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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**Fifth Report on the implementation by the Republic of Moldova of the Action Plan on  
Visa Liberalisation**

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## Fifth Report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation

### 1. INTRODUCTION

The EU-Republic of Moldova Visa Dialogue examining the conditions for visa-free travel for citizens of the Republic of Moldova (hereinafter 'Moldovan citizens') to the EU was launched on 15 June 2010, with the first **Senior Officials Meeting. The Action Plan on Visa Liberalisation (VLAP)**<sup>1</sup> was presented to the authorities of the Republic of Moldova (hereinafter 'Moldovan authorities') by the Commission on 24 January 2011, and was followed in February by the second **Senior Officials Meeting**. The VLAP sets a series of precise benchmarks for the Republic of Moldova on four so-called 'blocks'<sup>2</sup> of technically relevant issues, with a view to both the adoption of a legislative, policy and institutional framework (phase 1) and its effective and sustainable implementation (phase 2).

The Commission has regularly reported to the European Parliament and to the Council on implementation of the VLAP. The **First Progress Report** was presented on 16 September 2011<sup>3</sup>. A third **Senior Officials Meeting** took place on 7 October 2011.

**Evaluation missions** on Blocks 2, 3 and 4 of the VLAP took place in October/November 2011, involving experts from EU Member States, Commission officials and officials of the European External Action Service (hereinafter 'EEAS'). The purpose of these missions was to assess the legislative, policy and institutional framework under the first phase benchmarks of the VLAP and its compliance with European and international standards. The **Second Progress Report** was issued on 9 February 2012<sup>4</sup> and the fourth **Senior Officials Meeting** took place on 27 February 2012.

The **Third Progress Report** was issued on 22 June 2012<sup>5</sup>. It was the final progress report on first phase of the VLAP and it presented a consolidated assessment by the Commission of the Republic of Moldova's progress in meeting the first phase benchmarks of the VLAP. The Commission issued an **assessment of possible migratory and security impacts of future visa liberalisation for Moldovan citizens travelling to the EU** on 3 August 2012<sup>6</sup>, involving relevant EU agencies and stakeholders.

Following these reports, the Council adopted Conclusions on 19 November 2012 in which it concurred with the Commission's assessment that the Republic of Moldova **has fulfilled all the benchmarks under the first phase** of the VLAP. The required legislative, policy and institutional framework had been put in place. The assessment of the benchmarks set out under the second phase was then launched.

The fifth **Senior Officials Meeting** took place on 28 January 2013. A new series of **evaluation missions** on all four Blocks of the VLAP was organised from 18 February to 15

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<sup>1</sup> Council document 18078/10.

<sup>2</sup> These are: (i) document security, including biometrics; (ii) irregular migration, including readmission; (iii) public order and security; and (iv) external relations and fundamental rights.

<sup>3</sup> First Progress Report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation, SEC(2011) 1075 final.

<sup>4</sup> SWD (2012)12 final.

<sup>5</sup> COM(2012) 348 final.

<sup>6</sup> COM(2012) 443 final.

March 2013. The missions were unmatched in terms of the depth of the assessment — four weeks involving 12 EU Member States' experts accompanied by officials of the Commission and of the EEAS. The purpose of the missions was to assess both the fulfilment status of the second phase benchmarks of the VLAP and the extent of implementation of the legislative, policy and institutional framework, in compliance with European and international standards. Particular attention was paid to areas such as anti-discrimination and integration of minorities and trafficking in human beings, some of them referred to in the Council Conclusions of 19 November 2012. The Republic of Moldova committed to address the recommendations contained in the expert reports through the updated National Action Plan drafted at the end of May 2013. The **Fourth Progress Report** was issued on 21 June 2013<sup>7</sup> and it presented the state of the implementation of the legislative and institutional framework, the functioning of the institutions and the level of inter-agency coordination.

The current **Fifth Report** presents the level of implementation of the recommendations issued in the Fourth Report and of the overall fulfilment of the second phase VLAP benchmarks. Special attention was paid to the **sustainability** of the reforms and the results achieved, including through meaningful **staffing, capacity and funding**. This report also builds upon the findings made on 15 October 2013 during the sixth **Senior Officials Meeting** held in Chisinau, and on the visit by the Director-General of Directorate-General Home Affairs of the European Commission to the **administrative line** at the Nistru River and to the **Transnistria region**. It includes an assessment of the state of the **fulfilment of the recommendations** addressed to the Republic of Moldova contained in the **Assessment of Impacts report** of August 2012.

## 2. ASSESSMENT OF IMPLEMENTATION OF THE FOUR BLOCKS OF THE SECOND PHASE OF THE VISA LIBERALISATION ACTION PLAN

### 2.1. Block 1: Document security, including biometrics

#### 2.1.1. VLAP benchmarks

- **Gradual roll-out of biometric passports in compliance with ICAO standards, including at Moldovan consulates abroad, and phase-out of non-ICAO-compliant passports**

The Republic of Moldova has been issuing exclusively biometric passports in full compliance with the ICAO standards<sup>8</sup> since 1 January 2011 and the entire legislative framework required is in place and is being implemented. A consolidated framework for secure identity management is ensured. The current sticker passport booklets were tested by the French company Ingelis Expertise and were found in September 2010 fully compliant<sup>9</sup> with ICAO standards. Additionally, on 11 June 2013 the Republic of Moldova became the 38<sup>th</sup> member of the ICAO Public Key Directory, with the Centre for State Information Resources (CSIR) Registry ('Registru'), receiving six certificates in September 2013. The collection and

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<sup>7</sup> COM(2013) 459 final.

<sup>8</sup> ICAO 9303 'Machine Readable Travel Documents, Part 1 Machine Readable Passports, Volume 2 Specifications for Electronically Enabled Passports with Biometric Identification Capability'.

<sup>9</sup> ICAO Technical Report, Durability of Machine Readable Passports (Version 3.2, 206.8.30); ISO/IEC 10373-1 SE: 206.5.01 — Identification cards — Test Methods — General Characteristics; ICAO Technical Report, RF Protocol and Application Test Standard for e-Passport — Part 2 (Version 1.02, 207.2.20); ICAO Technical Report, RF Protocol and Application Test Standard for e-Passport — Part 3 (Version 1.01, 207.2.20).

management of biometric data is done in full compliance with the law on protection of personal data<sup>10</sup>.

In order to start issuing biometric passports with integrated chips, Registru and the joint-stock company Gemalto signed on a contract 27 September 2013 for the production and delivery of passport booklets with a contactless integrated circuit. The contract was submitted on 30 September 2013 to the Public Procurement Agency of the Ministry of Finance for registration, and will enter into force after registration. The issuing of the new booklets is planned for the first quarter of 2015.

Passports that do not contain biometric data issued until 1 January 2011 within the Republic of Moldova and the ones issued until 31 December 2011 abroad will be valid until the expiration date. On 1 September 2013, 2 623 225 passports of the citizens of the Republic of Moldova were in circulation, including 680 836 (or 25.19%) biometric passports. The complete phasing out of non-biometric passports is scheduled for 2020.

- **High level of integrity and security of the application, personalisation and distribution process for passports, as well as identity cards and other breeder documents**

The Civil Status Service provides a centralised system for all forms of civil status breeder documents with a high degree of protection (civil status certificates and extracts from civil status certificates). All forms of civil status breeder documents of strict accounting are provided with five signs of protection. As of 7 March 2013, the new identity cards are issued in the new ID-1 format.

In order to make the production process automated, the remaining manual procedures have been removed in the following areas: on designing the extrusion machine for the cards of ID-1 format; on ensuring the production of the specialised equipment at one of the specialised factories; on designing and ensuring the production of cutters of the format of ID-1 card for the existing extrusion machine (of ID-2 format); on designing the lathe with programme control (numerical control software) to provide automation of technological process of laser engraving, cutting etc.

Regarding anti-corruption measures, planned and unexpected inspections are being carried out continuously. New rules on organising unexpected inspections were approved by Order No 51 of 18 June 2013. A strategy for preventing and fighting corruption at staff level was developed by the Civil Status Service and approved by Order No 58 on 16 July 2013. All staff, including the management of the central and territorial offices of evidence and documentation of population signed to confirm that they were aware of the Order 'On some prevention measures against corruption and protectionism'. The Ethical Code for staff working in civil registration and document issuance has been in force since 1 April 2011. In 2012, there was one violation of the Ethical Code and the staff member was disciplined under an Internal Order of the Registru. In 2013 there were no cases.

- **Prompt and systematic reporting to Interpol/LASP data base on lost and stolen passports**

In 2012, 33349 Moldovan passports were reported stolen or lost in Interpol's Stolen and Lost Travel Document database and 1676 passports were withdrawn from the database. In the first seven months of 2013, 2000 fewer passports were reported stolen or lost than in the same period of 2012. In 2012, nine criminal investigations into stolen travel documents were opened and a further six were opened in the first eight months of 2013.

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<sup>10</sup> Law no 133 from 8 June 2011.

Measures were taken to reduce the number of cases in which citizens of the Republic of Moldova declare passports lost. Government Decision No 125 of 18 February 2013 allowed citizens to apply to the issuing authority giving reasons to keep a passport for use for a limited period provided it was perforated, if the passport contained a visa or residence permit issued by a foreign authority, or they had obtained a legal act based on the document. The Ministry of Information Technologies and Communication and the Ministry of Interior began a joint assessment of the causes of passport losses and thefts and will submit general recommendations by the end of the year.

- **Regular exchange of passport specimens and cooperation on document security with the EU**

The EU Member States' diplomatic missions are kept up to date with new passport specimens on a yearly basis through an established channel of communication. The latest update was submitted on 8 August 2013. The last update in the PRADO<sup>11</sup> system was in March 2013, introducing new specimens for the security features of Moldovan biometric passports.

#### 2.1.2. *Assessment of Impact recommendations*

- *Establish and apply proportionate, effective and dissuasive sanctions against persons convicted of selling or lending their passports*

Article 361(1) of the Criminal Code of the Republic of Moldova lays down sanctions for the production, possession or use of forged official documents: a fine up to 300 conventional units (1 conventional unit is MDL 20<sup>12</sup>) or 150 to 200 hours of unpaid community work or up to two years' imprisonment. To reduce passport loss declarations, Government Decision No 125 of 18 February 2013 allows a passport that contains a visa or residence permit to be returned to the holder by the issuing authority for use for a limited period, provided it is perforated. To increase the responsibility of passport holders, fees for issuing these documents will be higher if they are lost.

- *Regularly share data on lost and stolen biometric passports with the EU authorities, in particular using Interpol's Lost and Stolen Travel Document database*

See VLAP benchmarks above..

- *Strengthen the legal and institutional framework regarding the 'Civil Registry' in order to prevent the abuse of change of names or identity for the purpose of obtaining a new passport. Clear rules should be established and applied regarding name changes; the legal and institutional framework should be strengthened and include effective control as well as traceability measures.*

According to Government Decision No 333 of 18 March 2002 on approval of the concept of the automated informational system 'State Register of Population' and the Regulation on the State Register of Population, every person to be identified in the territory of the Republic of Moldova is assigned an Identification Number of Person (IDNP). In order to increase the security of the identification process, additional personal data are added. The content and structure of personal data can be amended, but the IDNP remains unchanged. This prevents changes of name or identity being abused to obtain a new passport.

### **General assessment Block 1**

The Republic of Moldova is taking sufficient measures regarding lost passports and related

<sup>11</sup> Public Register of Authentic Identity and Travel Documents online.

<sup>12</sup> 1 Euro = 17.26 Moldovan Leu (MDL) on 21 October 2013.

sanctions. The distribution of a booklet with integrated chip will start as of 2015, and the current sticker passports give the necessary security guarantees.

The Republic of Moldova has implemented in a satisfactory manner the actions demanded by the recommendations of the 4<sup>th</sup> VLAP report, while continuing to effectively implement the relevant legislation. The Commission considers that **the Republic of Moldova has met the second phase benchmarks set under Block 1.**

## **2.2. Block 2: Irregular immigration, including readmission**

### *2.2.1. Block 2 / topic 1 — Border management*

#### 2.2.1.1. VLAP benchmarks

- **Effective implementation of legislation on border control through adequate border checks and border surveillance, procedures and operational effectiveness, situational picture at national and local level, including implementation of risk analysis, intelligence and data-flow management as well as direct access and consultation of relevant national and international databases**

The Border Police Department (BPD) works to strengthen the state border surveillance system using modern special equipment including fixed border surveillance systems. Thus, as part of the EU-funded project on „Fixed and Mobile Communication Network for Moldovan Border Guards Service (Border Police after the reform)”, 125 fixed and 53 dome video surveillance cameras were installed across 575 km of the state border in order to ensure its surveillance in and immediately around tower sites installed in public surroundings, picket compounds and buildings of subdivisions of the BPD and border crossing point perimeters. The National Coordination Centre is responsible for implementing the Regulation establishing the State Border National Control System and has been running since 12 October 2012. Five Regional Coordination Centres and 41 Local Coordination Points/Dispatchers have been set up to operate 24/7. As a result, 16 posts have been created at central level, 66 at regional level, and 205 at local level. To model these activities on EU best practice, several study visits to EU Member States were made in 2013<sup>13</sup>.

The EU Border Assistance Mission (EUBAM) assisted the BPD in the elaboration of several risk profiles and in the implementation of an on-line system reporting concerning the daily border situational, which contains relevant data on the border crime situation in all of the country. These analytical products are used by regional and local managers to optimize the allocation of resources along the border, and to target passenger and vehicles for second line checks. As an integrated part of the automated registration system for cross-borders, the BPD developed the risk criteria module “PASSENGER” including risk indicators, which is providing alerts automatically to the BPD officers for the purpose of selectivity. This module is also available for the newly created BPD Mobile Units (see below).

During the first six months of 2013, permission to cross the Republic of Moldova’s state border was refused to 2786 persons, of whom 2212 were leaving the country. The main reasons for refusal include: invalid documents, expired travel documents, no visa for the destination country, and non-conformity with the status of the border crossing point. The BPD of the Ministry of Interior investigated 173 criminal cases. Of these, 45 were submitted for trial and 33 are before the prosecutor. The breakdown is as follows: 8 cases of smuggling; 8 cases of irregular migration; 73 cases of illegal crossing of the state border; 2 cases of trafficking in human beings; 3 cases of illegal possession of ammunitions and 79 cases of document counterfeiting.

<sup>13</sup> FRONTEX Situational Centre and General Inspectorate of the Romanian Border Police.

When performing checks, border police use risk profiles databases to help identify risks of hidden persons trying to evade border control. The BPD's Risk Analysis System (RAS) uses risk profiles on trafficking in human beings (THB) included in the Border Police Integrated Information System. All border control subdivisions can access these profiles online, and they are constantly updated. In accordance with risk indicators, in 2013 border police tackled 11 cases (involving 24 people) of trafficking in human beings; one case was an attempt to take children out of the country. The border police investigated two cases; others were submitted to the relevant law enforcement agencies.

- **Provision of adequate infrastructure, technical equipment, IT systems, financial and human resources in accordance with the IBM Strategy and Action Plan to be adopted, and effective implementation of training programmes and anticorruption measures**

In 2013, out of 91 measures in the Action Plan for the IBM strategy, 80% were implemented and the other 20% were ongoing. The reorganisation of the border police was completed. The total number of subdivisions of the BPD was reduced by 50% at regional level and 42% at local level. The maximum number of staff of the BPD was set at 3500. Currently, the institution's employment rate stands at 86% of the maximum. During 2013, the BPD finalised the structural reform of the local level units, thus implementing the relevant EUBAM recommendations. In 2013, the BPD performed several capacity-building activities. A substantial amount of modern equipment<sup>14</sup> was acquired.

A series of activities and training courses were held to prevent and fight corruption. In the first six months of 2013, staff of the BPD specialised subdivision conducted 25 unannounced inspections of BP subdivisions and 196 service investigations resulting in 227 sanctions, 15 of which resulted in dismissal. Video surveillance was installed at Chisinau Airport, allowing online monitoring not only of the registration, verification and checks on passengers, but also of the behaviour of inspectors at the border crossing point, in order to prevent active corruption. In addition, 220 employees of the BPD and Customs Service were trained with the assistance of the National Anticorruption Centre. In October 2013, 31 officers of the Moldovan Customs Service and the Border Police were detained for passive-corruption charges.

- **Improvement of inter-agency cooperation (including exchange of data between the Border Guard Service and law enforcement agencies) international cooperation, including cooperation with neighbouring countries and implementation of working arrangement with FRONTEX to a high level of effectiveness.**

Cooperation with FRONTEX continued at a fast pace, with BPD officers taking part in the joint operation 'Focal Points Land and Air 2013', alongside the border services of Poland, Romania and Spain. The Republic of Moldova hosted FRONTEX Coordination Points 2013 at two border crossing points: Criva and Tudora. From March to May 2013, a regional operation, ROMOLUK, was run by the National Customs Authority jointly with the European Commission's European Anti-Fraud Office (OLAF) to combat illicit tobacco products and alcohol smuggling. There was intense cooperation with the EUBAM in 2013 in line with the Ninth Phase Action Plan. In the framework of FRONTEX joint operations with the participation of the Republic of Moldova, information exchange has been facilitated through the access of Moldovan officials to the Frontex One-Stop-Shop (FOSS), the Agency's web

<sup>14</sup> This included: Dacia Duster cars — 80; ATVs — 105; thermal imagers — 32; day vision devices — 420; night vision devices — 304; portable gamma and neutron radiation detectors— 354; inspection mirrors — 66; endoscopes — 62; 'Regula 1019' document verification devices — 32; and 'Regula 7337' document reading devices — 47.

platform for information exchange with Member States and third parties, as well as to the Joint Operations Reporting Application (JORA), the Agency's tool for reporting, managing and analysing data related to incidents detected during joint operations.

The information exchange between the BPD and the Bureau for Migration and Asylum (BMA) has improved, but needs further investments. An electronic information exchange module to link the BPD and the BMA databases needs to be installed.

Improvement of the monitoring system for migration flows over the Moldovan-Ukrainian border on the Transnistrian segment is a longstanding objective of the Moldovan authorities. The Moldovan authorities have developed a special mechanism<sup>15</sup> for monitoring migration flows. It is based on the legal obligation of foreign visitors arriving through the Transnistrian segment to register their stay in the Republic of Moldova within 72 hours of crossing the border, and it provides for the necessary administrative capacity and procedures to facilitate the registration process. Registration is free of charge. Six Territorial Offices of the BMA set up beside the administrative line started work at the end of October 2013. The territorial offices use the existing infrastructure of the Internal Customs Control Posts set up in 2004. Consideration should be given as to developing a regulation that includes unambiguous provisions for registration of the foreign travellers. A communication strategy explaining these new rules needs to be launched as soon as possible. In particular, any provisions should not cause burdens to the traveller flow, nor provide administrative sanctions for circumstances non-attributable to them. This is referred to the lack of border control by Moldovan authorities along the central segment of the Ukraine-Republic of Moldova state border.

#### 2.2.1.2. Assessment of Impact recommendations

- *Continue to strengthen border controls, including risk analysis and surveillance measures, as well as preventing and fighting corruption at the border, and continue to enhance cooperation with EUBAM in all areas of border management;*

See Block 2 / topic 1 VLAP benchmarks. Throughout 2013, over 20 Joint Assistance Exercises (JAEs) were organised by EUBAM and conducted with the participation of the Republic of Moldova and Ukraine border agencies. The joint measures were based on identified risks such as smuggling of tobacco and other excise goods (ethanol, etc), vehicles crime, irregular migration/smuggling of people and THB, smuggling of consumer goods and meat. In accordance with the identified targets, the JAEs covered the entire common border including BCPs and green/blue borders, as well as inland locations. The final assessment of these exercises indicated needs for further on-the-job-training and improvement in the areas such as: interagency cooperation, risk analysis skills, and use and equipment of mobile units.

- *Enhance cooperation with neighbouring countries. Strengthen bilateral and international cooperation and information exchange on statistical and analytical data and tactical/operational data/intelligence, through measures such as initiating/participating in joint cross-border operations, joint investigation teams, and joint intelligence teams, facilitating the exchange of liaison officers in such operations, offering training for conducting joint border and customs controls*

In 2013, BPD activities mainly focused on implementing cooperation agreements signed between the BPD and the border agencies of Poland, Latvia, Lithuania, Estonia, Georgia. In this context, 96 BPD officers were trained in Poland in the framework of the project in the

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<sup>15</sup> The relevant measures will prevent additional obstacles being created to the freedom of movement of residents of the Transnistrian region and respect the existing arrangements in the Security Zone. The mechanism applies only to foreign citizens non-resident in the Transnistrian region who are crossing the Ukrainian-Moldovan border through the Transnistrian segment.

field of risk management and crime analysis ‘Information management in the system of combating cross-border crime’. BPD representatives carried out a study visit in Estonia, on the security and verification system for documents in accordance with European standards. Two joint operations “OVIDIUS” and “PONTUS EUXINUS” were conducted under the umbrella of EUBAM, with the aim of strengthening the capacity of Ministry of Interior subdivisions as well as Customs and Security Services by jointly conducting measures with Ukraine, EU, Member States and international experts to prevent and combat cross-border crime.

The BPD and the BMA actively participate in the regular and ad-hoc meetings of the EUBAM-led Working Group I on irregular migration and trafficking in human beings. This framework brings together investigators from all Moldovan and Ukrainian law enforcement agencies as well as from EU Member States, Europol, FRONTEX and SELEC, in a joint effort to exchange information and build capacity in support of joint investigations on irregular migration and trafficking in human beings. Representatives of Moldovan law enforcement agencies (Customs Service, Ministry of Interior, BPD) are also active participants in several other EUBAM projects such as the Working Group II on Smuggling of Goods and Cigarettes, Working Group on Intellectual Property Rights, Task Force Arms, Task Force Drugs and Task Force Vehicle Crime. All these forums contribute to updating the overview on the current situation, pooling the resources and organizing a joint response to the threats posed by illicit trans-border activities in respective areas.

- *Improve training and capacity building with regard to international customs and law enforcement cooperation and information exchange.*

See Block 2 / topic 1 VLAP benchmarks.

- *Coordinate the control activities at the common border. Share intelligence and enhance common situation assessment at the operational level.*

On 4 July 2013, negotiations began on an agreement between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine on contact points at the Moldovan-Ukrainian border. It will serve as the basis for a new concept of information exchange, for establishing new forms of interaction by setting up and running contact points at the Moldovan-Ukrainian border in accordance with EU best practice.

A Protocol between the Border Police Department of the Ministry of Interior of the Republic of Moldova and the Administration of the State Border Guard Service of Ukraine on the exchange of analytical and statistical information is being updated. In 2013 the Protocol was subjected to improvement by including the implementation of the daily exchange of information about the situation on a joint segment of the border. Furthermore, on a monthly basis, the border agencies of the Republic of Moldova and Ukraine are performing joint risk assessment reports. Additionally, EUBAM supported the border agencies from both countries in enhancing the operational information exchange and the implementation of the daily monitoring system on the migration flow across the Transnistrian central segment of the Moldovan-Ukrainian state border. The information exchange of non-nominal data on third country nationals who crossed the common state border through the central segment has been set up.

- *Enhance cooperation with neighbouring countries, in particular Ukraine*

In May-June 2013, several meetings of joint working groups of experts from the BPD, the Centre for Combating Trafficking in Human Beings, the BMA, the State Border Guard Service of Ukraine, the International Migration Organisation and EUBAM were held. They

produced a special report on migration and human trafficking on the Moldovan-Ukrainian state border.

The border demarcation process of the Republic of Moldova-Ukraine state border is expected to be finalised by the end of 2014. Currently, 1,202.5 out of 1,222.0 kilometres have been demarcated. 19.2 kilometres on the central segment and 0.3 kilometres on the southern sectors of the common border still stand for demarcation. The elaboration of the final border demarcation documentation regarding all the sectors is on-going. Considered the achieved progress, the development of the Treaty between the Republic of Moldova and Ukraine on the state border regime has already started. Four rounds of negotiations on the Draft Treaty between the Republic of Moldova and Ukraine on the state border regime were held in 2013. On 21 May 2013, negotiations on drafting a trilateral document at government level establishing and marking the meeting points (*triplex confinium*) of the Moldovan, Romanian and Ukrainian state borders took place.

- *Continue to sustain cooperation with EUBAM and implement EUBAM recommendations on improving and intensifying the use of mobile units*

EUBAM notes<sup>16</sup> that the number of Moldovan citizens (83) who were detected on exit from the Republic of Moldova with the intention of fraudulently travelling further to EU countries fell by 29% in 2012 compared to 2011 (117). The report also highlights continuing improvements in border and migration management systems in the framework of visa liberalisation efforts, a generally decreasing trend in irregular migration in the Republic of Moldova and enhanced control of irregular migration at the Moldovan border.

Controls on international traffic routes throughout the country's territory by mobile units are an important factor in preventing irregular migration and cross-border criminality. The BPD has set up a Mobile Units Directorate, which is well equipped at central and regional levels. A regulation on BPD mobile units was approved by the Government Decree # 752 dated 20 September 2013, establishing the role, tasks and rights of mobile units within tactical and operative actions of the BPD, public order and security missions of the Ministry of Interior. The regulation provides for the possibility of establishing joint mobile units based on cooperation agreements. The Traffic Regulation of the Republic of Moldova was modified to include provisions that allow BPD mobile units implementing their activities on the public roads.

From February to March 2013, the joint mobile units of the BPD and the Customs Service conducted joint operations: 477 means of transport were checked, of which 396 were registered with national numbers and 81 with foreign numbers. During these operations, the following cases were detected and documented: 1 case of illegal transportation of products subject to excise (ethyl alcohol); 3 cases of transportation of consumer goods without certificates of origin; 2 cases of counterfeit powers of attorney on the means of transport and 2 cases of changing the vehicle numbers.

## 2.2.2. *Block 2 / topic 2 — Migration management*

### 2.2.2.1. VLAP benchmarks

- **Continued effective implementation of the EU-Republic of Moldova readmission agreement and measures for the reintegration of Moldovan citizens (returning voluntarily or readmitted)**

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<sup>16</sup> EUBAM Special report on 'Irregular Migration and Trafficking in Human Beings at the Moldovan-Ukrainian Border 2012', 16 July 2013.

Under the Readmission Agreement with European Union and with non-EU countries, for the period 1 January to 31 July 2013, the Ministry of Interior examined 83 readmission applications from the following countries: France 35, Austria 8, Germany 7, Spain 10, Switzerland 6, Romania 7, Belgium 9, Sweden 1. During the same period, 42 Moldovan citizens were successfully readmitted into the Republic of Moldova and 2 EU citizens were readmitted from the territory of the Republic of Moldova to EU Member States (Romania 1, Hungary 1). From the total number of readmission applications received from EU countries, 8 persons were found not to be citizens of the Republic of Moldova or not to have any association with the Republic of Moldova.

In the area of return and readmission, two EU-funded projects were started successfully. The ‘Strengthening Migration Management and Cooperation on Readmission in Eastern Europe’<sup>17</sup> (MIGRECO) project was launched on 21 March 2013 and will last two years. It is being implemented by the International Organisation for Migration (IOM). The ‘Supporting the Republic of Moldova to implement the EU-the Republic of Moldova Action Plan on Visa Liberalisation — Fighting Illegal Migration in the Republic of Moldova’<sup>18</sup> (FIRMM) project was launched on 20 March 2013. It is being implemented by the International Centre for Migration Policy Development (ICMPD) over the next two years. Both projects contribute to strengthening the capacity of the BMA by developing the necessary skills for negotiation and implementation of readmission agreements with other third countries as well as of Implementing Protocols with EU Member States<sup>19</sup>.

- **Effective implementation of legal framework for migration management, including provision of administrative structures with adequate human resources with clear and relevant competences for all aspects of migration management, as well as effective cooperation between relevant agencies**

Within the framework of the reform process of the Ministry of Interior and in order to strengthen overall migration management in the Republic of Moldova, the institutional framework of the BMA was thoroughly reviewed (under Ministry of Interior Order No 70 of 28 February 2013). The BMA was upgraded to a Department and the number of staff was almost doubled from 104 to 198.

The Agreement between the Republic of Moldova and the European Union amending the Agreement between the Republic of Moldova and the European Community on the facilitation of issuance of visas, signed in June 2012, entered into force on 1 July 2013. Progress on the implementation of the agreement was assessed as positive at the last meeting of the the Republic of Moldova–EU Joint Committee on implementation held on 12 June 2013 in Brussels. For 2012, the number of EU visas issued to Moldovan citizens increased to 157974. The average refusal rate for 2012 fell to 3.05% from 7.02% for 2010. In 2012, the EU Member States issued 101135 visas to Moldovan citizens, of which 45.01% were multiple-entry visas, including 26.71% Schengen visas. In 2008, only 11.6% of the total numbers of visas issued were multiple-type visas.

In 2012, the most multiple-entry visas were issued by Romania (61.94% or 32533 multiple-entry visas out of a total of 52520); Lithuania (45.15% or 647 multiple-entry visas out of a

<sup>17</sup> Budget for the Republic of Moldova: EUR 673 000.

<sup>18</sup> Budget for the Republic of Moldova: EUR 1 200 000.

<sup>19</sup> Eleven Implementing Protocols between the Republic of Moldova and EU Member States have entered into force, namely with: Estonia, Hungary, Romania, Slovakia, Germany, Austria, Lithuania, Latvia, Malta, Denmark, Bulgaria and the Czech Republic. A further Implementing Protocol has been signed with the Benelux countries (Belgium, Luxembourg, Netherlands), and a bilateral readmission agreement has been signed with Denmark. Under negotiation are draft Implementing Protocols with Greece, Finland, United Kingdom and Sweden.

total of 1 433); and Italy (36.07% or 3 795 out of a total of 10 521). The highest refusal rate in 2012 was recorded for France (9.8% or 434 visa requests refused out of 4 391); the Czech Republic (9.52% or 439 requests refused out of 4 610); and Italy (8.03%<sup>20</sup> or 918 requests refused out of 11 439). The lowest refusal rates were for Bulgaria (0.04% or 25 requests refused out of 56 864); Romania (2.78% or 1 502 requests refused out of 54 022); and Germany (2.43%<sup>21</sup> or 162 requests refused out of 6 679).

- **Migration profile established and regularly updated and effective analysis of data on migration stocks and flows**

The Extended Migration Profile (EMP) Report of the Republic of Moldova was officially published in April 2013. The periodic independent production of the Report will be continued by the Government of the Republic of Moldova, specifically under the coordination of the Bureau for Migration and Asylum of the Ministry of Interior. In this respect, an updated set of statistics in line with the list of indicators shall be published by the end of 2013.

An independent large scale migrant and household survey<sup>22</sup> was conducted<sup>23</sup> by the Centre for Sociological, Political and Psychological Analysis and Investigations ‘CIVIS’ and the International Agency for Source Country Information as part of the EU-funded project on Strengthening the link between migration and development (NEXUS Moldova). The research found that there are 370 000 Moldovans abroad as long-term labour migrants, making up 11% of the total population, and an additional 109 000 Moldovans engaged in seasonal migration in other countries, accounting for 6.6% of the total population. Of the seasonal migrants, 81% migrate to the Russian Federation and 7% to Italy. The study found that 91.2% of the total population that has not already migrated has no intention to migrate (including labour migration, study, seasonal and internal migration). Some 56 000 people, or 3.4% of the total population, have plans for long-term international labour migration and 51 000, or 3.3% of the total population, intend to seek seasonal work abroad.

- **Consistent implementation of an effective methodology on inland detection of irregular migration, risk analysis (including the reporting of relevant agencies and analysis on each administrative level e.g. local, central), and investigation of cases of organised facilitated irregular migration, including effective cooperation between relevant agencies**

In the first six months of 2013, 312 cases of violations of the rules of stay were recorded (as a result of the Ministry of Interior’s applying inland detection methods): 270 cases of violations of the rules of stay by foreigners and stateless persons and 42 cases of employment of foreigners without authorisation. The BMA issued 73 decisions to return foreigners and courts issued 26 decisions expelling foreign citizens.

In order to enhance migration management in all areas and to strengthen capacity to prevent and tackle illegal stays by foreigners in the Republic of Moldova, the structure of the BMA’s Directorate for Combating of Illegal Stay of Foreigners was reviewed and the number of staff increased from 11 to 47. Three regional units for combating illegal stay by foreigners were set up in the Directorate for combating illegal stay of foreigners (in the north, Balti; in the centre, Chişinău; and in the south, Comrat) with a total number of 34 staff. By September 2013, staff had been selected for 85% of the newly created posts.

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<sup>20</sup> This fell to 5% in 2013.

<sup>21</sup> This fell to 1.4% in 2013.

<sup>22</sup> As part of the project ‘Strengthening the Link between Migration and Development: Testing an Integrated Service Provider to Moldovan Migrants and their Communities (NEXUS Moldova)’.

<sup>23</sup> Nexus Moldova household survey May to August 2013.

The EU-funded project ‘Supporting the Republic of Moldova to implement the EU-the Republic of Moldova Action Plan on Visa Liberalisation — Fighting Illegal Migration in Moldova (FIRMM)’ develops the capacity of the central and local authorities to detect inland irregular migrants and will help to purchase the necessary equipment. As part of the same FIRMM project, the BMA has created a new section for information development, data management and risk analysis that will be supported in consolidating its operation and analytical capacities. In the same context, an internal working group was set up to draft a methodology for analysis and risk assessment for immigration and asylum, and it will receive support from EU member states experts.

During the first seven months of 2013, 34 criminal cases of irregular migration were recorded, compared with 82 in the same period of 2012 (a fall of 58.5%). In 2013, three cases were referred by the BMA to the prosecutor’s office, and criminal investigations begun.

- **Provision of adequate infrastructure (including detention centres) and strengthening of responsible bodies to ensure effective expulsion of irregularly residing and/or transiting third-country nationals from the territory of the Republic of Moldova**

To strengthen capacity and improve both the efficiency of return procedures and the delivery of services to foreigners, the structure of the Centre for Temporary Detention of Foreigners in the Ministry of Interior was reviewed (Ministerial Order No 70 of 28 February 2013). Under the new structure, staffing increased from 29 to 40. The number of staff of the Security and Access Service rose from 17 to 25 and that of Identification and Escort Service from 5 to 6. The logistics service was given two more posts.

In order to ensure that migrants in detention receive legal assistance, a memorandum of understanding between the BMA, the National Council of State Legal Aid and the Law Centre of Advocates (a non-governmental organisation) was signed on 6 August 2013. Under the memorandum of understanding, the National Council of State Legal Aid and the Law Centre of Advocates will provide initial counselling and necessary legal assistance to all persons placed in the Centre for Temporary Detention of Foreigners. In the first six months of 2013, 34 foreigners were held in the Centre. The average duration of detention is above two months. The relatively long average time taken for removal is due to the low level of replies from some third countries.

#### 2.2.2.2. Assessment of Impact recommendations

- *Organise continuous, targeted information campaigns aiming to clarify the rights and obligations of visa-free travel, including information on rules regulating access to the EU labour market (including through the EU Immigration Portal) and liability for any abuse of rights under the visa-free regime*

A steering committee group on information and communication on European integration was created in July 2013. It is chaired by the Deputy Minister of Foreign Affairs, with the participation of the EU High Level Adviser of the Prime Minister on Communication, spokesperson of the Prime Minister, advisers of the Prime Minister, representatives of the General Directorate for European Integration and Media Unit of the Ministry of Foreign Affairs. The steering committee meets every week or one in 2 weeks. A practical plan of action on short-, medium- and long-term priorities was drafted and started to be implemented in July 2013. Visa liberalisation is one of the key subjects addressed in discussions with the public. Between August and October 2013 alone, more than 20 public activities on visa-free travel were organised. In September, the Republic of Moldova’s Ministry of Foreign Affairs and European Integration had separate and joint informal meetings with representatives of the media (editors from all the TV channels, majority radio, online and written press) to explain

the priorities of the EU-MD dialogue up to the Vilnius Summit, and the Post-Vilnius Agenda, plus the latest developments in VLAP implementation.

### 2.2.3. *Block 2 / topic 3 — Asylum policy*

- **Effective implementation of asylum legislation, including provision of adequate infrastructure and strengthening of responsible bodies (staff, funding), in particular in the area of asylum procedures, reception of asylum seekers and protection of their rights, as well as integration of refugees; ensuring that beneficiaries of international protection have access to travel documents foreseen by the legislation**

In 2012, 162 people applied for asylum, 19 were recognised as refugees, 45 were granted humanitarian protection and 55 were refused any form of protection. In the period from 1 January to 30 June 2013, 54 people applied for asylum, 9 were recognised as refugees, 43 were granted humanitarian protection and 22 were rejected any form of protection. In 2012, the average processing time between submission of an application and a first-instance decision was 107 days, while the time taken between submission of an application and a final decision was 401 days. In the first half of 2013, the average length of the administrative procedure was 129 days and 289 days if the case went to appeal. The time taken to examine asylum applications in administrative procedure is between one and six months. As of 1 July 2013, 272 persons with protection status, of whom 79 were refugees, and 135 persons who had been granted humanitarian protection were staying in the territory of the Republic of Moldova. Currently, decisions on 58 persons are pending, awaiting a decision in first instance or on appeal. Most of the applicants originate from Syria, Armenia, Afghanistan, the Russian Federation, Azerbaijan, Kirghizstan or Sudan.

Government Decision No 362 on financial aid granted to refugees and beneficiaries of humanitarian protection for the year 2013 was adopted on 12 June 2013. The aid was set at MDL 577.50, which represents 15% of the average wage estimated for 2013. In 2013 aid requests were received from 25 people and granted in 22 cases (21 from Syria, and 1 from Sudan) and rejected in 3 cases (from Armenia). In the first half of 2013, 59 foreigners registered with employment agencies and 15 found employment.

In April 2013, an agreement on the implementation of the EU-funded Asylum Systems Quality Initiative in Eastern Europe and Southern Caucasus project was signed and Refugee Status Determination (RSD) staff participated in continuous training. The project also foresees to launch the Russian version of the UNHCR Refworld platform. RSD staff are also involved in the implementation of Pilot Project 4 under the Prague Process, 'Training on quality on asylum', with the support of the German Federal Bureau for Migration and the Swedish Migration Board. All eligibility counsellors in the BMA's Asylum and Integration Directorate (AID) attended the European Asylum Curriculum — the courses in online e-learning format for the following modules: Country of Origin Information (COI), Inclusion Clauses, and Drafting and Decision Making. The COI researcher and BMA decision makers studied the COI Module on the European Asylum Curriculum, and have access to all public official databases on COI.

As part of the EU-funded and UNHCR implemented Local Integration Project and Regional Protection Programme, trainings for AID staff, for border police and judges on the right to seek asylum and subsequent procedures in place, as well as on the rights of asylum seekers and refugees<sup>24</sup> continued to be carried in 2013. The Instruction regarding evidence,

<sup>24</sup> A refugee law seminar for 37 senior border police officers was held in Cahul on 16 April 2013. A cross-border mission by the BMA and UNHCR was organised in the north of the country, to promote principles of refugee protection in border management and to enhance cross-border cooperation between Romania and the Republic of Moldova in this area. Six judges and ten lawyers were included

maintenance and preservation of files of persons accommodated in the Accommodation Centre was approved on 5 June 2013 according to the Regulation of the accommodation Centre, approved by the Government Decision no. 1023 from 28 December 2012. Its ethical code is in interservice consultation.

## **General assessment Block 2**

The Republic of Moldova has started installing technical surveillance systems along the land border. Additional equipment and vehicle purchases have been made. The mobile units have been set-up and are operational. The BMA's capacity and coverage have been reinforced, while the six territorial offices along the Transnistria region have been opened. All asylum actions have been realised, and training for law-enforcement personnel and magistrates is picking-up.

The Republic of Moldova has implemented in a satisfactory manner the actions demanded by the recommendations of the 4<sup>th</sup> VLAP report, while continuing to effectively implement the relevant legislation. The Commission considers that **the Republic of Moldova has met the second phase benchmarks set under Block 2.**

### **2.3. Block 3: Public order and security**

#### *2.3.1. Block 3 / topic 1 — Preventing and fighting organised crime, terrorism and corruption*

##### 2.3.1.1. VLAP benchmark - Preventing and fighting organised crime and terrorism

- **Implementation of the Strategy and Action Plan on preventing and fighting organised crime including effective coordination between the relevant authorities, as well as conducting effective investigation, prosecution and confiscations of proceeds of crime;**

The Regulation on organisation and functions of the Ministry of Interior's General Police Inspectorate (GPI) was approved on 24 April 2013. Following the police reform of March 2013, the number of management functions was reduced by 20% and the number of police working in the territory increased by 19%. The reaction and intervention time after a call from a member of the public fell in 2013 from 45 minutes to about 30 minutes. In 2013, the number of deaths and serious injuries due to accidents was reduced by 20%. An order establishing a 30% pay rise specifically for police officers, on top of other salary increases for officials, should be submitted to the Government by the end of the year. During the first seven months of 2013, 40 criminal groups were dismantled, with 175 active members<sup>25</sup>.

On 24 December 2012, the Centre of Information Analysis (CIA) was created in the National Inspectorate of Investigation. It is divided into two units at central level (the Analytic Investigation Unit and the Information Analysis Units), and the local Crime Investigation

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in the e-learning programme of the Inclusion Module of the European Asylum Curriculum. With the National Institute of Justice, the BMA organised the following seminars for judges and prosecutors in the field of migration: 'National and international standards of migration and asylum issues' (22-23 May 2013), for 30 judges and 7 BMA representatives; 'National and international standards of migration and asylum issues' (17-18 October 2013), for 15 judges, 10 prosecutors, 5 lawyers, 7 BMA representatives and 5 road police officers; and 'The rights of migrants, refugees and asylum seekers' (12-13 September 2013), for 30 judges.

<sup>25</sup> This includes 8 groups (55 members) specialised in committing burglary, robberies, thefts, the issue and passing on of counterfeit money, smuggling of goods, and scams; 20 groups (78 members) specialised in committing economic fraud; 6 groups (20 members) involved in drug trafficking and 6 groups (22 members) specialising in human trafficking, prostitution and irregular migration.

Sections, which exist in each Police Inspectorate of the Republic of Moldova. The CIA is fully operational and functional, with 12 investigating officers. A project<sup>26</sup> on ‘Consolidation of Ministry of Interior capacity in the field of counteracting crime and gun control’ is being implemented with the support of Romania’s Official Development Assistance (ODA) programme (the Romanian Ministry of Foreign Affairs) and the United Nations Development Programme (UNDP) Republic of Moldova.

In 2013, the Ministry of Interior purchased the following equipment with a view to preventing and fighting organised crime: 90 cars for the National Patrolling Inspectorate (from the state budget); 10 specialised forensic kits for on-site research, 5 special digital camera sets, 13 ethylo tests and 30 computers for the GPI; a new building for the GPI’s centre for technical-forensics and judicial expertise (CTFJE) (to be finished by the end of 2013). A project on procurement of special equipment for enhancement of the capacities of forensic laboratories is in progress and the delivery and installation of supplies is expected in 2014 (up to EUR 2.4 million from the European Neighbourhood Partnership Instrument’s Comprehensive Institution Building 2011 programme). The Ministry of Interior’s 2014 budget plan also covers further purchases of vehicles for police inspectorates, procurement of special investigative equipment and upgrading of existing operative databases.

The Ministry of Interior, the General Prosecutor’s Office and the National Anti-corruption Centre are examining the practical aspects for the creation of the asset recovery office.

Currently, in the Republic of Moldova it is still not possible the interception of communications as for criminal investigation purposes exclusively by the law enforcement authorities. This is due to technical, legal and financial considerations. The approximate costs to equip all law enforcement bodies with the necessary equipment will be around MDL 220-250 millions. The Republic of Moldova would need external financial assistance to shoulder such a modernisation.

#### 2.3.1.2. Assessment of Impact recommendations

- *Enhance the data collection on criminals and organised crime groups (OCGs) at national level inter alia by setting up and/or improving the national databases.*

In order to ensure effective institutional communication and data collection, it was decided on 1 August 2013 to create a common database on activity by criminal groups and organisations by the end of 2013 accessible by the Ministry of Interior, the General Prosecutor’s Office, the Security and Information Service, the National Anti-Corruption Centre, the Customs Service, the Ministry of Education, the Ministry of Youth and Sports, the State Chancellery and the Academy of Sciences.

- *Continue efforts to improve data indicators and crime data collection in all crime fields.*

Crime data are collected by recording all complaints and reports of crimes committed into a central database administered and controlled by the Ministry of Interior's IT service. In order to improve and facilitate data collection on organised crime, an online complaints portal on fighting organised crime was set up on the Ministry's official web site<sup>27</sup>. Since the beginning of 2013, it has received 29 complaints. The official web site of the GPI was launched on 15 May 2013, where citizens can report a crime or submit photos, video or information on crimes they have witnessed. The total number of 1 767 notifications (to 15 August 2013) shows

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<sup>26</sup> Within the project, in 2013, 5 i2 Analyst’s Notebook licences, 4 iBase User licences, 1 iBase Designer licence, and 1 I2 Text Chart licence, 8 Hewlett Packard computers adapted to the work requirements of an analyst and other specialised devices were purchased.

<sup>27</sup> <http://crima-organizata.mai.gov.md/index-ro.php>.

people's increased confidence in the police, especially their capacity to act on various types of offences.

With the implementation of the new register on crime and criminological information since 1 January 2013, crime data collection in the Republic of Moldova has become streamlined. Every Ministry of Interior subdivision connected to the databases can obtain any type of statistics at any time depending on the type of crime or region. Paper work was removed from the process of crime data collection. Finally, an interinstitutional working group for developing a regulation on uniform processing and analysis of statistical data related to criminal justice started its activity at the beginning of 2013.

#### 2.3.1.3. VLAP benchmark - Preventing trafficking in human beings

- **Implementation of legislation on preventing trafficking in human beings and the respective National Plan, including effective coordination between state agencies and effective protection of victims of trafficking, in particular children;**

In the first half of 2013, 71 criminal cases on trafficking in human beings (THB) were detected, a decrease of 6.5% compared to the 76 identified in the same period of last year. About 80% of these arose from proactive police investigation measures and 20% represent complaints and denunciations. 61 persons were subject to sexual exploitation and 90 to labour exploitation. For the first time, the data collected show a predominance of trafficking for labour exploitation over trafficking for sexual exploitation. This mainly results from police training efforts conducted in 2011-2012 on effective identification and documentation of cases of trafficking for labour exploitation. The main destination countries continue to be the Russian Federation (about 60% of all victims), Turkey and the United Arab Emirates (UAE). This clearly shows that the efforts of the Moldovan law enforcement effort are sustainable with regard to detection and efficient investigation of trafficking cases and identification and protection of victims.

According to a Decision of the THB National Committee, from 15 July 2013 the state authorities will begin to work on the National Plan for Preventing and Combating THB for the next three years in September 2013. The THB database managed by Permanent Secretariat is a functional one and gathers data from law enforcement authorities and institutions which assist the victims.

In the first six months of 2013, 280 awareness raising campaigns and other activities<sup>28</sup> related to prevention of THB were carried out. The law on special protection of children at risk and children separated from their parents was approved by Parliament on 14 June 2013. The law sets up sectoral cooperation mechanisms for assessment and support of children at risk.

A national mechanism to assess, accredit and monitor social service providers has been promoted by the Ministry of Labour, Social Protection and Family under Law No 129 of 8 June 2012 on accreditation of social service providers and the Regulation on the activity of the National Council for accreditation of social service providers (Government Decision No 998 of 28 December 2012). The National Council for Accreditation of Social Services Providers was established in April 2013. The mechanism was launched in a pilot phase and is consulted with the civil society representatives and cooperation development partners and is scheduled to be launched in a fully-fledged manner in 2014. The creation of a national fund

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<sup>28</sup> The Permanent Secretariat of the National Committee for Combating THB launched a THB website on 18 June 2013: [www.antitrafic.gov.md](http://www.antitrafic.gov.md).

for the assistance, protection and compensation of victims<sup>29</sup> was identified as a key priority for future cooperation with the Council of Europe.

#### 2.3.1.4. Assessment of Impact recommendations

- *Ensure effective protection of witness of THB, and further improve the protection, assistance and support to THB victims.*

The centre for assistance to and protection of victims and potential victims of human trafficking, fully operational since 2008, has continued its activity. In 2013, four victims of THB received special protection measures offered by the Division for Witness Protection within the GPI. All the victims were also referred to the social protection services. Due to the effective measures undertaken, there have been no incidents involving victims.

Minimum quality standards for assistance to and protection of victims and potential victims of human trafficking are discussed and could be approved by the Government in the beginning of 2014. In the first six months of 2013, 31 mother-child couples were assisted in the two maternity wards of the Placement Centres from Chisinau and Balti. The centres are accountable to the Ministry of Health of the Republic of Moldova. The maternity wards offer hosting services, health, education, healthcare, legal, social, psychological and (re)-integration to mother-child couples in difficulty, depending on their needs.

#### 2.3.1.5. VLAP benchmark - Preventing and fighting corruption

- **Implementation of legislation on preventing and fighting corruption, ensuring the efficient functioning of the independent anti-corruption agency; development of ethical codes and training on anti-corruption, especially targeting public officials involved in law enforcement and the judiciary;**

Following the adoption of Law No 106 of 3 May 2013, the National Anti-Corruption Centre (NAC) became accountable to the Government rather than Parliament. The NAC director is appointed for a mandate of 4 years and dismissed by the President of the Republic of Moldova at the proposal of the Prime-minister. The Republic of Moldova is encouraged to follow open competitions with objective merit-based criteria clearly provided by the law. The transferring of the competences of economic crimes investigations to the Ministry of Interior and Customs Service, led to the consolidation of the NAC's mandate<sup>30</sup> in fighting corruption and corruption related offences. NAC or certain sections of NAC should become specialised only in investigations of cases involving certain level of officials or certain level of damage, in order to better tackle high-level corruption cases.

The new Code of Conduct for the National Anti-Corruption Centre's employees entered into force on 30 August 2013. The adoption of the Code of Conduct is expected to contribute to more efficient and accountable conduct of NAC activity, increase public trust in the institution. Following an amendment of 7 March 2013 to the law on public-sector salaries, public officials and the cabinet staff of public officials were given a wage increase of 35% as of 1 January 2013. In order to ensure the same treatment, over 1566 public officials received a salary increase, including 101 deputies, 773 prosecutors, 516 judges, and 227 cabinet staff of public officials.

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<sup>29</sup> A study on 'Rights, Restoration And Recovery: Compensation For Trafficked Persons in the Republic of Moldova', conducted by an international expert, was finalised on 5 August 2013.

<sup>30</sup> The NAC only investigates money-laundering, the financing of terrorism, corruption acts (active/passive bribery, trading in influence) and corruption-related acts (abuse of power or abuse of official position, excess of power or excess of official authority, forgery of public documents).

Currently the NAC assures analysis of the Integrity Plans of the central public authorities. NAC continues to provide anticorruption expertise when normative acts are being drafted. From January to July 2013, the NAC examined and provided anticorruption expertise for 498 drafts of normative acts. In order to ensure in-depth specialisation of investigators in financial investigations, six specialised training courses have been held so far in 2013 for representatives of the law enforcement authorities: the National Anticorruption Centre, the Ministry of Interior, the Security and Intelligence Service, the General Prosecutor's Office and other relevant authorities were organised.

During January - September 2013, 400 criminal cases were initiated by the Criminal Prosecution Department of the NAC, out of which 126 criminal cases against 163 defendants were sent to court. The courts pronounced 118 sentences. In 2013, 9 criminal cases were brought to court for corruption offences against persons holding, or who held the status of high-ranking public official: 1 Deputy General Secretary of the Government; 1 Deputy Head of District; 5 Mayors; 1 Ex-Head of the Audio-visual Coordinating Council and 1 Head of the State Fiscal Inspectorate. The Republic of Moldova is expected to report in the future on its track-record of convictions and rate of success.

The other major anti-corruption authority, the National Integrity Commission, has its staff hired following public competition and selection procedures. Out of 21 positions at the National Commission for Integrity, 8 remain vacant. All the necessary conditions for work have been provided — the necessary equipment was purchased and the databases of records of declarations created. In the first half of 2013, the Commission examined 38 complaints. In five cases, the Commission's findings were proved in court. During 2013, the courts were notified with 328 misdemeanour cases for non-submission of declarations of assets or interests within the deadline established by the law. On 6 February 2013, the Commission's website was launched, providing a platform for communication and direct access to the statements.

Cooperation between the National Integrity Commission and NAC has been ensured. In the first half of 2013, the National Anticorruption Centre sent 12 reports of possible violations of legal provisions falling within the Commission's areas of competence for examination. The NAC collaborates with the Commission in the process of applying administrative sanctions when a failure to declare a conflict of interests is found, and in the examination of materials sent by the Commission to initiate investigation measures on disparities between income and properties owned. The Republic of Moldova is expected to establish a track-record on verification of conflicts of interests and on asset disclosure, and on the sanctions applied.

A review of the categories of persons who enjoy criminal procedure immunity was launched on 14 March 2003 to amend the Code of Criminal Procedure. A draft law on reviewing immunities within the criminal prosecution procedures was drafted by the General Prosecutor's Office and submitted for inter- and intra-agency coordination. A study on liability rules for prosecutors, including disciplinary liability and elimination of their general immunity, is being made by the General Prosecutor's Office jointly with the Institute for Criminal Reform. On 16 October 2013 two new anti-corruption laws were approved by the Government — the first extending the prescription period for the prosecution of judges who commit felonies, banning communication between judges and parties involved in the trial in order to ensure impartiality. The draft law also provides for tougher accountability for illicit enrichment, a ban on holding public positions for a longer period, provisions on the confiscation of assets, fines and imprisonment. The second draft law, on the remuneration of judges, provides for an increase in judges' salaries bringing them up to 3-5 times the average salary.

### 2.3.1.6. Assessment of Impact recommendations

- *Prevent and fight corruption at all levels and in all areas.*

See VLAP benchmark above.

- *Implement anti-corruption actions as a matter of priority in all areas, as well as in relation to wider rule of law aspects. The national authorities should have the capacity to fight corruption at all levels — central, regional, local and sector-specific, paying particular attention to the law enforcement and customs authorities.*

The Internal Security and Combating Corruption Service was set up in the Ministry of Interior in March 2013. The service is an autonomous authority in the Ministry of Interior. It conducts special investigation measures and has sufficient capacity for combating and monitoring corruption phenomena both at central and at local level. The Service's staffing was increased from 18 to 111 posts in 2013. Additionally, the draft Law on Police Professional Integrity Testing was adopted by the Government and now is before Parliament. The law lays down the procedure, methodology, means and techniques for testing the professional integrity of police, including ways of identifying, assessing and eliminating vulnerabilities and risks of corruption or other illegal acts. A cooperation agreement between the Ministry of Interior and the National Anti-Corruption Centre is being currently drafted.

Complaints about corruption cases are examined by the Internal Security and Combating Corruption Service around the clock, which allows them to intervene immediately on-site, including at weekends, increasing the effectiveness of prevention, and monitoring the implementation of risk. As an indication of the effectiveness of this policy, in the first six months of 2013, for various violations, disciplinary measures were taken against 233 Ministry of Interior employees compared with 424 in the first six months of 2012.

### 2.3.1.7. VLAP benchmark - Prevention of money-laundering and financing of terrorism

- **Implementation of the legislation and Strategy for the prevention of money-laundering and financing of terrorism, implementation of relevant legislation on confiscation of assets of criminals (including the provisions addressing cross-border aspects);**

On 6 June 2013, Parliament approved the National Strategy for the Prevention of and Fight against money laundering and the financing of terrorism for 2013-2017 and the Action Plan designed to implement this five year strategy, in order to develop an effective national anti-money laundering / countering the financing of terrorism (AML/CFT) regime. The Action Plan states the measures to be taken, the deadline, the responsible authorities and the monitoring indicators. Thereby, the Republic of Moldova also aims at complying with the AML/CFT standards of the Financial Action Task Force (FATF) and the recommendations set out in the 4<sup>th</sup> evaluation report of December 2012 by Moneyval, the Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures.

The Republic of Moldova reported that in 2013 seven measures of the Action Plan had already been fully implemented and four measures were under implementation. The Republic of Moldova is encouraged to continue the process of implementing its Action Plan and, given that the Strategy and the Action Plan still refer to the FATF 40+9 Recommendations of 2003, to update its AML/CFT laws and regulations also in light of the revised Recommendations adopted by the FATF in February 2012. Further, when the Republic of Moldova monitors its progress it should take into account qualitative aspects alongside quantitative ones.

As regards legislative measures, the Republic of Moldova prepared inter alia a draft law dealing with sanctions for violations by reporting entities and sanctioning powers in order to

comply with FATF Recommendation 17. These draft amendments to Art. 291 of the Contravention Code seem to cover all the possible infringements of obligations provided by the AML/CFT Law. At present, some of the shortcomings in the AML/CFT sanctioning regime remain, due to the limited list of breaches that can constitute a base for penalties and due to the lack of clarity as to which supervisory authority can exercise the sanctioning powers. Thus, the Republic of Moldova is encouraged to enact the proposed amendments as soon as possible.

In the context of commitments under the future Association Agreement, the Republic of Moldova must ensure gradual application of EU rules on the free movement of capital<sup>31</sup>, which also entails the liberalisation of import and export operations for foreign exchange. This will mean abolishing the existing limits on the import and export of foreign exchange.

According to the Republic of Moldova, implementation measures taken to ensure effective application of AML/CFT laws and regulations included the following: from January to August 2013, ex officio and on-site checks of 235 currency exchange offices, 48 professional participants in the non-banking financial market, and 7 banking institutions were carried out. The main violations found were: partial or non-implementation of the institutional programmes for the prevention of and fight against money-laundering, and failure to report suspect transactions in cash. In 2013, the Office for Prevention and Fighting against Money-Laundering presented 37 items of information to criminal prosecution authorities in the anti-corruption prosecutor's office and the NAC. As a result, 20 criminal cases were opened, of which 15 related to money-laundering crimes.

#### 2.3.1.8. Assessment of Impact recommendations

- *Assets confiscation procedures must be agreed with the Moldovan authorities, in order to recover stolen property or the profit thereof, and to reduce the financial power of OCGs, thus facilitating their dismantlement.*

The Republic of Moldova informed that the Law on the amendment and completion of art. 243 and art. 106 of the Criminal Code and art. 206 of the Criminal Procedure Code in order to enhance fighting actions and optimize confiscation rules was currently being drafted and would be submitted to Parliament for approval by the end of the year.

According to the Republic of Moldova, in terms of confiscation, from January to July 2013, first-instance courts handed down nine sentences confiscating goods/revenues used in crime or that resulted from crimes and transferring them to the state. The total amount of goods confiscated is MDL 1984047 in seven cases of smuggling on an especially large scale and two cases of theft with aggravating circumstances. In the same period, Courts of Appeal issued nine decisions with a final value of the goods seized of MDL 688 309.

#### 2.3.1.9. VLAP benchmark - Implementation of the Anti-drug policy

- **Implementation of the National Anti-drug Strategy and its related action plan, making the information on drug seizures and persons involved accessible at border crossing points; further developing cooperation and information exchange with relevant international bodies in the drug field;**

Following the reform of the Ministry of Interior (see above under Block 3 / topic 1 VLAP benchmark), the GPI's Anti-drug Department was reorganised in March 2013. Regional anti-drug offices in the North and South regions of the country were created at the same time, and

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<sup>31</sup> Annex 1 to the Council Directive of 24 June 1988 for the implementation of Article 67 of the Treaty (88/361/EEC).

two additional units in the Anti-drug Department: the section for combating the illicit circuit of psychotropic substances and precursors, and the analysis and planning unit. The staff of the Anti-drug Department was increased to 27. Training activities for the personnel involved in anti-drug activities continued to be carried out in 2013 as well as awareness raising activities. The ministry's budget for 2014 includes a MDL 30 million provision for procurement of special means of combating drugs.

In 2013, 609 drug-related criminal cases (compared with 865 in the same period of 2012) were brought to court. As a result of offences detected in that period, 85 kg of drugs (in 2012: 171 kg) were seized, of which 62 kg was marijuana (in 2012: 78 kg), 116 795 cannabis plants (in 2012: 136491) and 17971 poppy plants (in 2012: 10598). The decrease in the number of drug-related criminal cases brought is due to the decriminalisation of certain drug-related offences and concentration of police focusing on the high level cases in terms of seizure. During 2013, several specific operations were organized: "Opium-Poppy" (MAC) – for combating domestic cultivation of marijuana, and "OVIDIU" – for countering smuggling of drugs, narcotic and precursor at the border between the Republic of Moldova and Ukraine, organised by EUBAM.

Cooperation and information exchange continued with relevant international bodies, including EMCDDA and Council of Europe Pompidou Group.

Partnerships with civil society continued to be developed, including together with international organisations, NGOs being further involved in anti-drug activities and treatments. A memorandum of Cooperation between the GPI, the Ministry of Interior and the NGO Union HIV Prevention and Harm Reduction (UOHR) was signed on 2 July 2013. The Soros Foundation in the Republic of Moldova continued to finance harm reduction activities. A training course for employees of the Anti-drug Department on treatment and harm reduction for drug users in police custody was organised by the Pompidou Group and the NGO 'Innovative Projects in Prisons'.

- **Implementation of relevant UN and Council of Europe Conventions, as well as GRECO recommendations in the above mentioned areas.**

The Republic of Moldova launched the national process of filling in the General and Thematic Questionnaire on the implementation of the Lanzarote Convention. This should be presented to the Lanzarote Committee in January 2014.

In 2013, the Republic of Moldova periodically informed the GRECO of the latest developments in prevention of and the fight against corruption, and the main results of the reform of the NAC. In the meantime, the Republic of Moldova has fully implemented the GRECO recommendations addressed to the second evaluation cycle. At the 59th Plenary Meeting of GRECO from 18 to 22 March 2013, the report on the Republic of Moldova under GRECO's third round of evaluations was discussed and adopted. The report was published on 4 April 2013. The next GRECO report on the Republic of Moldova will be published by September 2014.

A working group to review and amend the legislation on funding of political parties and election campaigns was set up by the Central Electoral Commission in order to ensure the implementation of GRECO's recommendations. The draft law was approved by the Government on 19 June 2013 and Parliament approved the law in October 2013. The new procedure of financing the political parties will be applied for the year 2017.

## 2.3.2. *Block 3 / topic 2 — Judicial cooperation in criminal matters*

### 2.3.2.1. VLAP benchmarks

- **Implementation of international conventions concerning judicial cooperation in criminal matters (in particular Council of Europe Conventions);**

The Moldovan authorities continued to deal with several forms of international cooperation in criminal matters. The Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, signed on 8 November 2001, was ratified by the Republic of Moldova on 8 August 2013. Regarding the implementation of the legislative framework, including Council of Europe conventions in criminal matters, both central authorities, the General Prosecutor's Office (hereinafter GPO) and the Ministry of Justice continued to process an important number of cases with third countries, with EU Member States but mainly with other third countries.

During the first three quarters of 2013 the following cases (global figures) were dealt by the GPO:

- **extradition:** 180 outgoing requests and 14 incoming requests. There was only one refusal of an incoming request, as the person had a Moldovan citizenship.
- **rogatory letters:** 250 outgoing requests and 420 incoming requests. There were 32 refusals of **incoming** requests mainly on procedural grounds (the transmission was not done via central authorities).
- **criminal proceedings:** 17 outgoing transfers of cases and 19 incoming taking over cases requests.

During the first three quarters of 2013 the following cases (global figures) were dealt by the Ministry of Justice:

- **extradition:** 73 outgoing requests and 2 incoming requests
- **rogatory letters:** 8 outgoing requests and 238 incoming requests.
- **criminal proceedings:** 0 outgoing transfers of cases and 3 incoming taking over case requests.
- in addition, according to its specific competence, Ministry of Justice dealt with 17 requests for **enforcement of criminal judgements, 9 outgoing, 8 incoming** and 73 requests of **transfer of condemned persons**.
- There were no refusals of requests for any of the types of cases under the Ministry of Justice responsibility.

Starting with July 2013 for the GPO and April 2013 for the Ministry of Justice, the statistics regarding judicial cooperation in criminal matters have improved – both institutions are reporting on a monthly basis and are using a common list of parameters including criteria such as the requesting and requested state, category of offense, and time of execution.

Regarding training, in order to harmonise the methodology for dealing with requests of judicial cooperation in criminal matters/mutual legal assistance the International Legal Assistance manual for judges and prosecutors was distributed in December 2012 to the territorial and specialized prosecutors, judges and other law enforcement authorities. Both prosecutors and judges attended trainings and seminars, at international and national level, including several organised by the National Institute of Justice.

- **High level of effectiveness of judicial cooperation in criminal matters of judges and prosecutors with the EU Member States.**

The authorities of Republic of Moldova continued to ensure an effective cooperation with the relevant authorities of the EU Member States. Regarding cooperation with Member States, both the GPO and the Ministry of Justice continued to process a significant number of cases, especially the GPO.

During 2009-2013, from all cases dealt with by the GPO, the vast majority were with Romania, Italy, Bulgaria, Hungary, the Czech Republic, Germany, Austria, Belgium, Poland, Slovenia and to a lesser extent with the Netherlands, France, Greece, Spain, Latvia, Lithuania, Estonia and Ireland.

During the first three quarters of 2013 the following cases (with EU Member States) were dealt with by the GPO:

- **extradition:** 6 outgoing requests and 1 incoming requests. There was no refusal of an extradition case. The EU Member States with whom most cases were handled were Austria, Bulgaria, France, Germany, Italy and Romania.
- **rogatory letters:** 124 outgoing requests and 147 incoming requests. There were 3 refusals of incoming requests mainly on procedural grounds (the transmission was not done via the central authorities). The Member States with whom most cases were handled were Romania, Germany, Italy, Hungary, Austria and Bulgaria.
- **criminal proceedings:** 2 outgoing transfers of cases and 10 incoming taking over cases requests. The Member States with whom most cases were handled were Italy, Slovenia, Bulgaria and the Czech Republic.

During 2012-2013, from all cases dealt with by the Ministry of Justice, the vast majority were with Romania, Portugal, Hungary, Bulgaria, the Czech Republic and to a lesser extent with Italy, Germany, Poland and Greece.

During the first three quarters of 2013, the following cases (with EU Member States) were dealt with by the Ministry of Justice:

- **extradition:** 6 outgoing requests and 1 incoming request. The EU Member States with whom most cases were handled were Italy, Poland and Ireland.
- **rogatory letters:** 1 outgoing requests and 140 incoming requests. The EU Member States with whom most cases were handled were Romania, Portugal and Hungary.
- **criminal proceedings:** none outgoing transfers of cases and none incoming taking over cases requests.
- in addition, according to its specific competence, the Ministry of Justice dealt with 9 requests for **enforcement of criminal judgements**. The EU Member States with whom most cases were handled were Romania and Portugal. The Ministry of Justice also dealt with 8 requests of **transfer of condemned persons**, with the EU Member States being concerned being Germany, Czech Republic, Spain Romania, Austria, Belgium, Italy.

- **Conclusion of an operational cooperation agreement with Eurojust**

Following successful negotiations Eurojust submitted in October 2013 to the Republic of Moldova the text of the draft cooperation agreement, which was subsequently agreed by the Moldovan authorities. The next steps in the procedure towards the signature of the agreement are to be taken by Eurojust and by the Council in accordance with the Eurojust Decision. The

agreement will be put by Eurojust on the agenda of the Joint Supervisory Body (JSB) in November 2013 and as soon as a positive opinion of the JSB has been received, the agreement will be put on the agenda of the Eurojust College. Afterwards it will be submitted to the Council for approval in accordance with Article 26a(2) of the Eurojust Decision.

In this context, it is important to mention that the Moldovan Government approved in September the draft Law on the statements to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. The law was transmitted to the Parliament with a view to its adoption in November 2013 (see below Block 3 / topic 4 VLAP benchmark).

#### 2.3.2.2. Assessment of Impact recommendations

- *Strengthen the judiciary system, including judicial cooperation in criminal matters, in particular mutual legal assistance.*

The Justice Sector Reform Strategy for 2011-2016 and its Action Plan adopted in February 2012 are being implemented. Substantial legislative packages were adopted in 2012 and 2013 regarding Judiciary reform. In February 2013, the first annual Report on the implementation of the Strategy<sup>32</sup> was issued by the Ministry of Justice: 87 actions out of 157 to be implemented by the end of 2012 had been completed (56%), 49 had been partially completed (31%) and 21 had not been completed (13%). A draft law introducing substantial amendments to the 2008 Prosecutor Office Law is currently being drafted by a working group, with a view to public debates in November 2013.

As of 2013, the cost of implementing the Action Plan is included in the Medium-Term Budgetary Frameworks for 2013-2015 and for 2014-2016. The 2014 annual budget for the justice sector, which covers all the individual budgets of stakeholders involved in the process, increased by 59.6% compared to 2013. The EU-Republic of Moldova Financial Agreement signed on 14 June 2013 provides for a financial contribution of EUR 60 000 000 to Support for Justice Sector Reform as follows: EUR 58 200 000 in budget support and EUR 1 800 000 in complementary support.

#### 2.3.3. Block 3 / topic 3 — Law enforcement cooperation

##### 2.3.3.1. VLAP benchmarks

- **High level of operational and special investigative capacity of law enforcement services and its consistent and efficient use to tackle cross-border crime;**

Ministry of Interior officials conducting special investigation activities cooperate fully with the General Prosecutor's Office at departmental and procedural levels. A working meeting between the GPI and the General Prosecutor's Office was held on 7 August 2013 on the challenges and shortcomings of conducting special investigative activities and recommendations were issued. Two seminars on 'Special investigative activity' and on 'Grounds and procedure for authorising special investigative measures' were held by the National Institute of Justice in cooperation with the General Prosecutor's Office in May 2013.

In 2013, new equipment — digital photo cameras and a special crime investigation scene kit — was donated by the German Government. Future needs will be covered by the State Budget and from the European Neighbourhood Partnership Instrument's Comprehensive Institution Building programme for 2011 (see VLAP benchmark point page 14 of this report). In June 2013, via Technical Assistance and Information Exchange (TAIEX), an expert mission on the law on use of DNA in investigations and court proceedings was organised with

<sup>32</sup> [http://justice.gov.md/public/files/RAPORT\\_implementare\\_PAI\\_SRSJ\\_eng\\_red.04.03.13.pdf](http://justice.gov.md/public/files/RAPORT_implementare_PAI_SRSJ_eng_red.04.03.13.pdf)

the participation of Austrian experts in judiciary genetics. As a follow-up to the expert mission, in September and October 2013 a study visit to Austria for three members of the working group was organised to learn from European best practice in using DNA in investigations and court proceedings.

During 2013, the specialized subdivision of the Ministry of Interior, using special investigative capacity have been performed several high level operation in order to tackle cross-border crime. The criminal activities of two “thiefs in law” alias “Chinese” and “Patron”, were documented and they were arrested in August 2013 and September 2013 respectively as a result of cooperation and joint operations with Italian and Romanian law enforcement authorities. The Moldovan extradition requests are under examination in Italy and Romania.

- **High level of effectiveness of law enforcement cooperation among relevant national agencies — especially border guards, police, customs officers — as well as cooperation with the judicial authorities;**

A bilateral cooperation agreement between the Border Police Department and the General Police Inspectorate was signed on 3 July 2013 in order to enhance cooperation on providing, maintaining and restoring public order and security. The agreement strengthens mutual assistance in the detection and investigation of crimes and contraventions within the institutions’ competence, and the organisation of joint controls and operations, such as controlled deliveries. Additionally, joint working groups and joint mobile teams will be set up to organise and conduct specific risk analysis in public order and security at national and regional levels.

The National Council for coordinating activities to prevent and combat organised crime decided at its first meeting on 4 March 2013, in the medium term: to set up a common database on the activity of groups and criminal organisations; to set up a specialised national entity to permanently monitor the implementation of the relevant legislation; and to conduct research into forms of and trends in organised crime and suggest solutions. It also decided to have the Ministry of Interior and the Ministry of Education jointly launch a project to devise educational materials on the danger, risks and threat of organised crime and its adverse consequences.

- **Strengthened bilateral and multilateral operational law enforcement cooperation agreements, including by sharing on time relevant information with competent law enforcement authorities of EU Member States.**

The newly established International Police Cooperation Centre (IPCC) develops Moldovan law-enforcement agencies’ cooperation with similar agencies in EU Member States, member states of SELEC, PCCSEE, GUAM and participants in International Law Enforcement Cooperation Units (ILECUs) projects in the Western Balkans, as well as ICPO-Interpol and Europol. It adopts the ‘one way in / one way out’ principle, avoiding duplication of receipt, examination and remittance information to the applicant. In 2013, through SELEC and GUAM channels 2826 materials were examined (1795 with law enforcement agencies of the Republic of Moldova, 693 with the Joint Contact Centre Galati, 259 with other member states and observers of SELEC and 79 with GUAM states). 1428 requests were examined and 1398 answers on the different cases of cross-border crimes were exchanged<sup>33</sup>.

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<sup>33</sup> 587 on checks of persons, 91 on checks of vehicles, 11 on drug trafficking, 392 on person search, 14 on verification of companies, 18 on organised crime groups,, 143 on other types of offences, 16 on legal assistance and 24 on trade in drugs and tobacco.

The Republic of Moldova supported the enlargement of the ILECU Network to combat transnational organised crime at the second meeting of ILECU leaders from 9 to 12 July 2013. The Republic of Moldova participates in the regional project ‘Strengthening Legal Principles in South-East Europe and Good Governance’ launched by the Austrian Criminal Police Office. It also took part in the operation ‘Black Poseidon’<sup>34</sup> operation organised by the General Secretariat of Interpol in the period 15 May to 15 June 2013. This was a lengthy operation in Eastern Europe, targeted against transnational organised crime groups involved in intellectual property crimes.

- **Conclusion of an operational cooperation agreement with Europol**

A liaison officer of the Republic of Moldova, coordinating all criminal cases and investigations of mutual interest, was detached to Europol and started work on 23 July 2013. This is a notable achievement, and an exception made for the Republic of Moldova ahead of concluding an operational cooperation agreement. The draft Memorandum of Understanding between the Republic of Moldova and Europol on the creation of a secure communications line is currently being negotiated and a study visit by Republic of Moldova experts to Europol, including EC3 is planned.

In July 2013, the Republic of Moldova sent its answers to the additional Europol questionnaires regarding the legislative framework on data protection in the Republic of Moldova. On 28-31 October, representatives from Europol’s Legal Affairs and Data Protection Office visited the National competent authorities and the Data Protection Supervisory Body of the Republic of Moldova. The data protection report, that completes all necessary technical steps, should be submitted to the Management Board of Europol, which will hold its next meeting on 3-4 December. Afterwards, the report will be transmitted to the Joint Supervisory Body for approval. Final steps on formalising the operational cooperation agreement will follow in the coming weeks.

#### 2.3.3.2. Assessment of Impact recommendations

- *Cooperation between the Moldovan and Member States’ authorities should be enhanced, including information sharing with Europol.*

See Block 3 / topic 3 VLAP benchmarks. The Republic of Moldova participated in the following activities under SELEC: 10th Meeting of the working group on transport-related offences (10 April 2013), Bucharest, Romania; 3rd Meeting of the working group on environmental crimes and containers security (24 to 25 April 2013), Bucharest, Romania; the working group on combating drug trafficking (21 to 22 May 2013), Bucharest, Romania; the 6th SELEC Council Meeting (28 May 2013), Bucharest, Romania; the 13th meeting of the working group on combating crime in fraud and smuggling (6 June 2013), Bucharest, Romania; the Meeting of the Experts Group on the development of the Analytic Report on the threat of organised crime in south-eastern Europe for 2013 (26 June 2013), Bucharest, Romania, and Operation ‘TROJAN HORSE III’ on combating counterfeit goods and intellectual property rights protection (11 to 22 March 2013).

- *Cooperation between the Moldovan authorities with their counterparts in EU Member States on protection and assistance should be strengthened, including the identification and referral of THB victims and their safe return.*

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<sup>34</sup> In the territory of the Republic of Moldova, the operation involved 19 interventions (at the airport, land border crossing points, in markets, etc.) where violations of intellectual property rights were identified. The final results have not yet been published.

In April 2013, it was agreed to connect the Centre for Combating Trafficking in Human Beings to the Interpol database on combating trafficking in human beings. Additionally, with the assistance of Interpol, collaboration was established with the United Arab Emirates in combating traffic in human beings with the appointment of contact points and liaison officers.

In the first seven months of 2013, 31 police officers from the Centre for Combating Trafficking in Human Beings and from regional anti-trafficking bureaux attended 10 training seminars lasting a total of 384 hours. Staff benefited from information on good practice shared by Romania, Austria, Belgium, and Lithuania related to organising and running information systems to support proactive criminal investigations.

Implementation of the National Reference System (NRS) strategy of 5 December 2012 continued. The multidisciplinary teams set up to coordinate NRS operations in local public administration are fully operational.

- *Threat assessments and exchange of information on serious crime should be developed on a regular basis, under the aegis of Europol, and where appropriate with support of Interpol channels. Comparative crime data should be collected according to commonly defined indicators.*

See Block 3 / topic 3 VLAP benchmarks.

The Centre for International Police Cooperation has access to the Interpol databases used by the law enforcement agencies of the Republic of Moldova: Stolen/Lost Travel Documents (SLTD); Stolen Motor Vehicles (SMV); the database on persons being sought internationally; Stolen Administrative Documents (SAD); and the Images of Child Sexual Exploitation Database (ICSEDB). Access is restricted, granted only by the General Secretariat;

In the first half of 2013, NCB Interpol processed 14 350 documents: 6 733 incoming and 7 617 outgoing. At the request of the territorial subdivisions, 189 persons were reported for international search (125 for arrest and extradition, 49 persons to be located, 4 wanted foreigners and 11 missing persons). Following international search requests received from the competent authorities, 40 persons were arrested and 16 persons were extradited from Interpol member states (8 from Italy, 1 each from Bulgaria, Portugal, Belgium, Spain, Albania, Austria, Czech Republic and Hungary).

- *Exchange of best practice and training of law enforcement services should be strengthened.*

See Block 3 / topic 3 VLAP benchmarks.

#### 2.3.4. Block 3 / topic 4 — Data protection

- **Implementation of the legislation on the protection of personal data; ensuring efficient functioning of the independent data protection supervisory authority also through the allocation of the necessary financial and human resources**

The Republic of Moldova was very active during 2013 in further consolidating the legislative and policy framework, also taking into account developments in the European regulatory framework. The draft Law on the statement to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data was approved by the Government on 4 September 2013 and submitted to the Parliament for adoption (see also above under Block 3 / topic 2). Beyond VLAP benchmarks, the Data Protection Strategy for 2013-2018 and the Action Plan for its implementation were adopted by the Parliament in October 2013. Additionally, the Centre for Personal Data Protection (the Centre), developed guidelines regarding the processing of personal data in the police sector and in the electoral

process. Guidelines in medical, education and banking sectors are being developed. The draft law on amendments to the Law on Electronic Communications is under discussion in the Parliament with a view to adoption in November.

The Centre continued to be actively involved in a number of areas:

Period	Number of consultations on draft legislation	Number of petitions examined	Number of public awareness actions	Attendance of Court proceedings	Number of performed controls	Number of criminal procedures/ procedures within administrative courts initiated by the Center
Year 2011	35	90	63	0	46	0
Year 2012	41	214	85	35	82	4/6
Year 2013 (01.01.-30.06.)	27	171	70	23	71	9/0

Regarding more specifically the processing of personal data by law enforcement authorities, specific guidelines are being developed. During the first half of 2013, there were 6 decisions of the Supreme Court of Justice following appeal cases initiated by the Centre which clarified the procedures for classifying information on the processing of personal data by the law enforcement authorities.

The Centre continued to actively raise awareness on data protection issues, including in electronic communications. Regarding more specifically electronic communication the Centre's representatives have been and are regularly participating in media programmes on this issue. The Centre is also consulted in the process of drafting legislation that cover issues related to the protection of personal data in electronic communications. In addition, all information related to public awareness is available on the Centre's website.

The Centre is properly provided with financial resources, with a budget for 2013 of 2 975 300 MDL and with 21 permanent staff positions out of which 19 are filled. This year in order to strengthen its logistical capacity, the Control team of the Centre was provided with transportation means and technical equipment for documenting cases of contravention, and verification of the implementation of the requirements for the security of personal data at their processing within the information systems of personal data by controllers. Further training activities were organised: the Centre personnel attended 3 TAIEX study visits to: Sweden in the field of education and personal data collection regarding minors, to the Czech Republic on the protection of personal data in the print, visual and audio-visual media and to Germany on the processing of health data.

### General assessment Block 3

The Republic of Moldova has successfully achieved the main part of the reform of the Ministry of Interior, with all its departments effectively reorganised and delivering results. Intelligence analysis and risk analysis are embedded in the operations. Confiscation powers are increasingly and more extensively used. THB databases have been improved, and the social support for victims has been ensured. The salaries of all officials have been substantially increased, especially those working in the anti-corruption area, which allowed reaching the staffing targets. A track record of sentences for high-level corruption is yet to be established, while a more independent appointment procedure for the head of the NAC needs to be devised. Smooth judicial cooperation in criminal matters with Member States has continued, while statistics gathering methods were harmonised. Further steps towards the signature/conclusion of the cooperation agreement are currently being taken by Eurojust with a view to its submission to the Council before the end of 2013. International police

cooperation has led to successful investigation cases and operations and solid bases for deepening the cooperation with Ukraine have been laid. The Europol operational cooperation agreement will be finalised in the coming months. The Data Protection Centre has widened its authority and has reached its working cruising speed thereby continuously training the author authorities.

Beyond the VLAP benchmarks for Block 3, it is important to note that Republic of Moldova took further steps in the reform of the Judiciary as well as the Prosecutor's Office, also by considerably investing in the training of judges and prosecutors.

The Republic of Moldova has implemented in a satisfactory manner the actions demanded by the recommendations of the 4<sup>th</sup> VLAP report, while continuing to effectively implement the relevant legislation. The Commission considers that **the Republic of Moldova has met the second phase benchmarks set under Block 3.**

## **2.4. Block 4: External relations and fundamental rights**

### *2.4.1. VLAP benchmarks*

- **Ensuring that freedom of movement within the Republic of Moldova of Moldovan citizens and legally staying foreigners or stateless persons is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, health status (including HIV/AIDS), language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;**

There were restrictions on the freedom of movement of Moldovan citizens and legally staying foreigners or stateless persons within the Republic of Moldova in relation to registration and de-registration procedures. The Bureau for Migration and Asylum (BMA) went further to lift these restrictions by opening six territorial offices along the administrative boundary line with the Transnistrian region, thus allowing for easier and more consistent registration of foreigners entering the country through the central segment of the country's common border with Ukraine.

Amendments introduced in 2012 to the Law on HIV, in particular to ensure the rights of migrants, refugees and asylum seekers, continued to be implemented by extending risk prevention and voluntary testing programmes for vulnerable groups, strengthening the medical monitoring of persons with HIV/AIDS (at eight regional offices, including the Transnistrian region, and prisons) and increasing the number of medical points able to deliver antiretroviral treatment (1185 patients are being treated free of charge by these centres, including those in the Transnistrian region). In addition, the Contravention Code was amended on 10 October 2013 to remove sanctions against foreigners refusing HIV/AIDS testing.

- **Full, effective access to travel and identity documents for all Moldovan citizens including women, children, people with disabilities, people belonging to minorities and other vulnerable groups.**

Specific measures aimed at facilitating the issuance of travel and identity documents to young people and socially vulnerable groups continue to be implemented. By Government decree of 18 February 2013, Moldovan citizens may apply for travel and identity documents in any territorial subdivision of the CSIR Registru, irrespective of their place of residence, and facilities are provided for persons with disabilities (mobile documentation offices, home

delivery). At the same time, the Registru testing laboratory received ISO 17025 accreditation and became operational to test raw materials, final materials and products and face recognition. Ninety-nine tests were conducted in 2013, for the purposes of product testing or face recognition.

As regards ethnic minorities, the measures put in place to implement the authorities' integration policy for a multi-ethnic Moldovan society are actively used by the target groups (for the first eight months of 2013, of all travel and identity documents delivered, about 25% were for ethnic minorities). Moldovan citizens residing in the Transnistrian region continued to apply for Moldovan travel and identity documents, under the special identification procedures set out in Government Decision No 525 of 11 July 2013 on the implementation of amendments to the Law on Citizenship of 2 June 2000. As of the end of July 2013, 239 758 passports had been issued to such residents. In addition, bilateral meetings were organised with the relevant de facto authorities of 'Transnistria', in order to advance the issue of a single national identification number to be used on birth certificates issued by the de facto authorities.

- **Effective implementation of legislation and policies on anti-discrimination, implementation of relevant UN and Council of Europe instruments;**

The Law on Ensuring Equality of 25 May 2012, accompanied by implementing acts, constitutes the cornerstone of the anti-discrimination framework. The Moldovan authorities undertook to implement the law in earnest, as they re-affirmed during the EU-Republic of Moldova Human Rights dialogue of 16 April 2013. The training programmes for magistrates, lawyers, law enforcement officers and the public are going at an accelerated pace. The Equality Council was set up after some delay in June 2013, its President elected on 23 July, and on 31 July 2013 it was established with a budget of MDL 1.8 million (€112.000) for the period to the end of the year. MDL 3.3 million have been earmarked so far for the period 2014-2016, an amount deemed commensurate with the activities foreseen in the Strategic Plan 2014-2016 developed by the members of the Council with the help of the Council of Europe. The Equality Council met actively to set up its administration, developed its internal management documentation (also with the help of the Council of Europe), started to develop a network of international contacts, and launched a comprehensive review of legislation in the field of human rights and antidiscrimination.

At the same time, on 11 October 2013 the Government and Parliament deflected an attempt by several MPs to challenge the anti-discrimination framework that relied on removing a reference to 'relations other than those related to marriage and family' in the amendments of May 2013 to the Contravention Code. The amendments were allegedly meant to protect children and to implement the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the 'Lanzarote Convention') notably by introducing fines against the public dissemination of information 'with a negative impact on minors and/or promoting prostitution, paedophilia and pornography'. Instructions were adopted by Government for the implementation of the amendments in line with the Equality law and non-discrimination principles until the amendments to the Contravention Code Law were repealed by the Parliament. In the same spirit, on 27 May 2013 the Ombudsman submitted a civil action against provisions of a law adopted by the Gagauz-Yeri Autonomous Region infringing the principles of equality, fairness and objectivity enshrined in the Law on Ensuring Equality; on 20 June 2013 the Comrat Court of Justice upheld the action and annulled the relevant legal provisions.

The Council of Europe Venice Commission<sup>35</sup> commended the decisions taken by the domestic courts of the Republic of Moldova annulling the prohibition on “aggressive propaganda of homosexuality” adopted by local authorities and the voluntary withdrawal of the draft laws by the other local authorities<sup>36</sup>, while noting nevertheless that the Court decisions focuses mostly on the principle of equality, whereas the issue of sexual orientation and the related form of expression were not addressed.

By law of 21 December 2012, the Republic of Moldova recognised the competence of the UN Committee on Elimination of Racial Discrimination to receive individual communications under Article 14 of the UN Convention on the Elimination of all forms of Racial Discrimination. The law entered into force on 13 May 2013; on 21 August 2013, the Republic of Moldova completed its preparations by assigning the Bureau of Interethnic Relations as the authority responsible for reporting on the implementation of the Convention. In addition, in line with the National Human Rights Action Plan, the Government launched a feasibility study with a view to ratification of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 177). The Government also put in place far-reaching measures to implement the Law on Social Inclusion of Persons with Disabilities of 30 March 2012, notably through the newly created social service "Personal Assistance" (430 personal assistants, including 179 fully funded out of the central budget).

- **Effective implementation of the National Human Rights Action Plan measures on fight against discrimination (including allocation of adequate resources); general awareness raising campaigns against racism, xenophobia, anti-Semitism and other forms of discrimination; strengthening the responsible bodies for anti-discrimination policy and combating racism, xenophobia and anti-Semitism;**

The revised National Human Rights Action Plan 2011-2014 continued to be implemented under the supervision of a cross-agency Permanent Human Rights Commission, technically supported by the Ministry of Justice. Every central and regional authority has drafted and is implementing its own action plan to apply the National Human Rights Action Plan. In September 2013, the Permanent Commission decided to increase visibility of, and support to, its action by opening participation to the Council of Europe, the UN, the EU, the Organisation for Security and Cooperation in Europe (OSCE), national and international NGOs. Moreover, the recommendations in the country report by the Special Rapporteur on freedom of religion or belief have been implemented. Efforts have also increased to implement the 2011-2015 Action Plan on Supporting Roma People, revised as suggested by international organisations, notably by organising regular trainings in the regions, keeping local authorities, district police officers and district doctors in frequent contact with the inter-ministerial working group on implementation of the Action Plan, focusing attention on the education sector, and putting in place the network of 15 Roma community mediators (as foreseen in the medium-term budget framework, 33 more community mediators will be deployed in 2014-2015).

The strategy for the reform of the justice sector gives due importance to the reform of the Ombudsman’s institution, the Centre for Human Rights, with a view to strengthening its independence and effectiveness and that of the related National Mechanism for the Prevention of Torture. An ad hoc working group conducted a detailed study on the Centre’s activity, including an evaluation of the latter’s performance, financial needs and possible measures for optimising its activities. Based on its conclusions, and with the involvement of international partners (such as the UN local adviser on human rights and the former UN Special Rapporteur on torture) and local NGOs, the Ministry of Justice drafted legislation on reorganising the

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<sup>35</sup> See Council of Europe Venice Commission of June 2013

<sup>36</sup> See also COM(2013) 459 final, page 37

Centre on the selection and appointment of the Ombudsperson(s), and on establishing the latter's autonomy in selecting and appointing the Centre's staff and deciding its internal organisation and budget issues. The draft law was adopted by the Government on 4 September 2013 and immediately submitted to Parliament. This confirmed the authorities' will to strengthen the Ombudsman's institution.

At the same time, the Centre made its own efforts to improve its effectiveness and the credibility of its role. It started to use its prerogative to question the constitutionality of specific laws before the Constitutional Court and to initiate legal proceedings before the Court or to intervene in judicial proceedings in the form of *amicus curiae*, including anti-discrimination proceedings. It opened a regional centre in Varnitsya, a Moldovan-controlled suburb of Bender, in the so-called security zone of the Transnistrian conflict, with a view to handling requests by the local population and improving cooperation with the corresponding Ombudsman's institution in 'Transnistria'.

#### 2.4.2. *Assessment of Impact recommendations*

- *Continue to implement its Human Rights Action Plan 2011-2014 and continue to seek involvement of the international community in tackling minorities' issues.*

The Moldovan authorities have continued to show consistent commitment and improving results in implementing the Human Rights Action Plan 2011-2014, based on substantial, though suboptimal, budget allocations. In September 2013, the Permanent Human Rights Commission invited international organisations such as the Council of Europe, the UN, the EU, the OSCE and international NGOs to take part in its monitoring and assessment work. The invitation was issued shortly after the Moldovan Government announced its intention to make the implementation of the Action Plan more transparent and accountable.

- *Ensure effective implementation of anti-discrimination legislation, in line with European and international standards, notably by issuing comprehensive guidelines and by having in place a functioning Equality Council.*

The Moldovan authorities, judicial institutions, civil society and the population at large show a high degree of awareness of anti-discrimination issues, a subject that has stirred Moldovan society. After the uncertainty in March-June 2013, the swift setting-up of the Equality Council with an adequate budget for the current year confirmed the authorities' will to implement the 2012 anti-discrimination legislation fully and in a sustainable manner.

- *Sustain its financial efforts to implement the Action Plan on Roma Support 2011-2015 in an effective and consistent manner.*

As previously reported, the 2011-2015 Action Plan on Roma Support has been implemented consistently by the Moldovan authorities. Albeit with some delay, their previous commitment make the Roma community mediators official was backed by effective budgetary commitments in 2013. There are no signs at present that this commitment will not be sustained in the future. On this issue, as on human rights issues in general, cooperation with, and support from, the international community is an important factor in ensuring the success of planned actions.

- *Continue the good cooperation with de facto authorities in Tiraspol, which would allow information exchange on the issuance of documents as well as on law enforcement aspects;*

Identity documents are issued to Transnistrian residents by the constitutional authorities of the Republic of Moldova based on information provided under Moldovan law and checked against information possessed by the constitutional authorities.

Cooperation between Chisinau and Tiraspol on law enforcement matters is ad hoc, under a 1994 agreement. The agreement, however, cannot be implemented as it stands given the Republic of Moldova's progress in human rights issues, because as it does not provide sufficient guarantees of personal data protection and respect for the human rights of suspects sought for investigation by the de facto Transnistrian authorities. This format needs to be revised; work on this matter began in June 2013 on the basis of a draft proposed by the OSCE Mission in the Republic of Moldova.

- *Increase efforts to overcome possible security and migration challenges and find possible solutions for enhancing the control without prejudice to the '5+2' negotiating process.*

In March 2013, the Moldovan Deputy Prime Minister in charge of reintegration (the Republic of Moldova's political representative in the '5+2') sent a letter informing the Transnistrian de facto administration, the other participants in the '5+2' process and the Joint Control Commission established under the Russian Federation-Republic of Moldova ceasefire agreement of 1992 of the Republic of Moldova's intention to create six territorial offices of the Moldovan BMA along the administrative boundary line with 'Transnistria' in order to improve monitoring of migration flows through the central segment of the Republic of Moldova-Ukraine border (otherwise subject to Ukrainian and unrecognised 'Transnistrian' border controls). These territorial offices were set up in October 2013, after an additional information campaign targeting the Transnistrian residents, their de facto authorities and the participants in the '5+2'. The offices will register foreign citizens who enter or leave the territory of the Republic of Moldova through that region.

Transnistria-based foreign citizens (Moldovan citizens without a Moldovan passport) willing to leave or enter the Republic of Moldova through Chisinau-controlled territory, will be exempted from mandatory registration with the migration authority once the necessary legislative framework is put in place. This mechanism does not affect the movement of foreigners within the internationally recognised borders of the Republic of Moldova. At the same time, mobile control units of Moldovan border police were put in place to perform second-line checks on Chisinau-controlled territory, the Moldovan police being allowed to perform such checks in the so-called security zone along the administrative boundary line.

Hence, the Republic of Moldova improved its already generally inclusive policy with regard to its citizens residing in 'Transnistria', and in addition it allows them free-of-charge access to Moldovan citizenship on a voluntary basis (or free-of-charge issuance of identity documents on first documentation). Given the lack of recognition of Transnistrian civil status documents by the Republic of Moldova, the Ministry of Information, Technology and Communications applies specific measures to confirm the applicants' citizenship, in line with the amendments to the Law on Citizenship 2004 and Government Decisions No 959 of 9 September 2005, No 337 of 10 May 2011, and No 525 of 11 July 2013. Discussions with Tiraspol continued in police cooperation matters: to implement an information exchange mechanism and to allow re-registration in the Republic of Moldova of documents issued by the Transnistrian de facto authorities. Another notable improvement under discussion is the insertion of elements of nation-wide identification (a number generated by the Moldovan Civil Status Registry) in civil status documents issued by the Transnistrian de facto authorities, as in effect this would simplify the process for Transnistrian residents applying for Moldovan identity documents.

Furthermore, the Republic of Moldova engaged in talks with Ukraine on exchanging border crossing information on foreigners entering 'Transnistria' from Ukraine, and is intent on extending the practice of joint controls and patrolling with Ukrainian border guards on the central segment of the Republic of Moldova-Ukraine border. This practice began in 2012 on the northern border segment, at the jointly operated border crossing point of Rososhany-

Briceni, and is in the process of being extended to the border crossing point in Palanca / Mayaki on the southern border.

#### **General assessment Block 4**

The Republic of Moldova has moved towards effective implementation of the substantial legislative changes introduced during the first phase of the VLAP. The Moldovan authorities have made serious implementation efforts with regard to the Law on Ensuring Equality, the implementation of the National Human Rights Action Plan, the strengthening of the Ombudsman's office, the establishment of registration offices for foreigners entering the country through the territory of 'Transnistria', and the facilitation of documentation and evidence for Transnistrian residents.

The Republic of Moldova has implemented in a satisfactory manner the actions demanded by the recommendations of the 4<sup>th</sup> VLAP report, while continuing to effectively implement the relevant legislation. The Commission considers that **the Republic of Moldova has met the second phase benchmarks set under Block 4.**

### **3. CONCLUSIONS**

Since the launch of the EU-Republic of Moldova Visa Dialogue in June 2010 and the presentation to the Moldovan authorities of the Action Plan on Visa Liberalisation (VLAP) in January 2011, the Commission has regularly reported to the European Parliament and to the Council on the progress made by the Republic of Moldova in fulfilling the benchmarks identified under the four blocks of the first and second phase of the VLAP.

The Commission has also continued to monitor the progress made by the Republic of Moldova in relevant areas of the VLAP through:

- the Senior Officials Meeting of the EU-Republic of Moldova Visa Dialogue;
- the EU-Republic of Moldova Joint Visa Facilitation Committee;
- the EU-Republic of Moldova Joint Readmission Committee;
- the EU-Republic of Moldova Joint Subcommittee No 3;
- the Senior Officials Meeting of the EU-Republic of Moldova Mobility Partnership; and
- the EU-Republic of Moldova Human Rights Dialogue.

In each of these committees and dialogues, cooperation between the EU and the Republic of Moldova is regularly addressed. At the last Visa Facilitation and Readmission Joint Committees held on 12 June 2013 in Brussels and attended by representatives of EU Member States, the Commission noted that implementation of the two agreements was very satisfactory overall.

The EU-Republic of Moldova Visa Dialogue has proved to be an important and particularly effective tool for **advancing far-reaching and difficult reforms in the Justice and Home Affairs area** and beyond, impacting areas such as the rule of law and justice reform, including sound party financing, the review of immunities, and administrative modernisation. Beyond VLAP benchmarks, the Republic of Moldova took further steps in the reform of Judiciary as well as the Prosecutor Office. These issues are monitored in other dialogue frameworks, such as the Cooperation Committee, the Cooperation Council and will be monitored in the context of the future Association Agenda.

The progress achieved by the Republic of Moldova over the last three years in all areas covered by the four blocks of the VLAP is **steady and effective**. It demonstrates the

commitment and constant efforts of successive Moldovan governments and all state institutions that have made the fulfilment of the VLAP benchmarks a top national priority.

It is notable that in several key areas the VLAP reforms were completed in the first half of 2013 despite an unstable political situation lasting several months, which is indicative of an appropriate level of good governance and maturity of the public administration.

The amendments to the EU visa rules will introduce a new **visa waiver suspension mechanism** which contributes to preserving the integrity of the visa liberalisation process and ensures, as a measure of last resort, that visa-free travel will not lead to irregularities or abuse.

The Republic of Moldova has allocated appropriate financial and human resources to ensure that the reforms are sustainable. A national **long-term, multi-year plan** has been established. The EU is also contributing to this process. The EU's Annual Action Programme for 2012 for the Republic of Moldova will provide **EUR 60 million in the form of Sector Budget Support to Justice Sector Reforms**, with the first disbursement of EUR 15 million planned for November 2013. The programme will also **provide EUR 21 million exclusively for support for the implementation of the Visa Liberalisation Action Plan**. Moreover, the reforms in this sector are also supported by the CIB Programme for 2011-2013. Continuous **targeted information campaigns** have been run, aiming to clarify the rights and obligations entailed in visa-free travel, and on the rules of access to the EU labour market. These should continue in the run-up to and after visa liberalisation.

Four Progress Reports on the implementation of the VLAP have been presented (September 2011, February 2012, June 2012 and June 2013). The Fourth Progress Report confirmed that the Republic of Moldova was broadly in line with all the benchmarks set in the four blocks of the VLAP and identified actions that, if taken, would complete its implementation of all benchmarks for the second phase of the VLAP.

The Commission considers that since then the Republic of Moldova has made the necessary progress to ensure effective and sustainable implementation of the remaining reforms. **All action** required under the Fourth VLAP progress report **has been taken**. The legislative and policy framework, the institutional and organisational principles, and the implementation of the procedures throughout the four blocks comply with European and international standards.

Based on this assessment, and given the outcome of the continuous monitoring and reporting carried out since the launch of EU-Republic of Moldova Visa Dialogue in June 2010, **the Commission considers that the Republic of Moldova meets all the benchmarks set in the four blocks of the second phase of the VLAP**. Taking into account overall relations between the EU and the Republic of Moldova, the Commission will therefore consider, immediately following the Vilnius Eastern Partnership Summit, presenting a legislative proposal to amend EC Regulation 539/2001 in accordance with the agreed methodology under the VLAP.

The Commission will continue to **actively monitor** the continuous implementation by the Republic of Moldova of all benchmarks under the four blocks of the VLAP under the existing Partnership and Cooperation structures and dialogues, and, if necessary, through ad hoc follow-up mechanisms.