Improve open data and public disclosure information
4	Strengthen public participation in decision-making processes
5	Continue transparency efforts in public procurement

¹ Information about consultations should be disseminated with enough advance notice to allow for the participation of all interested stakeholders, even those outside Chisinau.

² Only 24 percent of the population use the internet as a primary source of information.

³ OGP Participation and Co-creation Standards, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>

⁴ Open Data Charter, <https://opendatacharter.net/>

⁵ International Association for Public Participation, <https://www.iap2.org/>

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

The IRM researcher initiated the research in November 2017 by trying to identify the relevant agencies and persons, who have participated in the open government action plan implementation. This was necessary due to the loss of institutional memory in many of the entities involved, following the government restructuring in summer 2017. This process was followed by the organization of 24 face-to-face interviews and meetings, 22 telephone or Skype interviews and conversations and 16 email conversations between 20 November 2017 and 19 January 2018. Due to the extended winter holiday² schedule in Moldova, the

organization of meetings and interviews was greatly impacted. The researcher spoke to 16 civil society representatives or groups, 2 academics, 4 private sector representatives, and 23 government agencies and ministries. She also organized a group interview with six journalists from a national investigative newspaper, discussing access to public information and the practice of various governmental agencies in disclosing information from the financial, cultural, educational, labor and social protection, health and other sectors.

She maintained regular email and telephone communication with the focal point from the State Chancellery, which is the institution responsible for the action plan implementation and monitoring.

The following criteria were used, when selecting the stakeholders:

- They have participated in the development of the current plan
- They have monitored or engaged in OGP-related activities in Moldova
- They were key stakeholders for specific commitments

Each meeting and interview was recorded on a digital device, and the recordings were transcribed and saved on a separate digital drive, and stored in a protected area in the personal office of the researcher. Two governmental stakeholders refused to be recorded; on those occasions handwritten notes were taken. Additionally, notes were taken during each phone, face-to-face, or Skype interview or meeting.

Survey-Based data

The IRM researcher carried out an online survey using the surveymonkey free online platform (<https://www.surveymonkey.com/r/3C9PLZZ>). The survey focused on milestone 8.1, the implementation of the e-Demand service for child allowance. The survey was launched on 2 January 2018 and reposted on 9 January in *Ask a Mom* and *Dear Woman* Facebook groups. According to the 2017 Public Opinion Poll, Facebook is the most used social network in Moldova. The survey was also shared by other Facebook groups members. Three people took the survey and four replied to the survey questions via chat. The results were integrated into the report.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

² Holidays in Moldova, <https://www.timeanddate.com/holidays/moldova/>

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.¹ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Moldova

Criteria	2011	Current	Change	Explanation
Budget Transparency ²	No data	No data	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information ³	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁴	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (7.94) ⁵	3 (7.35) ⁶	Change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	12/12 (100%)	11/12 (92%)	Change	75% of possible points to be eligible

¹ For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

² For more information, see Table I in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

³ The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>.

⁴ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDEFK>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), <http://bit.ly/1clokyf>. For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>.

⁵ "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), <http://bit.ly/eLC1rE>.

⁶ "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), <http://bit.ly/18kEzCt>.