

Independent Reporting Mechanism (IRM): Republic of Moldova End-of-Term Report 2016–2018

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Table of Contents

Overview: Republic of Moldova	2
About the Assessment.....	6
Commitment Implementation.....	8
1.a Increase public procurement transparency.....	9
1.b Increase knowledge of public procurement process.....	15
2. Ensure budgetary transparency	19
3.a Open data in education sector	23
3.b Public government-held open data	27
4. Participative policy-making process	33
5. Public sector evaluation.....	36
6. Ensure quality of service delivery.....	39
Methodological Note	43

Overview: Republic of Moldova

Independent Reporting Mechanism (IRM) End-of-Term Report 2016 - 2018

The Government of the Republic of Moldova has fully or substantially implemented half of the action plan commitments. Three had a major impact on opening government, such as the launch of a fully transparent new public procurement e-system. Moving forward, it is crucial for the government to focus on commitments that can ensure opening the government and creating opportunities for civic participation.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarizes the results of the period January 2018–December 2018.

The State Chancellery is the responsible entity for the open government agenda. For the 2016-2018 action plan, the Chancellery delegated some responsibilities to the E-Government Center (founded by the State Chancellery in 2010 and renamed the Moldovan E-Government Agency in May 2018¹). The E-Government Center, hereafter known as the E-Government Agency, together with the State Chancellery, was also in charge of the OGP 2016–2018 action plan co-creation process with support from the Open Government Institute, a local non-governmental organization (NGO). The approval of the OGP action plan² on 28 December 2016 confirmed the institutional arrangements for OGP. As of January 2017, the State Chancellery³ was named responsible for OGP activities,⁴ establishing an OGP point of contact.

Civil society representatives were involved in the action plan development, however, there was no forum in place to monitor the implementation. A total of 16 institutions (central ministries and agencies) were assigned to implement the action plan.⁵ However, in 2017, the Moldovan Government underwent a reorganization, resulting in fewer ministries (from 16 to 9).⁶ Some ministries relevant to the implementation of the OGP action plan were merged, and some responsible persons were re-assigned, making it difficult to follow or assess the implementation of certain milestones. One of the highlights was the introduction of an e-procurement system fully open to the public, which would be used by all public authorities, and would link information from the planning through the awarding of the contract.

Table 1: At a Glance		
	Mid-term	End of term
Number of Commitments	8	
Level of Completion		
Completed	0	2
Substantial	1	2
Limited	7	4
Not Started	0	0
Number of Commitments with...		
Clear Relevance to OGP Values		
Transformative Potential Impact	0	0
Substantial or Complete Implementation	1	4
All Three (☺)	0	0
Did It Open Government?		
Major		3
Outstanding		0
Moving Forward		
Number of Commitments Carried Over to Next Action Plan		4

Since the implementation of the 2016–2018 action plan was delayed by six months and some commitment activities were to be completed in the fourth quarter of 2018, the current implementation period ended on 31 December 2018. However, the government did not request an official extension from OGP. The research for this IRM report covered the period until November 2018. The government published its End-of-Term Self-Assessment Report in January 2019 on the OGP and on the Chancellery website in early March 2019.

In April 2018, the General Secretariat of the Government created the Coordination Committee for Open Government⁷ as the permanent dialogue mechanism 4+4 (involving both government and civil society representatives) for developing the 2019–2020 action plan.⁸ The committee initiated the development of Moldova's fourth action plan in May 2018⁹ through consultations with relevant governmental stakeholders and the final action plan draft was published online on particip.gov.md¹⁰ for public consultations on 7 September 2018¹¹ and republished on 24 October 2018¹². The government approved the action plan on 28 November 2018¹³ and formally submitted it in December 2018. It includes six commitments, some of which build off of the 2016–2018 commitments, while others are new, and covers the modernization of public services, strengthening the accountability of public authorities, ensuring transparency of public procurement and budgeting, ensuring access to information and promoting the use of open data by citizens, as well as new areas like strengthening collaboration with civil society and involving diaspora in decision-making processes.

¹ The Governmental Decision no.414, <http://lex.justice.md/md/375459/>. The Decision was published in the Official Gazette on 18 May 2018, <https://www.monitorul.md/monitor/v-2040-v/>

² The Governmental Decision no. 1432 Republic of Moldova, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=368355>

³ The State Chancellery is the Government Apparatus, organized and functioning based on Government Decision no.657 of 6 November 2009. Although founded by the State Chancellery, the E-Government Center (the body previously responsible for OGP activities) and the State Chancellery are two separate institutions that operate independently of each other.

⁴ Since the E-Government Center's e-transformation program financial assistance ended in 2016, the open data position was also eliminated.

⁵ 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). 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.

⁶ The government reorganization, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=370968>

⁷ The Coordination Committee for Open Government, <https://cancelaria.gov.md/ro/apc/comitetul-de-coordonare-pentru-o-guvernare-deschisa>

⁸ The 2019-2020 action plan, <http://www.egov.md/ro/communication/news/participa-la-crearea-planului-de-actiuni-pentru-o-guvernare-deschisa-pentru-anii>

⁹ Information provided via email by the State Chancellery OGP Contact Point, Natalia Bejenar, on 31 October 2018.

¹⁰ The government's consultations webpage.

¹¹ The government's consultations website: <http://particip.gov.md/proiectview.php?!=ro&idd=5718>

¹² The government's consultations website: <http://particip.gov.md/proiectview.php?!=ro&idd=5846>

¹³ The Governmental Decision no. 1172 Republic of Moldova, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=378313>

Consultation with Civil Society during Implementation

Countries participating in OGP follow a process for consultation during development and implementation of their action plan. There was no consultation forum in place during the implementation period. There were consultations organized with civil society in the context of specific action plan activities, however, there was no mechanism in place to ensure the monitoring of the action plan implementation. After the development of the 2016-2018 action plan, and its approval on 29 December 2016, the Open Government Working Group that had convened and functioned as a multistakeholder forum ceased meetings.

The Coordination Committee for Open Government 4+4 served as the multistakeholder forum for the development of Moldova’s 2019–2020 action plan and it is foreseen that the committee will also oversee implementation of that plan.

Table 2: Consultation during Implementation

Regular Multistakeholder Forum	Midterm	End of Term
1. Did a forum exist?	Yes	No
2. Did it meet regularly?	No	No

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.¹ 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 Implementation of Action Plan		Midterm	End of Term
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		✓

¹ For more information on the IAP2 Spectrum, see

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. 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 judgment 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.²
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, Moldova’s action plan did not contain any starred commitments. At the end of term, based on the changes in the level of completion, Moldova’s action plan did not contain any starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Moldova, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture changes in government practice, the IRM introduced a new variable “Did It Open Government?” in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- **Worsened:** Government openness worsens as a result of the commitment.
- **Did not change:** No changes in government practice.
- **Marginal:** Some change, but minor in terms of its effect on level of openness.
- **Major:** A step forward for government openness in the relevant policy area but remains limited in scope or scale.
- **Outstanding:** A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed

in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the timeframe of the report.

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

² The International Experts Panel changed this criterion in 2015. For more information, visit <http://www.opengovpartnership.org/node/5919>.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarize the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the ‘Did It Open Government?’ variable. For further details on these commitments, please see the Moldova IRM progress report December 2016–December 2017.

Moldova’s third action plan was linked to existing reforms and other existing action plans, and the six commitments focused on public procurement procedure, open data, e-government, and modernization of public services and public sector evaluation. However, for IRM reporting purposes, the commitments were reorganized from six to eight. Thus, Commitment 1 was reorganized into Commitments 1a (the first four activities) and 1b (the last three activities); and Commitment 3 was reorganized into Commitments 3a (the first four activities) and 3b (the following nine activities).

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1a. Increase public procurement transparency			✓		✓		✓			✓			✓							✓	
1b. Increase knowledge of public procurement process			✓		✓		✓			✓				✓						✓	
2. Ensure budgetary transparency				✓	✓					✓				✓				✓			
3a. Open data in education sector			✓		✓		✓			✓				✓						✓	
3b. Publish government-held open data			✓		✓	✓	✓			✓				✓					✓		
4. Participative policy-making process			✓		✓	✓	✓			✓				✓					✓		
5. Public sector evaluation			✓		✓	✓	✓			✓				✓					✓		
6. Ensure quality of service delivery			✓		Unclear					✓				✓					✓		

I.a 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 Institutions: Ministry of Finance and the Public Procurement Agency

Supporting Institutions: State Chancellery [E-Government Agency]; Central Public Administration Authorities

Start Date: December 2016

End Date: 2nd quarter 2018

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

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
I.a. Increase public procurement transparency			✓		✓		✓				✓			✓							✓	

Commitment Aim:

This commitment aimed to ensure a more efficient management of public resources through more transparent public procurement. Previously, the transparency of public procurement processes was

low as procuring entities (contracting authorities, as defined in Article 12 of the Law on Public Procurement¹) were not required to publish or provide full public access to all procurement documents and stages. A 2015–2017 monitoring activity conducted by the NGO IDIS Viitorul showed that the level of public procurement transparency was low for the majority of the 60 local communities and 32 districts monitored.² The activities outlined in this commitment were originally included in the Public Procurement System Development Strategy 2016–2020³, and were also subsequently included in the OGP action plan.

Status

Midterm: Limited

Due to the late approval of the action plan, implementation of this commitment by the midterm was limited. Milestone 1.1 was assessed as completed with ongoing migration of data from the private field of the previous e-procurement system (SIA RSAP) to the public areas in the Public Procurement Agency. The same information was also presented in a citizen-friendly version on opencontracting.md. This webpage was developed with the support of the World Bank in an attempt to provide an interactive presentation of key contracting data collected by the Public Procurement Agency.⁴

Though the new e-system could have been used by any authority, the Ministry of Finance (MOF) tested⁵ the new e-procurement system (MTender) for low-value public procurement contracts as of January 2017 (Milestone 1.3) within its subordinate authorities (the Public Procurement Agency, State Tax Service, Customs Service, and Financial Inspectorate). The use of the MTender system was on a voluntary basis for public entities outside the MOF as the legal framework that would make MTender mandatory for all public procuring entities was still being developed during the first year of implementation of the action plan. The legal acts to enforce the MTender system were submitted for public consultations in December 2017. The launch of the new e-procurement system MTender was planned for 2018.

End of term: Complete

As written, this commitment is considered complete.

The new e-procurement system (Automated Information System “State Public Procurement Register (MTender),” called MTender) has replaced the old e-procurement system (Automated Information System “State Public Procurement Register, called SIA RSAP) by law. Therefore, Milestone 1.1 has become obsolete as the old SIA RSAP information system is not used anymore, as it did not comply with the technical requirements of the updated legislation. The old system will be used only for the finalization of procurement procedures initiated before 1 October 2018, while the new e-system became mandatory as of October 17. The interviewed expert from local NGO IDIS Viitorul explained that although a World Bank project provided support to develop an interactive public procurement visualization platform that included additional functions, called opencontracting.gov.md, the system was functioning as an e-registry and not a transactional system, and the information was not provided in real time.⁶ The data from this system will be kept as a historical database but will not be integrated into MTender due to the different data format used. The opencontracting.gov.md page is not being updated any longer as currently the MTender system includes at the moment the majority of the information regarding public procurement processes⁷.

Extending the application of the MTender public procurement system to all public authorities (Milestone 1.4) required the passage of several legal acts. In this sense several government decisions were issued: Government Decision no. 705 of 11 July 2018 on the Technical Concept of the Automatic Informational System “The State Registry of Public Procurement” (MTender)⁸ published in August 2018 in the Official Gazette, Government Decision no. 985 of 10 October 2018 on the accreditation of the electronic procurement platforms of the Automatic Informational System “The State Registry of Public Procurement” (MTender),⁹ Government Decision no. 986 of 10 October 2018 on the Approval of the Regulation on the functioning of the Automatic Informational System “The State Registry of Public Procurement” (MTender), Government Decision no. 987 of 10 October 2018 on the approval of the Regulation on the request of price quotations for the

procurement of goods and services.¹⁰ Additionally, the Ministry of Finance issued five orders¹¹ in October 2018 covering various secondary legislation aspects. Though this activity was not included in the action plan it represents a cornerstone for the implementation of the commitment.

Since March 2018, the MTender platform has been used for signing both public and private contracts online.¹² Public procuring entities will use in the future (not yet implemented) MTender to register contracts with the Treasury of the Ministry of Finance, as the new e-procurement system integrates this function and allows for the registration to be conducted automatically and within 24 hours.¹³ This technical solution is not yet fully functioning. Previously, procuring entities had to travel to a regional Treasury office to register their contracts, which were not valid otherwise.

As of 17 October 2018 (when the amendments to the Law on Public Procurement¹⁴ entered into force), the use of the new multi-platform networking digital procurement service called MTender became mandatory for all public procuring entities. In Moldova there are currently more than 4,000 public authorities (i.e., procuring entities), and by 25 November 2018, 1,080 authorities had initiated public procurement processes via MTender.¹⁵

The following functions were working at the end of 2018 in MTender: the public procurement plan and notification, the request for price quotations, the open tender procedures¹⁶, and the signing of contracts through MSign (governmental digital signature system).¹⁷ However, MSign is not integrated in MTender. All documents are separately signed in MSign and then uploaded into MTender.

The communications between bidders and procuring entities have been conducted via email and are available on MTender. Finally, signed contracts are uploaded to MTender. Some system functions are still being developed or tested and are not yet available: the e-catalogue, participation of non-residents to tender procedures (as foreseen by the amendments to the public procurement law harmonized to the EU legislation), contract execution, a business intelligence (BI) module, which will allow data analysis and processing, as well as the creation of dashboards, and use of filters.

Though beyond the scope of the action plan, several other actions have contributed to the completion of this commitment (listed here to provide a better overview of the end-of-term context). The legal framework describing the functioning of the MTender e-procurement system (references to these acts are provided above) has also foreseen institutional infrastructure changes. Therefore, the Public Procurement Agency role has changed to include: (1) provision of public procurement legal framework training to procuring entities, as well as to private companies; (2) monitoring of the public procurement processes conducted via MTender; and the old system SIA RSAP (3) development of a certification system for public procurement specialists. Such a specialization does not exist yet but is planned for the upcoming period.

As part of the government restructuring, a new public institution, the Information Technologies in Finance Center (ITFC), was created in 2018.¹⁸ The institution covers the functions, roles and services once provided by three different state enterprises, namely “Fintehinform,” “Fiscservinform” and “Vamservinform” in the areas of public finance, public procurement, and customs and taxes.¹⁹ In the context of the MTender e-procurement system, the ITFC is the technological operator of the MTender system, responsible for the technical functioning of the system, as well as for building the MTender capacities of public authorities. From June to September 2018, ITFC organized training sessions for more than 950 public institutions and authorities, focusing on the implementation of the e-procurement system. According to the government, during 2018 ITFC organized 215 training sessions for 3834 specialists from 2318 institutions.²⁰ In October and November 2018, the ITFC notified on its website the continuation of the training sessions in both Chisinau and in the regions. The schedule of the sessions is available online.^{21,22} In parallel, the Public Procurement Agency developed a training schedule for 2018, which included at least five training sessions for businesses, 39 for public procuring entities and one joint session for the private, public and civil society sectors.²³ The ITFC training sessions cover the use and functions of the MTender system, while the training sessions held by the Public Procurement Agency focused on the legal framework aspects, including public procurement procedures, roles and responsibilities within the public procurement process, and general provisions of public procurement in Moldova and other countries.

Milestone 1.4 planned the extension of the procuring entities using MTender to 85 percent, however, the formulation of this activity is not relevant anymore, as once the law came into effect in October 2018, the use of MTender became mandatory for all public procuring entities. Through the extensive training programs organized by the ITCF and the Public Procurement Agency the government wants to ensure that capacities will be built in all procuring entities. Additionally, the three private procurement platforms (see the IRM midterm report for details), which the MTender is currently networking with, provide technical support and training to users upon request. The ITCF, the Public Procurement Agency, and the three private procurement platforms linked to MTender have helplines available for all users.

Did It Open Government?

Access to Information: Major

The Public Procurement System Development Strategy 2016–2020 was developed in the context of the Association Agreement between the Republic of Moldova and the European Union.²⁴ The strategy foresaw several reforms, including institutional changes, approximation of the Moldovan legislation to European legislation, ensuring transparency, building accountability and capacity, and the development of a new e-procurement system. At the outset of the 2016–2018 OGP action plan, the existing e-procurement system (SIA RSAP) had limited e-functions and was similar to an e-registry, unable to allow transaction functions online.²⁵ Moreover, according to the 2016 IDIS Viitorul report,²⁶ there were important public procurement stages which were not transparent, for example, the awarding of contracts and the implementation of contracts. This part of the process was not properly regulated, and public authorities often kept such information out of the public eye. An EBRD regional public procurement assessment in 2011 stated that Moldova needed a new procurement regulatory framework as the one in effect was rudimentary.²⁷

The commitment aimed to increase transparency of the public procurement process by opening all the phases of the process, developing the e-procurement system, and ensuring most procuring entities (and, in the end, all) use it. The implementation of the commitment changes government practices in this field in a major way by opening the entire public procurement process, making public tenders fully transparent, and bringing the system in line with international best practices. The stakeholders interviewed during the mid-term and end-of-term reporting period²⁸ anticipated an increase in transparency and access to information related to procurement processes at central and, especially, at local/regional levels. They believe this represents a great change, as the prior system was more of a registry and, due to the way information was displayed, it did not allow analysis of public procurement data. Furthermore, signed contracts were not public, which made the monitoring of their execution close to impossible. The then Minister of Finance, Octavian Armasu, stated in October 2018²⁹ that the new system would allow experts to identify risky procurement processes and to ensure transparency and efficiency of public procurement.³⁰ Additionally, backing up the efforts made by the government, the deputy general director of the World Trade Organization (WTO), Allan Wolf, stated that Moldova has made great achievements in reforming its e-procurement system.³¹ The country ratified the revised WTO Agreement on Government Procurement (GPA) in 2016,³² and in the same year started the e-Procurement reform project supported by EBRD and the European Union.³³

Access to information has increased by conducting fully online public procurement processes, starting with the procurement planning up to the awarding of the contracts and their execution. However, in September 2019, expert Diana Enachi has noted that currently (as of September 2019) only the information about the winning bidders (signed and registered on paper, not electronically at the Treasury) are published. Only low-value procurement contracts are published. Other information about the contracts and the contract management phase are not available in the system.³⁴

One of the big changes is making procurement contracts public in MTender, as well as their execution (though this function is not yet active (December 2018 status) but is developed). By implementing a fully online e-procurement system, citizens and civil society can monitor and track any public authorities' procurement activities, with access to contracts, bids and other relevant

information. The system allows the monitoring of data throughout the entire cycle and the viewing of all operations and transactions in real time. However, expert Diana Enachi considers that the monitoring of the procurement process by both authorities and civil society is rather limited, considering also that monitoring can be conducted only at the procedural level.³⁵ Currently, functionalities are being developed so that key players like PPA, the Complaints Agency, the Anti-Corruption Center need to have oversight tools in place to perform mandated functions as prescribed by law.

Since the full implementation of the system started recently (October 2018), it is difficult to assess how challenging the implementation of the MTender will be for all procuring entities. The launch of the system, however, is planned to lead to a total overhaul of the system and a gradual roll-out of various components which are not yet active (e.g., business intelligence module, execution of contracts tracking).³⁶ All online integrated stages of the public procurement process are now accessible and visible online, which was not the case before. This is demonstrated through the technical concept³⁷ and the actual system (which can be accessed by anyone).³⁸ Also, use of the e-system is now mandatory for all public entities. This opens government in the sense of giving citizens, CSOs and experts³⁹ the opportunity to check any (central or local) public procurement process, use the data for analysis, track procurement processes and follow them online.

At the same time, as the use of the system was a voluntary activity before the adoption of the legal framework and its official launch in October 2018, not all procuring entities have used the piloting period of more than a year to learn and test MTender. Expert Diana Enachi from IDIS Viitorul⁴⁰ expected procuring entities to be more proactive during the piloting period and considers that due to lack of capacities (including HR) the implementation of the system might be difficult for some entities, especially rural small procuring entities, although free training is available to all. An intensive training program was initiated in 2018 managed by the Ministry of Finance, the Public Procurement Agency and the ITFC.

Carried Forward?

As this commitment was considered completed, it was not carried over to the next action plan. However, Commitment 2 in the next action plan aims to develop and publish reports on public procurement.

¹ The Law on Public Procurement, <http://lex.justice.md/md/360122/>

² IDIS Viitorul, <http://localtransparency.viitorul.org/>

³ The law, <http://lex.justice.md/md/368482/>

⁴ The Open Contracting Portal, <http://opencontracting.date.gov.md/about>

⁵ The MTender system is used for all stages of the public procurement process: notification, tender, assigning of contracts, etc.

⁶ Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.

⁷ The system does not currently include the contracts, the contracts management stages of the procurement process, or the planned business intelligence (BI) module.

⁸ Government decision, <http://lex.justice.md/md/376903/>

⁹ Government decision, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=377584>

¹⁰ Government decision, <http://lex.justice.md/md/%20377586/>

¹¹ Order no. 173 of 05.10.2018, which approved the standard documentation for the public procurement processes of goods, <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=377587&lang=1>; Order no. 174 of 05.10.2018, which approved the standard documentation for public procurement processes of services,

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=377588>; Order no. 175 of 05.10.2018, which approved the standard documentation for public procurement processes for goods and services through the method of quotation request, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=377589>; Order no. 176 of 05.10.2018, which approved the standard documentation for public procurement processes for works,

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=377590>; Order no. 177 of 09.10.2018, which approved the standard form of the European Single Procurement Document (ESPD),

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=377591>. More on ESPD, <https://ec.europa.eu/tools/espdc/filter?lang=ro>

¹² MTender, <https://mtender.gov.md/en/about>

¹³ MTender, in Moldovan, <https://mtender.gov.md/about>

¹⁴ Law 131/2015, <http://lex.justice.md/md/360122/>

¹⁵ MTender, <https://mtender.gov.md/>

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- ¹⁶ The Government clarified that price quotations and open tender procedures conducted through MTender are based on the "lowest price" criterion with or without the electronic auction. The functionalities necessary to conduct price quotations requests and open tender procedures based on other criteria than "the lowest price" is under development.
- ¹⁷ Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.
- ¹⁸ ITFC, <http://lex.justice.md/md/374178/>
- ¹⁹ ITFC, <https://ctif.gov.md/node/67>
- ²⁰ The IRM received this information during the pre-publication review of this report from Natalia Bejenar, Senior Consultant, State Chancellery of the Republic of Moldova, 4 June 2019.
- ²¹ ITFC training sessions, <https://ctif.gov.md/node/63>
- ²² ITFC training sessions, <https://ctif.gov.md/node/76>
- ²³ Public Procurement Agency training sessions, https://tender.gov.md/sites/default/files/document/attachments/plan_instruire_modificat_1.pdf
- ²⁴ The Public Procurement System Development Strategy 2016-2020, http://mf.gov.md/sites/default/files/documente%20relevante/strategie_achizitii_publice.pdf
- ²⁵ Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018
- ²⁶ Enachi, D; Chivriga, V. (2016) Achizitiile Publice in Republica Moldova -probleme, reglementari noi si reforme asteptate. IDIS Viitorul, http://www.viitorul.org/files/5214294_md_economic_repor.pdf
- ²⁷ European Bank for Reconstruction and Development (2011), Public Procurement Assessment: Review of laws and practice in the EBRD region, <https://www.ebrd.com/downloads/legal/procurement/ppreport.pdf>
- ²⁸ I. Morcotilo (Expert Grup NGO), personal communication, 21 December 2017; Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.
- ²⁹ Press conference organized within the WTO-EBRD Regional Workshop on Government Procurement in Moldova on 23 October, shortly after the launch of the new e-procurement system, https://www.realitatea.md/allan-wolff-moldova-poate-fi-prezentata-drept-exemplu-de-aplicare-a-sistemului-mtender-video_85866.html
- ³⁰ Infomarket, MTender, http://infomarket.md/en/analitics/The_system_MTender_launched_on_October_17_registered_the_first_120_tenders_for_the_purchase_of_goods_and_services_in_the_amount_of_more_than_100_million_lei
- ³¹ *Ibid.*
- ³² WTO, Republic of Moldova ratifies revised WTO procurement pact, https://www.wto.org/english/news_e/news16_e/gpro_14jun16_e.htm
- ³³ EBRD, Moldova introduces eProcurement system MTender, <https://www.ebrd.com/news/2018/moldova-introduces-eprocurement-system-mtender.html>
- ³⁴ Comments to the IRM End of Term Report 2016-2018 final draft provided via email to the IRM researcher.
- ³⁵ Comments to the IRM End of Term Report 2016-2018 final draft provided via email to the IRM researcher.
- ³⁶ EBRD, Moldova introduces eProcurement system MTender, <https://www.ebrd.com/news/2018/moldova-introduces-eprocurement-system-mtender.html>
- ³⁷ Government Decision No.705 of 11.07.2018 on the Technical Concept of MTender, <http://lex.justice.md/md/376903/>
- ³⁸ MTender, <https://mtender.gov.md/en>
- ³⁹ Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.
- ⁴⁰ Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.

I.b 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 Institutions: Ministry of Finance (Public Procurement Agency), State Chancellery [E-Government Agency]

Supporting Institution: MiLab – Social Innovations Laboratory

Start Date: 4th quarter 2016

End Date: 2nd quarter 2018

Editorial Note: For the purpose of the IRM report, Commitment I 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 2016–2018.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I.b. Increase knowledge of public procurement process			✓		✓		✓				✓				✓				✓		

Commitment Aim:

The goal of this commitment, which is linked to commitment 1a, was to ensure more transparency in the public procurement process by raising awareness and holding training sessions for the open data community on the use of public procurement data, training small and medium enterprises on public procurement procedures, and civil society and application (software) developers on how to correlate public procurement data to other data. The commitment covered awareness activities related to public procurement and procurement data, including the new e-procurement system, MTender.

Status

Midterm: Substantial

By the end of the first of year of implementation this commitment was substantially completed. The Ministry of Finance (MOF), with the support of the Public Procurement Agency and the European Bank for Reconstruction and Development (EBRD), held various events including: a training session for the institutions piloting MTender;² an event launching MTender;³ and a series of 10 training sessions⁴ in various locations⁵ across the country. Other connected events organized in 2017 (workshops and a conference), relevant to Milestones 1.5 and 1.6, focused on open contracting in Moldova, sustainable procurement, and the public procurement process and procedures. The events mostly targeted public authorities, but some were also organized for the private sector and civil society. However, the IRM researcher was unable to verify the completion of all events due to limited publicly available information.

Under Milestone 1.7, the MiLab Social Innovations Laboratory,⁶ together with the E-Government Agency, held several events for civil society and software developers in late 2017.^{7,8} These events, including a summer school, a mentorship program and a study visit, focused on various topics, including the public procurement system.⁹ More details on the focus and outcomes of the activity are available in the IRM midterm report.

End of term: Complete

Considering that most activities foreseen by this commitment were completed in 2017 the end-of-term status of this commitment is considered completed. Activity 1.5 is no longer relevant because as soon as the new system MTender was implemented and became mandatory for all procuring entities, information sessions about the old SIA RSAP system, which was feeding information to the opencontracting.gov.md platform, became obsolete. The information it contains will be stored as historical data.¹⁰

At the same time, throughout 2018 and especially since September 2018, the Information and Technologies in Finance Center (ITFC), the Public Procurement Agency, and the Ministry of Finance, have continued to organize training sessions on the MTender system for all public procuring entities, which are also open for the private sector and any interested civil society stakeholders.¹¹ Expert Diana Enachi confirmed that her NGO, IDIS Viitorul, had attended some of these events without any difficulty. Furthermore, considering the major changes (see text of Commitment 1a) brought by the launch of the new e-procurement system, and the anticipation of the mandatory use of MTender for all public entities by law, in addition to the information available on the websites of the responsible state institutions, the mass media also intensively covered the subject, especially during the August - November 2018 period, e.g., on the online version of the Official Gazette,¹² the news portals diez.md,¹³ bizlaw.md,¹⁴ Ziarul de Garda (online and printed versions), and TV Stations Prime TV.¹⁵

Under Milestone 1.6, the Public Procurement Agency planned to hold five training sessions for businesses in 2018.¹⁶ Though these did not focus on small and medium enterprises (SMEs) in particular, they were focused on the public procurement legal framework and the amendments. Also, the Public Procurement Agency (PPA) organized a training for SMEs on 27 February 2018, attended by 27 participants, on the new public procurement regulatory framework. The PPA planned another training for SMEs on the participation of business in public procurement processes for 19 December 2018.¹⁷ According to the government's Self-Assessment Report on the implementation of the action plan, 21 participants attended this training. The seminar was addressed to the employees of the small

and medium-sized economic operators and the private sector specialists, who were included in the departments with attributions in the public procurement process. Into the seminar were discussed the following topics: -sources for accessing information on public procurement; - tender documentation: requirements, thresholds, deadlines, changes. - bids for participation in public procurement procedures; -rules of communication between the economic operator and the contracting authority; - how to submit complaints in public procurement procedures. Also, in February 2018, the MOF, the PPA, and the State Enterprise Fintehinform (the MTender managing entity), and the private entities owning the three platforms which are linked to MTender, organized 34 seminars, attended by 2,040 participants, on making public procurement more efficient through the use of the MTender system.¹⁸ Expert Diana Enachi clarifies that the main facilitation of the SMEs' participation in the public procurement processes was introduced by the amendments made to the public procurement law, which came into force in October 2018.¹⁹ One of the amendments includes allowing procuring entities to request price quotations per batches/items rather than for one single large order,²⁰ and this gives the opportunity for more SMEs to participate in public procurement processes.²¹ This ensures healthier competition and better prices for the procuring entities, as well as facilitating SMEs' access to public procurement contracts.

IDIS Viitorul NGO held other events that potentially contributed to the implementation of the commitment: four workshops were organized in summer 2018 for the private sector on the legal amendments and public procurement process.²²

Additionally, the Public Procurement Agency delegated a person responsible for providing methodological support and consultation on public procurement within the Call Center of the ITFC.²³

Did It Open Government?

Access to Information: Marginal

Prior to the implementation of the new MTender system, only limited information about the different stages of the public procurement process was available to the public. Investigative journalists and NGOs monitoring public procurement processes had shared these concerns for years.²⁴ Interviewees for the midterm and end-of-term reports mentioned the lack of transparency of the processes as a main issue that the new system intends to tackle.²⁵ Moreover, since this commitment is linked to Commitment 1a, as it refers to information and training related to the e-public procurement system, it contributes to safeguarding the full transparency of the public procurement process as the implementation of the new system allows citizens, CSOs and experts to track and monitor the processes. Awareness raising, as well as the training activities (for capacity building and ensuring the sound use of the e-system by procuring entities, businesses, CSOs, and experts,²⁶ and securing the understanding of the new procurement legal framework and the rights and responsibilities of the participants in the process²⁷), led to a change in practice and perception of the public procurement process by public entities and other stakeholders. These activities will thus potentially contribute to further open government practice, but they were still ongoing at the time of writing this report. Also, as the new system was launched only a few months ago, there are still no monitoring data to demonstrate its achievements and the challenges it faces compared to the planned outcomes, including how well the training and awareness-raising activities have contributed to capacity building and strengthening. Therefore, this commitment has improved access to information marginally, though commitment 1a has improved access to information in a major way.

There are still several functionalities of the system which have been developed, according to the government's self-assessment²⁸ but are not yet active (e.g., e-catalogue, the business intelligence module, the execution of contracts tracking, and the required legal amendments of regulatory aspects of the aforementioned functionalities), and there is no clear timeline as to the launch of the full range of these functionalities, which will further strengthen the system's ability to ensure full openness of public procurement.

Carried Forward?

The activities of this commitment were completed, as written, and are not carried over to the next action plan. At the same time, the importance of the new public procurement system for Moldovan society is manifold: it makes public procurement and expenses at local, regional, and national levels more transparent and it allows civil society groups to monitor and track different procurement contracts, it could help curb procurement-related corruption, and gives the opportunity to SMEs to access public contracts, which was difficult to achieve previously. Therefore, communication, training, awareness raising, and information activities will continue to take place, though outside the OGP framework.

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

² Ministry of Finance, Public Procurement Agency, Customs Office, Tax Authority, Financial Inspection, State Enterprise FinTehInform, and for the commercial platforms, ensuring the front-end service.

³ 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.

⁴ These are components of the Technical Cooperation Project between EBRD and the Ministry of Finance; the events were financed by EBRD.

⁵ Chisinau, Hancesti, Orhei, Ungheni, Tighina, Cahul, Comrat Balti, Soroca, and Edinet.

⁶ 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.

⁷ Moldova Social Innovation Lab, Facebook page, https://www.facebook.com/hashtag/opendatamediacy?source=feed_text

⁸ 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-transparent.html>

⁹ Open Data Media Camp, http://milab.md/ro/milab_projects/open-data-media-camp/

¹⁰ Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.

¹¹ <http://mf.gov.md/ro/content/noi-instruiri-privind-utilizarea-mtender-pentru-autorit%C4%83%C8%9Bile-%C8%99i-institu%C8%9Bile-publice-din-mun>

¹² FISC.md, <https://monitorul.fisc.md/editorial/reglementarea-utilizarii-sistemului-mtender.html>

¹³ Diez, <http://diez.md/2018/09/14/evolutia-sistemului-mtender-moldova-din-octombrie-folosirea-acestei-platforme-va-deveni-obligatorie-pentru-achizitii-publice/>

¹⁴ Bizlaw, <https://www.bizlaw.md/public/2018/08/20/conceptul-sistemului-mtender-a-fost-publicat-in-monitorul-oficial-ce-prevede-documentul>

¹⁵ Prime, https://www.prime.md/ro/alan-wofff-despre-sistemul-m-tender-moldova-este-un-un-lider-in-ceea-ce-priveste-achizitiile-publice-online_81190.html

¹⁶ The Public Procurement Agency’s training sessions,

https://tender.gov.md/sites/default/files/document/attachments/plan_instruire_modificat_1.pdf

¹⁷ Information communicated via email to the IRM researcher, 27 November 2018 by Alexandra Gariuc of the Public Procurement Agency.

¹⁸ Information communicated via email to the IRM researcher, 27 November 2018 by Alexandra Gariuc of the Public Procurement Agency.

¹⁹ Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.

²⁰ Price quotation amendment, https://tender.gov.md/sites/default/files/achizitii_publice_seminar_aap_legea_131.pdf

²¹ Progress report on the implementation of the OGP action plan 2016-2018, submitted by the Ministry of Finance to the State Chancellery and provided via email to the IRM researcher by the State Chancellery OGP contact point.

²² Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.

²³ Information communicated via email to the IRM researcher, 27 November 2018 by Alexandra Gariuc of the Public Procurement Agency.

²⁴ <https://crimemoldova.com/news/investiga-ii-achizi-ii-anului-2017-sub-lupa-crimemoldova/> ; IDIS Viitorul,

<http://www.viitorul.org/ro/content/idis-viitorul-lansat-%C3%AEn-premier%C4%83-indexul-de-%C3%AEncredere-%C3%AEn-achizi%C8%9Bile-publice-din-republica>; Expert Grup, https://www.expert-grup.org/ro/biblioteca/item/download/1178_4a7fd2d319a93ecd88d49edbd4de1514

²⁵ I. Morcotilo (Expert Grup NGO), personal communication, 21 December 2017; Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.

²⁶ Interview with Diana Enachi, IDIS Viitorul NGO Public Procurement Expert, 14 November 2018.

²⁷ List of Public Procurement Agency seminars, <https://tender.gov.md/ro/agenda>

²⁸ Expert Diana Enachi, IDIS Viitorul NGO, stated during the public comment period for this IRM End of Term Report that these functionalities are not yet developed.

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 Institutions: 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 (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Ensure budgetary transparency				✓	✓					✓				✓				✓			

Commitment Aim:

This commitment focused on increasing budgetary transparency through: 1) opening data on the execution of national public budget components on a monthly basis, 2) developing an interactive

framework on the Ministry of Finance (MoF)'s website about the tax process and customs policy development, 3) publishing estimates of the budgetary framework and annual draft budget laws, 4) drafting and publishing the budget for citizens, 5) publishing sectoral spending strategies and annual budgets, 6) publishing open datasets on the penitentiary system budgets, and 7) publishing implementation information on the National Fund for Regional Development. However, this commitment did not include a mechanism that would lead to changing government practices related to the communication of budget-related information, and its focus is on publishing more information rather than addressing the complexity of the budget documents, which was identified in the IRM progress report² as one of the main concerns of civil society representatives. Also, the commitment did not provide opportunities for public engagement throughout the budget cycle.

Status

Midterm: Limited

In 2017, the MoF published 12 monthly reports on the execution of national public budget components (2.1) on the date.gov.md open governmental data platform.³ These reports were also published on the webpage of the Ministry of Finance (MoF).⁴ As planned, a new interactive framework for tax and customs policy development was launched mid-2017 on the MoF website, allowing the monitoring of each stage of the bill (2.2); the annual budgetary laws were also published in 2017 (2.3) and the Citizens' Budget was published after the approval of the state budget in January 2018 (2.4). Though the IRM researcher identified several sectoral spending strategies and annual budgets on the websites of ministries,⁵ these were not easily findable (2.5). At the end of 2017, two actions were not started: the publication of open datasets on penitentiary system budgets (2.6) and the publication of information on the execution of the National Fund for Regional Development (2.7) on date.gov.md. For more information, please see the 2017 IRM midterm report.

End of term: Substantial

As a routine activity of the Ministry of Finance, publishing transactional data on the execution of the national public budget components on its website as well as on the date.gov.md continued in the second year of implementation. In 2018, the MoF published 12 reports.⁶ The reports include data on the general government budget, central consolidated budget, state budget, social state securities budget, mandatory health insurance funds, and local budgets. However, according to expert Diana Enachi there is a need for more disaggregated per authorities easily accessible, readable data. Moreover, the current format of the data is readable by professionals and not by citizens or civil society representatives.

The interactive framework for tax and customs policy development was developed in 2017 and launched mid-2017 on the MoF website (2.2).

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 medium-term budgetary framework for 2019–2021 was uploaded on the MoF website in November 2018.⁷ The Parliament approved the 2019 budget bill on 23 November 2018, on the first reading.⁸ The IRM researcher checked the Budget for Citizens subpage on the MoF website in December 2018, February and March 2019, and the document had not been published at that time.⁹ At the moment of publication of this report, the document was already available online.

As during the midterm research, the IRM researcher identified several documents of sectoral spending strategies and annual budgets on the websites of ministries (2.5).¹⁰ However, the location of the documents on the websites was hard to track, as the structure of the ministries' webpages differ, and there is no consistency in the presentation of information. As the action plan does not specify the central public entities this commitment activity covers, the IRM researcher cannot assess completion any higher than substantial.

The publication of open datasets on penitentiary system budgets for 2017 (2.6) was completed on 11 July 2018, according to the time stamp on date.gov.md.¹¹ However, the published information was

not in open data format, and it contained a general graphic overview of the 2013–2017 budget allocations to the penitentiary system. The government’s intention was to create machine-processable data on penitentiary budgets published on the date.gov.md, which was not achieved.¹²

The IRM researcher contacted several relevant departments,¹³ but it was not possible to identify a responsible individual who could provide additional information on the execution of the National Regional Development Fund (2.7). Desktop research did not reveal relevant data on the date.gov.md portal. However, the Analysis, Monitoring and Evaluation of Policies Department from the Ministry referred to the general report on the implementation of the National Regional Development Strategy, which is published on the ministry’s webpage and contains information about the National Regional Development Fund.¹⁴ The vague reference to a timeline in the action plan makes completion difficult to track.

Did It Open Government?

Access to Information: Did Not Change

As written, this commitment did not have an effect on opening government with respect to access to information. The commitment mainly included routine reporting activities conducted by the government that occurred before the action plan implementation and did not focus on the implementation of the open data principles¹⁵ or specify sufficiently the timelines of data publication. Budget transparency also refers to the ease of accessing budgetary data, the level of disaggregation, and the accuracy of the information presented, allowing citizens to analyze data, monitor, and provide input on government revenues, allocations, and expenditure. However, many of the data made available under this commitment were not in open data formats, were heavily aggregated, and/or not published as written.

Carried Forward?

The strengthening of budgetary transparency is one of the commitments (commitment 2) carried forward in the new action plan. Thus, the new action plan includes the activity 2.4 of the current plan but also adds new actions linked to the execution of the budget, and the implementation of public procurement contracts.

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 IRM (2018), Moldova Mid-Term Report 2016-2018 (Year 1), page 37.

³ Open Government data platform, <http://date.gov.md/ckan/ro/dataset/15071-raport-privind-executarea-bugetului-public-national>

⁴ Ministry of Finance, <http://mf.gov.md/ro/trezorerie/rapoarte-privind-executarea-bugetului>

⁵ 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.

⁶ Ministry of Finance, <http://mf.gov.md/ro/trezorerie/rapoarte-privind-executarea-bugetului/rapoarte-lunare>

⁷ The medium-term budgetary framework, https://www.gov.md/sites/default/files/document/attachments/intr46_11.pdf

⁸ The 2019 budget bill, <http://mf.gov.md/ro/content/bugetul-de-stat-2019>; <http://tv8.md/2018/11/23/bugetul-republicii-moldova-pentru-2019-a-fost-aprobat-in-parlament-in-prima-lectura>

⁹ Budget for Citizens, <http://mf.gov.md/ro/buget/transparen%C8%9Ba-bugetar%C4%83/bugetul-pentru-cet%C4%83%C8%9Beni>

¹⁰ 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.

¹¹ Penitentiary system budgets, <http://date.gov.md/ckan/ro/dataset/17556-alocatiile-bugetare-destinate-sistemului-penitenciar/resource/db9813c3-416a-434c-af78-bda117919d0b>

¹² The government’s intention to publish machine-readable data on penitentiary budgets, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=368355>

¹³ The Regional Development Policies Department, the Section for Relationships with the Regional Development Institutions, the Analysis, Monitoring and Evaluation of Policies Department and the Development Funds Service of the current Ministry of Agriculture, Regional Development and Environment (which includes the former Regional Development and Constructions Ministry)

¹⁴ <http://www.madrm.gov.md/ro/content/rapoarte-anuale-privind-implementarea-strategiei-na%C8%9Bionale-de-dezvoltare-regional%C4%83-pentru>

¹⁵ Open Data Charter, <https://opendatacharter.net/principles/>

3.a 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: N/A

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 (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
3a. Open data in education sector			✓		✓			✓		✓				✓							✓	

Commitment Aim:

In 2016–2017, the government implemented a World Bank-supported project,² aiming to modernize the capacities of the previously developed Educational Management Information System (EMIS) and thus facilitate public access to data, statistics, and reports on primary and secondary education. This commitment focused on the assessment of the needs of open data beneficiaries; the publication, update and establishment of an inventory of data on date.gov.md; the development of a web interface on date.gov.md; and the promotion of the availability of open data according to the internal activity

plan of the implementing institutions. These activities were duplicated in the OGP action plan from the third phase of the “Building Capacity - EMIS” Project.³

Status

Midterm: Limited

The implementation of commitment activities, as written in the action plan, was limited. While the launch of the modernized EMIS system was not one of the activities included in the plan, the other activities were linked to development and implementation of this system, as explained by the current, externally contracted EMIS coordinator.⁴ The Ministry of Education, Culture and Research (MECC) launched the beta version of the modernized EMIS system on 28 July 2017.⁵

Under activity 3.1, both the government and the EMIS coordinator confirmed that in January 2017 the Center for Sociological and Marketing Investigations, CBS Axa, was contracted to conduct a needs assessment of education open data users. The IRM researcher was unable to verify the completion of this research since the report is not available to the public. The results of the study informed the reconfiguration/modernization of the EMIS system, a project focusing on strengthening the capacities of the EMIS system, supported by the World Bank. Also, the MECC conducted an inventory of the available open data and of the data still to be opened in 2017 (3.2). The development of an interactive web interface on the Open Data Portal (date.gov.md), however, was not achieved due to technical issues linked to the testing of the EMIS platform (3.3). Under the 3.4 activity, MECC organized media and promotional events, such as television interviews, to inform society about the new system and promote the availability of open data.⁶ More details are provided in the IRM midterm report.

End of term: Substantial

The modernization of the Educational Management Information System (EMIS) took place between 2016–2017 as part of a wider World Bank project called the “Education Reform in Moldova” Project, which includes an investment loan to be implemented between 2013–2020.⁷ The activities introduced in the action plan, though not explicitly linked to EMIS, were elements of the “Strengthening the capacities of the EMIS system” project.⁸ Most activities were thus conducted in the first year of implementation, and the government confirmed their implementation in the self-assessment. The IRM researcher was unable to verify the completion of the assessment of the education sector open data needs as the report produced by CBS Axa was not available to the public. Development of a web interface within the Open Government Portal (3.3), which would allow interactive visualization of education sector data, as written in the action plan, might have been referring to the actual modernization of the EMIS system, which includes this interactive visualization of primary and secondary education data, rather than a functionality on the portal itself. Additionally, in the government Self-Assessment Report,⁹ the description of the completion of this milestone is described in terms of the EMIS system and not of an interface developed on date.gov.md. The intention of the Ministry of Education is to make this the sole system for education sector data.¹⁰ As there is no interactive interface on the Open Government Portal, however, this milestone is not considered completed.

Under activity 3.4, the Ministry of Education planned to implement promotion activities focused on the availability of education sector open data. These activities were organized after the launching of the modernized EMIS system at the end of July 2017. Smartlink, a public relations firm, was contracted within the World Bank project¹¹ to conduct the promotion campaign focused on EMIS and education sector open data, which included interviews with beneficiaries, TV interviews,¹² and booklets published and shared among direct beneficiaries (education sector stakeholders). The campaign represented one of the World Bank activities and was financially supported by them.

The EMIS consultant¹³ considers that the promotion of the system should be actively continued by the ministry, which should organize promotion activities at least once per month. When the new modules have been implemented, another promotion campaign, from national sources, will be conducted.

Did It Open Government?

Access to Information: Major

Prior to the action plan, information on schools in Moldova was accessible through the Ministry of Education, which relied on paper-based systems (though in recent years computers were extensively used), and there was no dedicated system in place. The commitment sought to improve the quality and types of data opened from the education sector. In modernizing the EMIS system, an interactive interface was developed allowing the handling of data and generation of reports, application of data filters, etc. Moreover, citizens and all interested actors, including stakeholders from the education sector (teachers, parents, school managers), have access to accurate and up-to-date information about each school in the country.

One of the aspects noted by the IRM researcher in the midterm report was the name of the EMIS webpage (<https://www.sime.md:8443/>), which was difficult to search for without the exact URL. The EMIS consultant stated that the Ministry and the coordination team were aware of the obstacle a complicated URL might represent. However, this is a compliance aspect, as EMIS was transferred to MCloud in May 2017¹⁴ at the request of the World Bank.¹⁵ Moreover, according to the new amendments to the law on MCloud from May 2018,¹⁶ public authorities have to migrate their local informational systems to MCloud and not hold physical servers. MCloud is a governmental cloud technology platform.¹⁷ Additionally, each Ministry is assigned a single IP address which restricts the use/creation of separate webpages for certain functionalities. Therefore, the difficult URL represents an outcome of the governmental requirements. Nonetheless, the intention was to update its name to facilitate public access to the platform¹⁸, which can now be accessed under <https://sime.md>.

Carried Forward?

This commitment is carried forward in the new action plan under the ensuring access to information commitment (commitment 1), and the plan foresees the development and implementation of two additional modules focusing on vocational and preschool education. The modernization of the EMIS project will continue in 2019 with the support of the World Bank.¹⁹

In the modernized EMIS system data are updated three times per year.²⁰ Moreover, an interconnection with the personal identification number in the system was implemented to ensure efficient tracking of enrolled students.

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

² General presentation of the World Bank project on the website of the Ministry of Education, Culture and Research, including the EMIS component, <https://mecc.gov.md/ro/content/proiectul-bancii-mondiale-reforma-invatamanului-moldova-prim>

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 Telephone interview conducted with Valentina Ichim, externally contracted EMIS coordinator at the Ministry of Education, Culture and Research, 16 November 2018.

⁵ Ministry of Education, Culture and Research, <http://www.ctice.md/ctice2013/wp-content/uploads/2017/09/Ordin-actualizarea-datelor-SIME.pdf>

⁶ Prime TV, TV Moldova 1 (national TV station), and TVRI.

⁷ World Bank, Education Reform in Moldova project, <https://mecc.gov.md/ro/content/banca-mondiala-sustine-implementarea-reformelor-domeniul-educatiei>

⁸ The EMIS system project, <http://www.ccrm.md/raportul-auditului-privind-proiectul-fortificarea-capacitatilor-sistemului-informational-de-management-in-educatie-I-3981>

⁹ Self-Assessment Report of the National Open Government Action Plan Implementation 2016-2018, page 13, <https://www.opengovpartnership.org/documents/moldova-end-of-term-self-assessment-report-2016-2018>

¹⁰ Telephone interview with Valentina Ichim, externally contracted EMIS coordinator at the Ministry of Education, Culture and Research, 16 November 2018.

¹¹ World Bank Procurement Document demonstrating the planned contract, <http://documents.worldbank.org/curated/en/298931478509451710/pdf/109846-PROP-PI154541-PUBLIC-PPGrantTFSCBpublishing.pdf>

¹² Prime, https://www.prime.md/ro/platforma-sime-actualizata-informatiile-despre-scoli-si-gradinite-intr-un-singur-loc_58691.html

¹³ Telephone interview with Valentina Ichim, externally contracted EMIS coordinator at the Ministry of Education, Culture and Research, 16 November 2018.

¹⁴ MCloud, <https://mecc.gov.md/ro/content/sime-trece-pe-platforma-mcloud-proiect-de-top-centrul-si-estul-europei>

¹⁵ Telephone interview with Valentina Ichim, externally contracted EMIS coordinator at the Ministry of Education, Culture and Research, 16 November 2018.

¹⁶ MCloud, <http://lex.justice.md/md/375459/>

¹⁷ MCloud, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=351760>

¹⁸ Telephone interview with Valentina Ichim, externally contracted EMIS coordinator at the Ministry of Education, Culture and Research, 16 November 2018.

¹⁹ Telephone interview with Valentina Ichim, externally contracted EMIS coordinator at the Ministry of Education, Culture and Research, 16 November 2018.

²⁰ Telephone interview with Valentina Ichim, externally contracted EMIS coordinator at the Ministry of Education, Culture and Research, 16 November 2018.

3.b Public 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 date.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*
- The list of suppliers to whom the National Regulatory Agency for Electronic Communications and Information Technology has issued licenses for the use of numbering resources;*
- The list of suppliers to which the National Regulatory Agency for Electronic Communications and Information Technology has issued licenses for the use of radio frequencies or channels for the purpose of providing public electronic communications networks and services*

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 Institutions: 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 Agency, MiLab

Start Date: 1st quarter 2017

End Date: 2nd quarter 2018

Editorial Note: For the purpose of the IRM report, Commitment 3 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 (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
3b. Publish government-held open data			✓		✓	✓		✓		✓			✓						✓			

Commitment Aim:

This commitment called for opening up various data across the government, including geospatial data, data on the implementation of the Moldova-European Union (EU) Association Agreement, and cultural sector data, as well as organizing public consultations with data users and updating existing datasets. The commitment did not include actions on verifying the quality of datasets or measures to improve the practice of providing information in due time, as some civil society stakeholders interviewed by the IRM researcher for the midterm report mentioned.

Status

Midterm: Limited

Overall, the completion of the commitment was limited after one year of implementation. The geospatial data were published on the geoportal.md as planned. Additionally, though not part of the OGP plan, the update of the portal to comply with the EU's Inspire standards was ongoing.² Additionally, national spatial data infrastructure (NSDI) legal acts were adopted in 2017, which ensure implementation of NSDI in the country. Update of datasets by the National Regulatory Agency for Electronic Communications (3.6), was fully completed. While the Ministry of Economy (MoE) and the Ministry of Foreign Affairs and European Integration (MFAEI) had not started the implementation of this commitment activity (3.7) as formulated in the plan, reports on the Association Agreement action plan implementation were published on the MFAEI website,³ though not on date.gov.md (3.7). The 10 datasets the Ministry of Culture set out to publish were not online at the end of the first year of action plan implementation (3.8). The Agency for the Law Courts Management⁴ improved the National Portal of Law Courts (3.9), reducing the number of law courts portals from 44 to 15 webpages.⁵ Also, the search criteria for court judgments were updated by adding five basic filters (case number, date of issuance, case name, case topic, and type [criminal, civil, administrative]).

MiLab organized an Open Data Camp in 2017 and consulted with open data users to identify their needs on the availability of data (3.10), though due to the lack of information this activity's completion could not be assessed as higher than limited. Also, due to the vague formulation of activity 3.11, which refers to the general activity of opening data by all central public authorities, and the lack of a target number of datasets or specific datasets to be opened, the assessment of progress was not possible. Finally, though the government published on its website a report covering its 2016

activity, the State Chancellery did not publish the implementation data in open data format on date.gov.md.

End of term: Limited

At the end of term, implementation continued with several actions taken throughout 2018 to both determine open data needs (3.10) and identify specific topics which authorities should release in open data formats (3.11). In March 2018, the State Chancellery, the E-Government Agency, and the Youth Development for Innovation Foundation launched a survey,^{6,7} which was ongoing⁸ until 31 December 2018; the survey questions were addressed to citizens, mass media, private sector and aimed at identifying specific needs of open data. The results of the survey were meant to be compiled in different areas of focus and sent to relevant authorities, responsible for opening specific datasets.⁹ The preliminary results of the survey were used during the working sessions on open data organized with the central public authorities. In April 2018, the State Chancellery and the E-Government Agency jointly conducted working sessions with representatives of six ministries,^{10,11} including the subordinated agencies of these institutions. The aim of the meetings was to discuss open data content in the context of the central public administration reform and the need to update the datasets published on the government's open data portal (date.gov.md), based on the suggestions of the survey respondents.

The government organized additional events to promote and discuss open data, contributing to activity 3.10, including:

- A three-month National Information Campaign called "Do you know what your Government does?" implemented by the State Chancellery, E-Government Agency and the "Youth Development for Innovation" Foundation (a Moldovan NGO) to promote open data. Working sessions with the central public authorities were organized within the framework of this campaign.¹² According to the government's End-of-Term Self-Assessment Report, during this period of time the State Chancellery and the E-Governance Agency organized visits to the authorities responsible for publishing and ensuring access to open data, as well as information sessions in universities.¹³
- The NGO Open Government Institute, the State Chancellery and the E-Government Agency conducted a half-day workshop on open data in May 2018. The event was organized for public central authorities, mass media, and the general public.¹⁴
- Public Dialogue "Sharing data - a Need Turned into Reality" was organized on 3 October by the Government of the Republic of Moldova and the E-Government Agency.¹⁵

According to the end-of-term self-assessment report, geospatial data, as written in the action plan (3.5), were published on the geoportal.md, on <https://www.cadastru.md/ecadastru>, and on the <http://geoportalinds.gov.md>.

Though not part of the action plan, it is worth mentioning that the launch of a new/modernized national geoportal was postponed due to the failure of signing a support agreement with the donor counterpart from Norway. In this context, this activity was included in a new World Bank project, planned to launch in February 2019;¹⁶ the work on the national geospatial portal represents the third component of the project.¹⁷ The project will be implemented by the Public Services Agency in cooperation with the Agency for Land Relations and Cadastre.¹⁸ The geospatial metadata catalogue, which was initially developed in 2016, was maintained throughout 2018 and will be further updated throughout the project.

For publication of open data on the Moldova-EU Accession Agreement (3.7) and on the cultural sector (3.8), datasets were published on date.gov.md by the institutions responsible for these actions (the MFAEI and the Ministry of Culture [currently Ministry of Education, Culture and Research]) in 2018. Related to Milestone 3.7, the submission of data on the implementation of the Association Agreement Moldova - EU on date.gov.md, a report was published by the MFAEI on 22 May 2018,¹⁹ which contains updates for 2017. The government's End-of-Term Self-Assessment Report²⁰ indicated

that the MFAEI published reports on the implementation of the EU-Moldovan Association Agreement commitments on date.gov.md, however, the provided link is broken.²¹

Open data from the cultural sector (Milestone 3.8) for 2017 were posted in 2018 on date.gov.md, with more than 10 datasets posted, covering various aspects such as the activity of cultural houses (local clubs), the number of employees in the cultural sector, and registry of museums.^{22,23,24} However, since there is no specific list attached to the action plan, it is hard to assess if either activity was completed as intended, as it is not known what type of data had to be published in 2017. The IRM researcher contacted the responsible person from the Ministry of Education, Culture and Research, and though an explanation for the delay as well as additional information was promised, it was not received in due time to include in the report. Therefore, the IRM researcher cannot assess the completion higher than limited.

The Agency for the Courts of Law Management²⁵ progressed with improving the National Portal of Courts of Law in 2017 (3.9). Since the midterm assessment, the portal has integrated a zoom text magnifying function tailored for low-vision users. At the same time, the Agency²⁶ stated that they have also developed a more complex mechanism for access to portal information for the visually impaired. The UNHCR country office supported the development of the respective mechanism, which will be launched soon. However, there was no public information available for this during the research, and when the IRM researcher contacted the Association for Blind and Visually Impaired²⁷ from Moldova, it was not aware of these improvements and was not contacted by the public institution in charge. Additionally, a new version of the File Management Integrated Program,²⁸ a system in place since 2009 which secures the e-management of court files, was developed in 2018, as stated in the End-of-Term Self-Assessment Report, while piloting and the launch were planned for 2019.²⁹

As concluded in the midterm report, the action plan did not indicate specific datasets or a target number of datasets to open and update (3.11) within a specific timeline. Statistical data on the date.gov.md show that by the end of November 2018 there were 146 new datasets published and 333 datasets updated in 2018.³⁰

For activity 3.12, the State Chancellery³¹ stated that one dataset on the implementation of the Moldova-EU Association Agreement Action Plan was submitted by the MFAEI through the internal governmental PlanPro monitoring platform.³² However, as indicated above, this link on date.gov.md is not functional and cannot be accessed. The report can be also accessed on the website of the MFAEI.³³ In 2018, the State Chancellery did not submit any dataset/file to date.gov.md. The activity foresaw publishing through the PlanPro monitoring and reporting tool implementation reports on all national action plans. In the End-of-Term Self-Assessment it is stated that “the monitoring and reporting platform “PlanPro” does not contain administrative/statistical data that could be placed in open format on the government portal www.date.gov.md)” and that the “State Chancellery published the activity reports, according to the domains of competence, [under] official website, in the “Transparency Decision-Making” module, Reports.”^{34,35}

Did It Open Government?

Access to Information: Marginal

Civic Participation: Marginal

Though opening more datasets improves access to public data, activities covered by this commitment do not sufficiently address problems related to availability or quality of datasets. The lack of clarity about what data will be opened by the government makes it difficult to assess progress, but also to understand the relevance of the opened data to the public. Some of the improvements of the National Portal of Courts of Law have created opportunities for civic participation (e.g., reporting on nonpublished rulings), but these are still limited.

A consultant from a Moldovan non-profit working in the justice sector, interviewed by the IRM researcher³⁶, shared that the filters added to the portal are not very helpful or do not function very well, as often court rulings cannot be easily found, and some cannot be found at all. The consultant

concluded that access to court rulings had not improved much.³⁷ Prior to these amendments, information on court rulings was not centralized, as it is now. To make the search more effective, a single interface of all courts of law was created for all the webpages of the courts, facilitating access to the webpages of different courts. At the same time, the Agency has ensured that this can be tackled by launching an online reporting mechanism³⁸ (available on the Agency's webpage), regarding court rulings that were not made public. However, in order to submit a notification regarding rulings which were not published online, one needs to know the number of the case and the exact court of law that issued it,³⁹ which the representative of the Legal Resources Center believes is counterproductive, as the number of the case is not always known, especially for rulings of public interest (i.e., high-profile cases). Also, one of the drawbacks of the portal is that there is no user's guide to explain in accessible language how to search for the rulings, where the users should go to find different types of information and making the use of the portal more relevant for professionals in the field, rather than the general public (status as of November 2018).

One aspect which might have impacted the opening of data (at the time of writing this report) was the uncertainty of which organization is in charge of monitoring the quality and type of data to be published on the government's Open Data Portal. Maintenance and upon-request support to ministries was provided by the E-Government Agency, a body founded and monitored by the State Chancellery.⁴⁰ Therefore, the unclear frequency of publishing data by different government authorities and the type of data planned to be published diminishes the usefulness of the date.gov.md for the public.

Carried Forward?

The commitment is carried forward in the new action plan as an umbrella commitment that comprises 10 different actions around the promotion of open data and access to government-held information, with more specific indicators of progress included.

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

³ <https://www.mfa.gov.md/ro/content/rapoarte-aa->

⁴ 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.

⁵ Action plan implementation report, provided by email from the Ministry of Justice, 13 December 2017.

⁶ Survey for the general public to identify to what extent citizens know about the existence of open data on the date.gov.md portal and if they use them for both personal as well as professional purposes, <http://www.date.gov.md/ro/comunicate/oare-cine-n-ar-avea-nevoie-de-datele-deschise-particip%C4%83-la-sondaj-%C8%99i-spune-ce-crezi>

⁷ E-Government Agency survey, <http://www.date.gov.md/ro/comunicate/fost-lansat%C4%83-campania-de-informare-privind-datele-deschise-%E2%80%9Dtu-%C8%99tii-ce-face-guvernul-t%C4%83u%E2%80%9D>

⁸ Survey until 31 December 2018, <https://www.surveymonkey.com/r/KJLKDv>

⁹ Cornelia Amihalachioae, E-Government Agency, member of the Permanent Dialogue Mechanism, group telephone interview, 16 November 2018.

¹⁰ Working sessions with six ministries, <http://www.date.gov.md/ro/comunicate/am-lansat-pelerinajul-la-autorit%C4%83%C8%9Bile-publice-pentru-promova-%C8%99i-actualiza-datele-deschise>

¹¹ Working sessions, <https://mei.gov.md/ro/content/cresterea-calitatii-si-numarului-seturilor-de-date-deschise-o-prioritate-ministerului>

¹² <http://jurnal.md/ro/social/2018/3/8/tu-stii-ce-face-guvernul-tau-campanie-nationala-pentru-promovarea-datelor-deschise/>; End-of-Term Self-Assessment Report of the National Open Government Action Plan 2016-2018, page 16, <https://www.opengovpartnership.org/documents/moldova-end-of-term-self-assessment-report-2016-2018>

¹³ Ibid. <https://www.opengovpartnership.org/documents/moldova-end-of-term-self-assessment-report-2016-2018>

¹⁴ Open Government Institute, <http://opengov.si.md/atelier-de-lucru-privind-datele-deschise/>; <https://www.facebook.com/photo.php?fbid=10155505544327844&set=t.1219954102&type=3&theater>

¹⁵ Privesc EU, https://www.privesc.eu/Arhiva/83833/Dialog-public--Schimbul-de-date---o-necesitate-devenita-realitate---organizat-de-Guvernul-Republicii-Moldova-si-Agentia-de-Guvernare-Electronica?fbclid=IwARIZIL0r9k3s1I5M3icrvLGMzWGu4bDH8rPTp8HeUz_xdFU9SgQb0VwVwMY

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- ¹⁶ World Bank project launched in February 2019, <http://www.asp.gov.md/ro/node/2480>
- ¹⁷ Maria Ovdii, Cadastre, Geodesy and Mapping Department of the Agency for Land Relations and Cadastre of the Republic of Moldova, telephone interview, 21 November 2018.
- ¹⁸ Nord News, <https://nordnews.md/inregistrarea-si-evaluarea-funciara-a-pestre-un-milion-de-bunuri-imobile-aflata-in-proprietate-privata/>
- ¹⁹ MFAEI report published in May 2018, <http://date.gov.md/ckan/ro/dataset/17299-raportul-privind-realizarea-planului-national-de-actiuni-pentru-implementarea-acordului-de-aso/resource/0f265df3-ca04-47c9-a805-834f076b6a6b>
- ²⁰ OGP, Moldova End-of-Term Self-Assessment Report 2016-2018, <https://www.opengovpartnership.org/documents/moldova-end-of-term-self-assessment-report-2016-2018>
- ²¹ <http://date.gov.md/ckan/ro/dataset/17299-raportul-privind-realizarea-planului-national-de-actiuni-pentru-implementarea-acordului-de-aso/resource/0f265df3-ca04-47c9-a805-834f076b6a6b>
- ²² Cultural Sector, <http://date.gov.md/ckan/ro/dataset/17108-case-de-cultura-2017>
- ²³ Cultural Sector, <http://date.gov.md/ckan/ro/dataset/17124-registrul-monumentelor-rm-ocratite-de-stat>
- ²⁴ Cultural Sector, <http://date.gov.md/ckan/ro/dataset/17126-registrul-muzeelor-din-rm-anul-2017>
- ²⁵ 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.
- ²⁶ Email communication with the Agency for Law Courts Management. First email sent on 15 November 2018.
- ²⁷ Telephone communication with the deputy president of the Association for the Blind and Visually Impaired, 16 November 2018.
- ²⁸ Transparent Justice Portal, developed with the support of USAID Program for Transparent Justice <https://www.justitiatransparenta.md/cum-sunt-gestionate-dosarele-de-judecata-instante/>
- ²⁹ Ibid.
- ³⁰ Number of datasets published and updated in 2018. http://date.gov.md/ro/stats/yearly?field_organization_tid=All&date_filter%5Bvalue%5D%5Byear%5D=2018
- ³¹ Natalia Bejenar, OGP contact point, email communication, 31 October 2018.
- ³² <http://date.gov.md/ckan/ro/dataset/17299-raportul-privind-realizarea-planului-national-de-actiuni-pentru-implementarea-acordului-de-aso/resource/0f265df3-ca04-47c9-a805-834f076b6a6b>
- ³³ <https://www.mfa.gov.md/ro/content/rapoarte-aa>
- ³⁴ End-of-Term Self-Assessment Report on the implementation of the open government action plan 2016-2018, page 17, https://www.opengovpartnership.org/sites/default/files/Moldova_End-of-Term_Self-Assessment_2016-2018_EN.pdf
- ³⁵ State Chancellery published reports, <https://cancelaria.gov.md/ro/advanced-page-type/rapoarte-0>
- ³⁶ Ion Guzun, Legal Resources Center from Moldova, telephone interview, 22 November 2018.
- ³⁷ Ion Guzun, Legal Resources Center from Moldova, telephone interview, 22 November 2018.
- ³⁸ The online reporting mechanism, <http://aaij.justice.md/ro/feedback/instance0>
- ³⁹ Searching court rulings, <http://aaij.justice.md/ro/feedback/instance>
- ⁴⁰ The E-Government Agency, <http://lex.justice.md/md/332599/>

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 (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Participative policy-making process			✓		✓	✓		✓		✓				✓			✓				

Commitment Aim:

The commitment attempted to ensure the participation of the public in decisions on the drafting and promotion of bills and policy documents. Since 2012 a central platform (particip.gov.md) to consult citizens on bills put forward by public authorities' functions in Moldova. The utility of the platform, however, is questioned by some civil society stakeholders because of the poor promotion of it, resulting in citizens being less aware of the bills put forward and the timeline for consultations. Civil society and media consider that offline consultations are often announced at short notice on purpose so that only the usual suspects (meaning there is no diversification of participants) are able to participate.

This commitment planned to develop a public module for the e-legislation system the Ministry of Justice (MoJ) launched for public authorities in 2016. Additionally, the Agency for Intervention and Payments for Agriculture (AIPA) planned to implement a communication mechanism between public institutions and potential beneficiaries of subsidies in the agricultural sector regarding the annual subventions regulations drafting.

Status

Midterm: Limited

During the first year of implementation, this commitment had limited completion. The Moj did not receive any bids for the development of the public commenting function to the e-legislation system, and the public procurement process was canceled. The ministry planned to launch another public tender in 2018. Moreover, civil society and media stakeholders interviewed for the midterm report were not aware of the e-legislation system and there was no public information available on the system or the plan to develop the public commentary module. The AIPA, subordinated to the Ministry of Agriculture and Food Industry,¹ was set to develop a communication mechanism to connect public institutions and potential beneficiaries of subsidies in the agricultural sector during the drafting of annual subsidies regulations. There was no clear definition on what the mechanism should include, and due to the ambiguity of formulation it was hard to assess completion. In 2017, the agency launched an online chat, which functions as a communication channel. However, it is not restricted to the annual subsidies regulations but to any area the Agency is responsible for.

End of term: Limited

The commitment implementation status did not change at the end of term. Though a report from the Moj² states that the e-legislation system is currently being tested, this is a continuation of the process started back in 2017, as detailed in the midterm report, and refers only to the intra-institutional testing³ and not to the public commentary module. After the failed public tender process, the ministry organized a new public procurement exercise in 2018 and again received no bids.⁴ Thus, there has been no progress in developing the public commenting module of the e-legislation system. A new public tender is planned to take place in 2019.⁵

It should be noted that a new law on legal acts⁶ entered into force on 22 July 2018, and in Article 22, the e-Legislation system is to be used to address transparency of the law-making process by making public the information related to the different stages of drafting legislation. Article 79 of the same law states that within six months of the law's entry into force, the government will approve the stages of connecting public authorities to e-Legislation. There are, however, no references or provisions in the law concerning the public commentary function of this system.

On the other end, AIPA has continued the use of the online chat function launched in 2017, which aims to offer beneficiaries of AIPA services (including beneficiaries of agricultural subsidies) the opportunity to contact the agency directly. Between September – November 2018⁷ there were at least 250 questions answered through this channel on topics related to the services that the agency offers, though this was unable to be verified as the channel is an internal tool. Additionally, though outside the scope of the commitment, in 2018, AIPA launched a hotline that was initially intended for corruption-related complaints and notifications. However, its scope was broadened, and agricultural producers/farmers can now inquire about any relevant information.⁸ There are no statistics or other public information regarding the outcomes of this activity.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

A transparent system which would allow the public to follow and track the legal acts drafting process in real time and provide commentary to drafts at different stages, represents a good opportunity for strengthening civic participation. At the same time, since the public module of the E-legislation system development was not initiated, the limited completion of this commitment resulted in no changes related to civic participation.

As written, the communication mechanism was intended to create a civic participation opportunity for farmers and agricultural producers during the drafting of the annual regulations on subsidies. However, it was not clear what this mechanism should include. The action taken includes the creation of a new channel of communication and information through an online chat but does not

necessarily provide the opportunity to input on the subsidies' annual regulations but represents a communication channel anyone could use for any type of inquiry. In this sense, civic participation did not change.

Carried Forward?

The commitment was not taken into the next action plan. However, the government has included a commitment in the new action plan focused on strengthening the platforms and mechanisms of collaboration with civil society. The use of the e-Legislation system is now prescribed by law (law no. 100—see reference below) and thus will have to be implemented. The way in which the implementation of the public module will take place is still not clear. At the same time, civil society considers that this would represent a major change towards creating more civic participation opportunities. The IRM researcher recommends that the government identifies a solution for the development of the public module of E-legislation, which would make all stages of the legislative procedure available to the public. This system would also launch a public consultation mechanism to promote active participation in the legislative process. However, the government should clarify better how this mechanism would be different from the current platform particip.gov.md, which is currently used for public consultations during the drafting of laws.

¹ In 2017, the Ministry of Agriculture and Food Industry was merged with other ministries to become the Ministry of Agriculture, Regional Development and Environment.

² Implementation Report no. 02/9337 of 03.08.2018 submitted by the Ministry of Justice to the State Chancellery. The report was provided to the IRM researcher by the State Chancellery's OGP contact point in October 2018.

³ Moldova End-of-Term Self-Assessment Report, 2016-2018,

https://www.opengovpartnership.org/sites/default/files/Moldova_End-of-Term_Self-Assessment_2016-2018_EN.pdf

⁴ Tatiana Bucur, Consultant, Ministry of Justice, telephone and email communication, 12-15 November 2018.

⁵ Tatiana Bucur, Consultant, Ministry of Justice, telephone and email communication, 12-15 November 2018.

⁶ Law no. 100 of 22 December 2017, entered into effect on 12 July 2018, <http://lex.justice.md/md/373698%20/>

⁷ M. Podubnyi, Information Technologies Department, AIPA, telephone communication, 21 November 2018.

⁸ M. Podubnyi, Information Technologies Department, AIPA, telephone communication, 21 November 2018.

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 Institutions: Central Public Authorities

Start Date: 1st quarter 2017¹

End Date: 2nd quarter 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Public sector evaluation			✓		✓	✓	✓			✓			✓				✓				

Commitment Aim:

The commitment sought to ensure transparency of public authorities' performance related to priority governmental reforms through the development of an online reporting and monitoring Scorecard. The initial version of the Scorecard would include three areas of reform, the aim being to update it regularly with more priority areas.

Status

Midterm: Limited

In the first year of implementation the completion of this commitment was only limited, though the launch of the Scorecard, as written in the action plan, was foreseen for 2017. Though the platform itself was developed and tested with the support of the World Bank, the process did not move forward towards implementation. When launched, the Scorecard had to include indicators covering three priority areas (business environment, social issues, and public administration reform), and potentially include additional areas in the future.² At the end of 2017 and the beginning of 2018, the IRM researcher interviewed civil society and other stakeholders, noting that they were not aware of the development of such an instrument.

End of term: Limited

The government published an information note and a related government decision draft approving the Scorecard's methodology in February 2018³ with a public commentary deadline of 1 March for the draft decision. The documents contained context information and elaborated on the aim, methodology, and description of responsibilities for different institutions during the Scorecard evaluation process. The Scorecard's launch and transfer from the World Bank, which developed the instrument, to the State Chancellery was planned for June 2018, but this was cancelled and the project delayed by the government.⁴ According to discussions conducted from September through October 2018 between the World Bank and the State Chancellery, the government is inclined towards an internal launching of the instrument, which would not require approval of the Government Order,⁵ or a public launch.⁶

The Scorecard was developed for the Government of Moldova by the World Bank within a technical assistance project financed by the Good Governance Fund of the United Kingdom. In the context presented above, during the writing of the report, the instrument was not yet transferred to the government and the donor insists for the Scorecard to be launched at a public event. Initially, the launch of the platform was planned for May 2018. Potential reasons for stalling the launch were the sensitive indicators which it contains in reference to trust in the government and corruption,⁷ and how this might reflect on government's activity during the elections (February 2019).⁸ In November 2018, when this report was drafted, donors were awaiting feedback from the government on next steps. Furthermore, when the Scorecard is launched, it will require an update of the indicators.

By April 2019, the Scorecard was being transferred to the government.⁹ According to the government, it was agreed that it would be used as an internal tool.¹⁰

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Though the scorecard was developed and tested internally, and a public information note as well as the government decision draft approving the Scorecard methodology were published for public comment, other activities and debates linked to the scorecard were conducted only internally, and the instrument was not publicly launched. This commitment did not contribute to the opening of the government with no change in practice.

Carried Forward?

This commitment was not taken over to the next action plan. According to the OGP point of contact for the Republic of Moldova, the World Bank and State Chancellery agreed to transfer the tool and use it internally.¹¹ The next steps regarding this commitment are pending the decision of the government regarding the implementation of the monitoring instrument, and the extent to which it will be used to ensure transparency of government performance. If the instrument will be used only for the internal reporting purposes of the Chancellery its impact will be limited if at all.

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 of 2018, however, the institutional launching and the public launching were planned for the first 6 months of 2017.

² Veronica Cretu, Open Government Institute, consultant in the World Bank Scorecard project, personal communication via chat, April 2017.

³ Informative Note Scorecard: <http://particip.gov.md/proiectview.php?l=ro&idd=4999>

⁴ Veronica Cretu, Skype communication, 14 November 2018.

⁵ Natalia Bejenar, OGP contact point, State Chancellery, written communication, 6 November 2018.

⁶ Moldova Self-Assessment of the Open Government Action Plan 2016-2018, https://www.opengovpartnership.org/sites/default/files/Moldova_End-of-Term_Self-Assessment_2016-2018_EN.pdf

⁷ Veronica Cretu, Skype communication, 14 November 2018.

⁸ Parliamentary elections were finally organized on 24 February 2019.

⁹ Veronica Cretu, Facebook Messenger interview, 4 April 2019.

¹⁰ The IRM received this information during the pre-publication review of this report from Natalia Bejenar, Senior Consultant, State Chancellery of the Republic of Moldova, 4 June 2019.

¹¹ The IRM received this information during the pre-publication review of this report from Natalia Bejenar, Senior Consultant, State Chancellery of the Republic of Moldova, 4 June 2019.

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

Supporting Institution: E-Government Agency

Start Date: 4th quarter 2016

End Date: 4th quarter 2016

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
6. Ensure quality of service delivery			✓		Unclear					✓				✓				✓				

Commitment Aim:

In 2016, the government approved a four-year strategy for the modernization of public services supported by the World Bank.¹ This commitment aimed to contribute to this broader governmental initiative through the modernization of social protection public services by implementing the new e-

Demand service, by developing an online submission system for subsidy files in agriculture and training farmers on how to use it, and implementing a mechanism for interacting with economic agents (businesses, companies), called the e-cabinet.

Status

Midterm: Limited

The National Social Services Agency (NSSA) fully implemented the e-Demand service (6.1) in November 2016. The e-Demand service grants allowances to families with children and is available through the NSSA website as well as through the portal for governmental services (www.servicii.gov.md).² The development of this e-service represented a component of a separate government initiative and was added to the OGP action plan due to its relevance to open government. Among the benefits of the e-Demand service implementation, as stated by the government and some participants (users of the system) in a small survey conducted by the IRM researcher for the midterm report, are: reduced waiting times due to quicker access to this service, as well as reduced costs for beneficiaries who previously had to travel to regional NSSA centers to submit paper-based forms.

Development of the online submission system for agricultural subsidy applications (6.2) began in 2017 with designing the system concept and specifications. The Agricultural Intervention and Payments Agency (AIPA), in consultation with the E-Government Agency, coordinated the concept development. The Ministry of Agriculture planned to launch the system in 2018 and there was no training program on the new system in place for farmers (6.3) at the end of year one of implementation since the system concept was not yet finalized.

The E-Cabinet (6.4) was developed and tested in 2017 by a subcontracted IT company (BASS Systems). Both the developer and the beneficiary (the Customs Service) have tested the new system on their servers, however, it was not clear when the system will be launched.

End of term: Limited

According to the head of the IT Department of AIPA,³ responsible for the coordination of the development and implementation of the online submission, the system development and launch was not achieved in 2018 due to financial difficulties. Though ENPARD⁴ committed initially to contract a developer, this initiative did not materialize, and the agency decided to continue implementation of this activity using its own resources, with a revised timeline to launch the system in February 2019. Currently, the agency is scanning the market for a developer which could potentially develop the system in a short time. The concept developed in 2017 was never submitted for comments by the public or civil society as it represents an intermediate draft and its development will continue. When finalized, the concept draft will be submitted to the ministry and undergo the official approval procedure.

The agency did, however, implement other e-instruments towards the achievement of the current commitment in 2018. On 2 April, an online appointment to schedule the submission of agricultural subsidy applications was launched.⁵ This instrument allows farmers to plan ahead and avoid long waiting times on-site. Moreover, according to the AIPA representative interviewed,⁶ this functionality helps to familiarize the agency with online tools, which had not been employed so far in communications between the public authorities from the agricultural sector and farmers/agricultural producers. The IRM researcher verified the functionality of the system; it allows choosing the AIPA office the application will be submitted at, and the time the person wants to schedule the submission; there are 30 minutes allotted for each person.⁷ The new instrument was promoted via Facebook,⁸ the official website of the agency,⁹ and through the media.^{10,11} However, considering that internet usage in the target population (farmers) is low, it is not clear to what extent farmers are aware of the service and there are no statistics on the number of farmers that have used it.

The training program for farmers on the use of the submission system (6.3) has not started. The agency considers that this can be implemented only after the testing of the system is completed.

There is no publicly available information on the final activity of this commitment—the implementation of the e-cabinet of the economic agent (6.4). The IRM researcher unsuccessfully tried to contact the responsible person from the Customs Office for additional details. Other governmental stakeholders relevant to the activity were not able to provide additional information (Ministry of Finance, Customs Office). The Self-Assessment report found that the module was being tested at that moment.¹² Completion for this activity, therefore, had no significant developments in 2018. The Information System was developed and tested during 2017, but by the end of 2018 due to difficulties in securing the system for economic agents, the development process was suspended. Also, in 2018, the European Twinning project entitled “Support to Modernisation of the Customs Service of Moldova in accordance with the requirements of the Association Agreement requirements” was initiated. One of the components of the project is the development of a Customs Single Window.¹³

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Public Accountability: Did Not Change

The commitment focused on the modernization of some services from a limited number of areas. However, it has contributed partially to this goal as only one-fourth was implemented — the e-Demand system was developed, implemented, and is functioning. The other activities have stalled since they were components of other programs or action plans, or their implementation was impacted by specific contextual factors (financing, technical aspects). The commitment had unclear relevance to OGP values both as written and as implemented. It did not create a mechanism to enforce greater public accountability; all e-instruments proposed in this commitment helped or could help make the submission of paperwork more efficient but did not create sufficient opportunities for civic participation. It did not contribute to improving access to information.

Carried Forward?

Though the activities of this commitment are not carried forward to the new plan, the modernization of services continues to represent an important area in the 2019–2020 action plan. The activities linked to this focus include the modernization of several public services and the development of a new information system. Most of the activities under the commitment on modernization of services in the action plan will be conducted within the “Modernization of Governmental Services” World Bank program 2018–2023.¹⁴

According to the responsible institutions, the remaining activities of the commitment will continue to be implemented, as they represent engagements taken by the government and/or activities from other action plans or programs.

¹ The strategy law, <http://lex.justice.md/md/366273/>; World Bank, Modernization of Government Services in the Republic of Moldova, <http://projects.worldbank.org/PI48537/?lang=en&tab=financial>

² Moldova Self-Assessment report 2016-2018, https://www.opengovpartnership.org/sites/default/files/Moldova_End-of-Term_Self-Assessment_2016-2018_EN.pdf

³ M. Podubnyi, Information Technologies Department, AIPA, telephone communication, 21 November 2018.

⁴ European Program for Agriculture and Rural Development, <http://enpard.md/>

⁵ AIPA, online appointment, <http://aipa.gov.md/ro/content/un-nou-serviciu-electronic-lansat-de-aipa-%E2%80%9Dprogramarea-line%E2%80%9D-0>

⁶ Information Technologies Department, AIPA, responsible for the coordination of the online submission system development.

⁷ Using the AIPA system, <http://programari.aipa.md/>

⁸ AIPA Facebook page, <https://www.facebook.com/AIPA-Agen%C8%9Bia-de-Interven%C8%9Bie-%C8%99i-Pl%C4%83%C8%9Bi-pentru-Agricultur%C4%83-374657479331889/>

⁹ AIPA website, <http://aipa.gov.md/ro/content/un-nou-serviciu-electronic-lansat-de-aipa-%E2%80%9Dprogramarea-line%E2%80%9D-0>

¹⁰ Realitatea.md, https://www.realitatea.md/programare-on-line---procedura-de-depunere-a-dosarelor-de-subventionare-la-aipa-a-devenit-mai-usoara_74831.html

¹¹ Noi.md, AIPA new program launch, <https://noi.md/md/economie/aipa-a-lansat-serviciul-programare-online>

¹² Moldova Self-Assessment report 2016-2018, https://www.opengovpartnership.org/sites/default/files/Moldova_End-of-Term_Self-Assessment_2016-2018_EN.pdf

¹³ The IRM received this information during the pre-publication review of this report from Natalia Bejenar, Senior Consultant, State Chancellery of the Republic of Moldova, 4 June 2019.

¹⁴ Moldpress, World Bank program, <https://www.moldpres.md/news/2018/01/11/18000189>

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress put out by civil society, the private sector, or international organizations; and the previous IRM progress report.

This report is based on a thorough desk review of governmental laws, draft laws and regulations, governmental orders, information notes, and news published on the official websites of the responsible institutions for the implementation of the action plan, as well as the self-assessment report published by the State Chancellery in early 2019. The IRM researcher has analyzed the articles published in the press and on news and industry-specific portals, but also reports and information published by CSOs and think tanks, as well as international organizations, partnerships, and institutions. The IRM researcher has also organized telephone, Skype and face-to-face interviews with governmental staff, CSO representatives/experts, and independent consultants—in total 25 interviews and discussions. For additional information the IRM researcher has maintained constant email communication with the State Chancellery and other institutions responsible for the implementation of the plan, and has received additional reports, minutes, etc., which were not public, and were used to assess commitments' completion.

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, Slovenia, 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, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.

