



EVALUATION REPORT of MOLDOVA OPEN GOVERNMENT ACTION PLAN IMPLEMENTATION 2012-2013

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Contents

EXECUTIVE SUMMARY	5
INTRODUCTION	6
1. METHODOLOGY	8
2. EVALUATION OF OPEN GOVERNMENT ACTION PLAN IMPLEMENTATION DURING 2012 - 2013	11
OBJECTIVE 1. Strengthening public integrity by ensuring participatory decision-making and citizen participation and increasing transparency in government.....	12
ACTION 1. Ensuring transparency in the activity of public administration authorities and public access to information.....	14
ACTION 2. Launching the online petition platform www.petitii.gov.md	22
ACTION 3. Ensuring the re-use of public sector information, developing the open government data portal www.date.gov.md into a single access window to all government data.....	22
ACTION 4. Ensuring information transparency regarding the income and property of senior public officials, judges, prosecutors, civil servants, etc.	26
ACTION 5. Use of the potential of social networking for effective communication between central government and citizens and fostering participatory decision making.....	27
ACTION 6. Ensuring transparency of decision-making process at the local level government	29
ACTION 7. Ensuring transparency of the judicial system.....	29
OBJECTIVE 2. Efficient management of public resources by increasing public spending transparency	31
ACTION 8. Ensuring budgetary transparency	32
ACTION 9. Increasing transparency of public procurement. Implementation of e-Procurement system in the public sector	34
OBJECTIVE 3. Improvement of the quality of public services delivery	37
ACTION 10. Providing quality public service delivery through process reengineering and optimization of public service delivery	37
ANNEXES	44
Annex 1. Accomplishment level of Open Government Action Plan at the end of the implementation period 2012-2013.....	44

ABBREVIATIONS

OGAP	Open Government Action Plan 2012 - 2013
OGP	Open Government Partnership
PPA	Public Procurement Agency
CPAA	Central Public Administration Authorities
LPAA	Local Public Administration Authorities
LPA	Local Public Administration
MHA	Ministry of Home Affairs
MFAEI	Ministry of Foreign Affairs and European Integration
IT	Information Technology
API	Application Programming Interface
CNP	National Participation Council
AIS	Automated Information System
SRPP	State Registry of Public Procurement

EXECUTIVE SUMMARY

The evaluation report covers the implementation of the Open Government Action Plan (OGAP) during its entire period of 2012 – 2013. The report was conducted to assess the degree of achievement of planned activities and commitments that Republic of Moldova undertook within the Open Government Partnership. The accomplishment of the Open Government Action Plan during the entire period of 2012 - 2013 is of 52.66%. The first objective of the Action Plan, "Strengthening public integrity by ensuring participatory decision making, citizen participation and increasing transparency in governance" was fulfilled to an extent of 47.17 %. The second objective "Effective management of public resources by increasing the transparency of public spending" was reached to a degree of 70.19 %. The third objective "Improving the quality of public service delivery" was reached to an extent of 40%. The main conclusion is that despite certain progress achieved in the implementation of the Open Government Action Plan 2012 – 2013, the process of open government implementation was difficult. The main causes of the average achievement of the Plan were insufficient mechanisms for monitoring and controlling the implementation of the planned activities, insufficient trained human resources in ministries as well as ministries' partial awareness of the importance of open government initiative.

INTRODUCTION

This report is a follow-up of the research conducted by the Association for Participatory Democracy ADEPT that began with the first "Evaluation Report on the implementation of the Open Government Action Plan in 2012". This report is an essential element of civil society effort to increase accountability of public institutions through monitoring and evaluation of implementation of plans for establishing an open government and achieve Moldova's commitments undertaken in the Open Government Partnership. Specifically, the report includes the results of Action Plan for Open Government (PAGD) implementation assessment for the entire period of its implementation: 2012 - 2013, and an analysis of the dynamics recorded on this plan during the implementation period. The first report concerned the evaluation of the implementation of PAGD in 2012 and can be accessed on the website of the Association for Participatory Democracy¹.

Open Government Partnership (OGP) is a global initiative to improve the quality of governments by improving the governance, increase public institutions' transparency and accountability, providing the necessary IT tools to empower citizens and improve interaction between government and civil society.

This initiative was officially launched in September 2011, in the UN General Assembly by the eight founding countries (Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, UK, and USA)². On April 17, 2012, Moldova has joined this global effort of governance improvement³, signing the Open Government Partnership Declaration⁴.

To join the OGP, Moldova developed the Open Government Action Plan for 2012 - 2013, adopted by the Government Decision nr. 195 of 04.04.2012, published in "Official Monitor" of 06.04.2012 nr.65-69/224. The implementation of this action plan was made the responsibility of the central government, including the State Chancellery and e-Government Center. The control of the Open Government Action Plan implementation was put in charge of the State Chancellery as well the central administration, with the support of e-Transformation Coordinators or designated civil servants responsible for open government data⁵. At the same time, in this document the Government recommended the National Council for Participation, "to establish a specialized working group for monitoring the OGAP implementation".

Purpose and objectives of the evaluation study

The goal of the study is to assess the performance of state authorities in the process of implementation of the Open Government Action Plan (OGAP) in 2012-2013. Given the fact that the implementation of the first Moldovan Open Government Action Plan was completed in December 2013, this research presents the results achieved by the Government in fulfilling the objectives set for it by the end of the period.

¹ <http://www.e-democracy.md/files/gd/raport-planul-actiuni-guvernare-deschisa-2012.pdf>

² <http://www.opengovpartnership.org/about>

³ http://www.egov.md/index.php/ro/initiative/guvern-deschis#UcK-v84cl_A

⁴ <http://www.opengovpartnership.org/open-government-declaration>

⁵ Government Decision no. 195 of 04.04.2012

The objectives of the study are:

- to determine the progress achieved in the implementation of the OGAP during the analyzed period,
- to determine the correlation between OGP commitments and the results achieved by the Moldovan authorities, and
- to emphasize issues hindering the efficient implementation of the OGAP actions.

This study is a first comprehensive and systematic assessment of the OGAP implementation in 2012-2013 and shows the current situation, trend and progress in the implementation of the Open Governance in Moldova. The methodology used includes the quantitative assessment of performance indicators and qualitative evaluation based on interviews with representatives of the central government. The quantitative indicators have been measured using data collected from public sources as well as information obtained through official requests from state institutions. The qualitative assessment was carried out based on information obtained during interviews conducted with a number of representatives of the ministries, the e-Governance Center; Open Government Working Group of the National Participation Council.

Even though OGAP 2012-2013 contains a range of progress and performance indicators, some of them are insufficient for measuring the degree of implementation of the plan, given the fact that they are vaguely worded and often immeasurable. Similarly, the vague wording of certain OGAP sub-actions, made it difficult to objectively measure their achievement. Thus, it was necessary to develop an alternative set of performance indicators in line with existing international practices. These indicators provide the opportunity to assess the level of achievement of the Action Plan objectives by measuring the degree of OGAP planned actions achievement.

It has to be emphasized that this study does not aim to evaluate the quality of the undertaken OGAP activities and their impact, but only the level of accomplishment of the actions planned in the OGAP 2012-2013.

1. METHODOLOGY

The methodology used to assess the implementation of the Open Government Action Plan (OGAP) for the entire period of 2012 – 2013, was the same methodology ADEPT applied in the previous, intermediary research on OGAP implementation covering year 2012. The quantitative component of the assessment included the measuring of a series of performance indicators, while the qualitative assessment was made based on interviews with representatives of the central government during the first stage of monitoring.

Given the earlier mentioned objectives, this study aims answering the following questions.

1. To what extent were the OGAP objectives achieved and to what extent were completed the OGAP sub-actions planned for the period of 2012 – 2013?
2. What is the correlation between OGP commitments and Moldova's results?
3. What are the issues affecting the implementation of the planned actions?

The evaluation included the following steps: studying the legislation that underpins OGAP implementation; developing evaluation tools (a set of indicators, semi-structured interview guide, the list of information sources); determining the sample to be studied; collecting relevant information by monitoring the central public administration websites; conducting interviews with representatives of central public administration; analysis of the collected information; developing conclusions and making recommendations.

- To answer the **first question** a set of performance indicators was developed for all 49 sub-actions planned to be completed by the end of 2013. Given the fact that some of the sub-actions planned in the OGAP 2012-2013, did not have measurable and clearly defined performance indicators, while some sub-actions were vaguely formulated, which made it difficult to measure their level of achievement, the study has some degree of subjectivity, resulting from the mentioned constraints.
- The answer to the **second question** was formulated based on the analysis of collected data regarding actions taken and results achieved in 2012 and 2013 compared with the principles and objectives of the Open Government Partnership.
- The **third question** of the study was answered by analyzing data collected during the monitoring of the OGAP implementation and the information obtained in the interviews with a number of representatives of the central public administration authorities participating in the implementation of the OGAP 2012-2013.

To collect data on measured indicators we monitored the web sites of a number of central public administration authorities, analyzed the reports produced by the institutions responsible for OGAP implementation as well as reports issued by other relevant institutions from the non-governmental

sector. To evaluate the OGAP 2012-2013 sub-actions that refer to central public administration authorities (CPAA), a sample of 16 ministries was studied by monitoring their official websites:

CPAA		Web address
1.	Ministry of Economy	http://www.mec.gov.md/
2.	Ministry of Finance	http://minfin.md/
3.	Ministry of Justice	http://justice.gov.md/
4.	Ministry of Home Affairs	http://www.mai.gov.md/
5.	Ministry of Foreign Affairs and European Integration	http://www.mfa.gov.md/
6.	Ministry of Defense	http://army.md/
7.	Ministry of Regional Development and Constructions	http://www.mdrc.gov.md/
8.	Ministry of Agriculture and Food Industry	http://maia.gov.md/
9.	Ministry of Transportation and Roads Infrastructure	http://www.mtid.gov.md/
10.	Ministry of Environment	http://www.medi.gov.md/
11.	Ministry of Education	http://www.edu.md/
12.	Ministry of Culture	http://www.mc.gov.md/
13.	Ministry of Labor, Social Protection and Family	http://www.mpsfc.gov.md/
14.	Ministry of Health	http://www.ms.gov.md/
15.	Ministry of Information Technology and Communications	http://www.mtic.gov.md/
16.	Ministry of Youth and Sports	http://www.mts.gov.md/

To assess the achievement of sub-actions 1.1 and 1.3 of OGAP a sub-set of indicators was developed based on the provisions of the "Regulation on the official websites of Public Administration Authorities"⁶ and of the "Regulation on the implementation of the Law no.239-XVI of 13 November 2008 on transparency in decision making"⁷. Based on these indicators each monitored institution has obtained an average score that reflects the degree of complying with the provisions of these regulations and hence the degree of accomplishment of the given sub-actions.

Thus, each OGAP sub-action assessed received a percentage score based on the following criteria:

- a) For sub-actions related to passing legislation and implementation of one-time actions, the following assessment method was used:
 - 0% for sub-actions not implemented at the moment of the evaluation;
 - 50% for a partially completed sub-action;
 - 100% for a fully completed sub-action.
- b) Sub-actions referring to multiple central public administration authorities were marked with a score calculated, as follows, depending on the case, either:
 - as an average of the individual scores obtained by the 16 ministries from the sample. In this case, each ministry has received an individual score for achieving the sub-action (or

⁶ Government Decision no. 188 of 03.04.2012

⁷ Government Decision no. 96 of 16.02.2010

the measures leading towards its implementation), thus the progress on the given sub-action being reflected by the average of all ministries scores; or

- as the ratio of the number of ministries that have achieved the given sub-action versus the number of ministries that failed to do so.

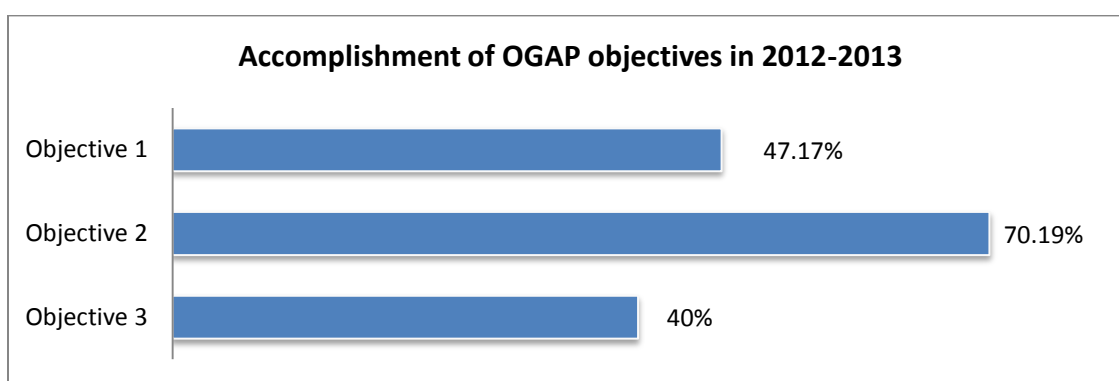
Taking this into account, the achievement level of the OGAP 2012-2013 objectives is calculated as a percent average of the scores given for all sub-actions that had to be completed towards achieving the given objective:

$$O_x = (sa_1 + sa_2 + \dots + sa_n) / n.$$

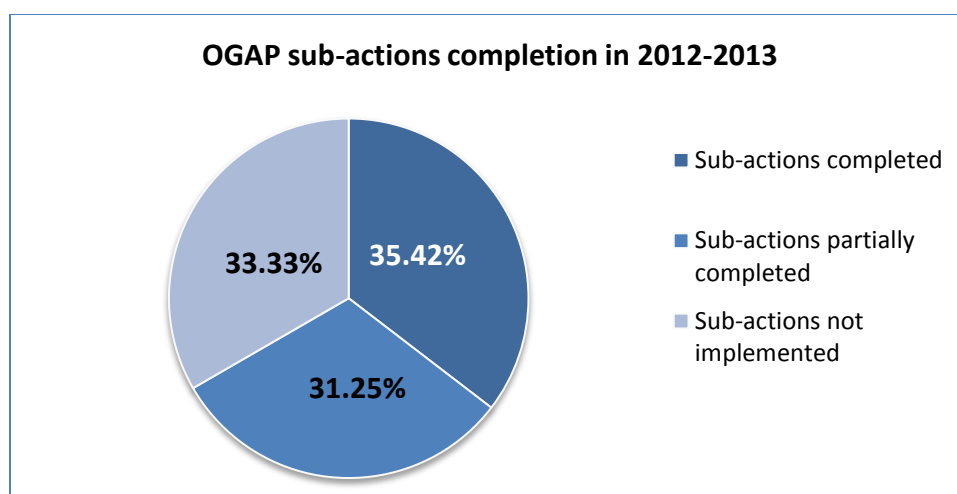
The overall level of OGAP achievement was calculated as the average percentage of the scores of every sub-action planned to be fulfilled during the 2012 – 2013 implementation period.

2. EVALUATION OF OPEN GOVERNMENT ACTION PLAN IMPLEMENTATION DURING 2012 - 2013

The first evaluation of the OGAP implementation (2012-2013) shows that the sub-actions planned for this period have been accomplished to an average level of 52.6%. The plan's objectives were achieved as follows: the first objective "Strengthening public integrity by ensuring participatory decision-making and citizen participation and increasing transparency in government" was achieved at about 47.17%. At a greater rate, of about 70.19% was achieved the second objective "Efficient management of public resources through the increase of public spending transparency". The third objective "Improving the quality of public service delivery" was achieved at a rate of 40%.

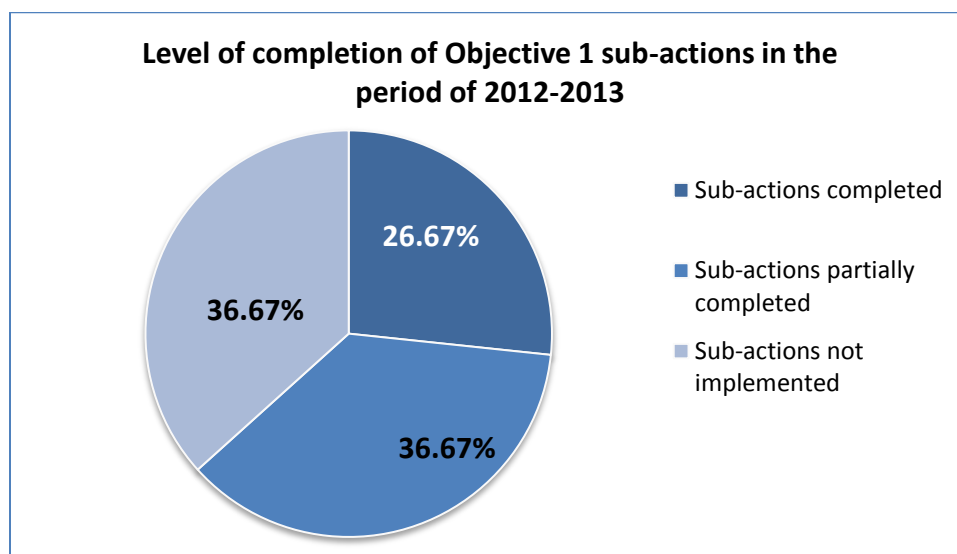


Out of 49 sub-actions planned to be implemented in 2012-2013, 48 were evaluated, and one sub-action was not included in the evaluation, because of the impossibility of collecting data. Thus, at the end of implementation period of OGAP 2012-2013 a number of 17 sub-actions were completed (35.42%), 15 sub-actions (31.25%) were partially achieved, their degree of completion varying from 24.9% to 87.5%. There are 16 sub-actions (33.3%) that remained unaccomplished.



OBJECTIVE 1. Strengthening public integrity by ensuring participatory decision-making and citizen participation and increasing transparency in government

The first objective has been achieved at rate of a 47.17%. Out of 30 evaluated sub-actions⁸, 8 sub-actions (26.67%) were completed, 11 sub-actions (36.67%) were partially completed and 11 sub-actions (36.67%) were not completed.



During the OGAP implementation period 2012 - 2013, there were registered several significant achievements, such as the adoption of the law on the re-use of public sector information and rules for its application; further opening of new data on the date.gov.md portal; preparation and publication of the User Guide of social networks by government authorities; creating official Facebook pages of the central public administration authorities and conducting additional training of civil servants on the use of social networks.

Most of the ministries assessed are using official email addresses, even though three ministries do not use the @gov.md domain address. However, we welcome the fact that in most cases ministries have excluded the use of personal email accounts in the work of civil servants.

Some ministries such as the Ministry of Environment, Ministry of Culture and Ministry of Justice, recorded progress in improving the content available under "transparency in the decision making" component of their official websites.

⁸ To achieve the first objective, 31 sub-actions were planned for the period 2012-2013. In assessing the achievement of this objective, data was collected regarding 30 sub-actions, which have been taken into account in the evaluation. One of the planned sub-actions (3.11) was not taken into account in assessing the achievement of this objective due to the vagueness of the wording of the respective sub-action and the resulting impossibility to assess the implementation of this sub-action.

It should be noted that most ministries meet the legal requirements regarding publication on the website of notices of public consultations and draft decisions consulted together with their related materials. These documents are often accompanied by the relevant information on responsible persons and their contact email addresses for the purpose of submitting comments to the documents consulted. Most ministries (12 of 16, or 75%) publish reports on transparency in decision making. Exceptions are the Ministries of Economy, Ministry of Foreign Affairs and European Integration, the Ministry of Transport and Road Infrastructure and the Ministry of Education who do not publish these annual reports required by law.

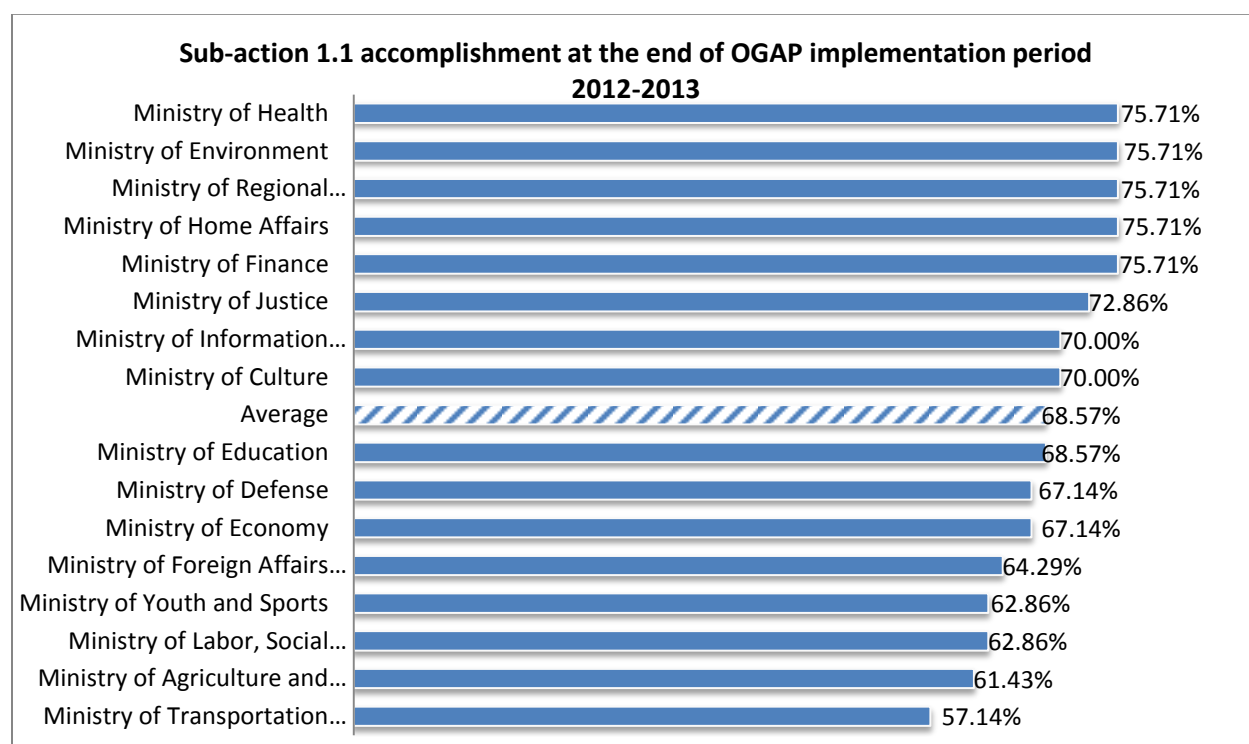
The results of public consultations held by ministries are still not published on authorities' websites; in most cases the following important information is not published: the summary of recommendations received and the minutes of public consultations held. Not all ministries publish online the quarterly or annual programs for draft legislation development.

Compared with 2012, a regression was registered in 2013 with regard to half-yearly reporting on the implementation of the Open Government Action Plan, given that most ministries have not published their reports online, as required by the legislation.

ACTION 1. Ensuring transparency in the activity of public administration authorities and public access to information

Sub-action 1.1

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Strengthening the enforcement of the regulation on public authorities official websites and the regulation on the implementation of the Law no.239-XVI of 13 November 2008 on transparency in decision making, by publishing in due time and appropriate format public information regarding the activity of public institutions	62,86%	68,57%



The level of achievement of this sub-action is shown by the average percentage scores of the 16 ministries monitored and is approximately 68.57% (24 points out of a total possible score of 35 points). Of the 16 monitored central public administration authorities, the highest scores for the implementation of this sub-action were obtained by the Ministry of Health, Ministry of Environment, Ministry of Regional Development and Construction, Ministry of Internal Affairs and Ministry of Finance (26.5 points out of 35, or ~ 75.71%). The lowest scores were obtained by the Ministry of Agriculture and Food Industry (21.5 points out of 35 or 61.43%) and the Ministry of Transport and Road Infrastructure (20 out of 35 points or 57.14%).

To assess the level of achievement of this sub-action we have monitored the compliance with the following documents: "Regulation on the official websites of Public Administration Authorities" (GD no. 188 of 03.04.2012) and "Regulation on the implementation of the Law no.239-XVI of 13 November 2008 on transparency in decision making" (GD no. 96 of 16.02.2010). In these regulations, we evaluated the non-technical provisions, related directly to the subject of sub-action no. 1.1 of the OGAP, which implies evaluation of public authorities' activities after the official website launch and development of the website functionalities. To ensure that the results of all institutions monitored are comparable we excluded the assessment of the provisions from art. 11 and 15.18 of the "Regulation on the official websites of Public Administration Authorities" because they refer only to some of the authorities monitored.

On the basis of these regulations we developed a sub-set of 35 performance indicators that were used to monitor the websites of the central public authorities from the sample. To assess the level of implementation of these regulations, the monitored institutions received a score for each indicator as follows: 0 points if the provision has not been complied with or the relevant information is missing, 0.5 points if the legal requirement is accomplished partially or in an inconsistent manner, and 1 point if the action prescribed by a legal provision has been accomplished and/or the relevant information is complete. According to this methodology, each ministry has accumulated a certain number of points (in %) showing the fulfillment of the provisions of the above regulations and consequently the level of accomplishment of the sub-action 1.1 of the OGAP.

Just as in the previous monitoring period (2012) the most comprehensive information ministries publish on their websites is the information on the structure and management of these ministries, news on official events organized by the respective CPAA, information on official visits of the civil servants and information on vacancies. All monitored authorities publish on the official websites information about how citizens can contact the representatives of the central public administration authorities. The number of tools available on each of these sites differs, but includes at least some of the following: phone numbers, postal address, email address and / or online forms for writing to the CPAA public relations department or minister's secretariat. Most ministries (12 of 16, or 75%) publish on their websites internal rules regarding the organization of the public consultations during the decision making process. The negative aspects observed in the monitoring process are related to partial compliance or non-compliance to the legal provisions mentioned in this sub-action.

Most of the monitored ministries continue to use in their activity official documents with official headers that do not contain the web address of the official site; many documents produced in the ministries do not have any information that could identify those documents are and their source. The same is valid also for the draft documents that do not indicate the date it was prepared or updated making it difficult to work with these documents particularly in the public consultation process when these documents are accessed by third parties.

Sub-action 1.2

	2012	2013	Accomplishment level at the end of OGAP implementation period: 2012-2013
Central public administration authorities will publish quarterly reports and submit them to the State Chancellery, regarding the progress achieved in executing the aforementioned regulations	68,75%	2%	24.97%

In order to achieve sub-action 1.2, beginning with April 2012 and by the end of 2013, every public authority had to publish three quarterly reports regarding the implementation of the Open Government Action Plan. However, during the implementation of the action plan, this sub-action was only partially achieved, at a level of about 25%.

In 2012, out of 16 ministries, 11 have produced reports regarding the implementation of the Open Government Action Plan. The following ministries did not publish the mentioned reports: Ministry of Justice, Ministry of Regional Development and Constructions, Ministry of Agriculture and Food Industry, Ministry of Environment and the Ministry of Education.

In 2013, most of the ministries have not published reports on the OGAP implementation. Information about specific OGAP goals can be found in the reports published by ministries regarding decisional transparency or in the ministries activity reports. These reports are annual but not quarterly. The only exception in 2013 was the Ministry of Youth and Sports that published a biannual report on the Open Government Action Plan implementation in 2013: "Report on actions taken during the first semester of 2013"⁹. Considering the fact that out of 16 ministries that had to publish biannual reports in 2013 (a total of 32 reports had to be published), only one ministry published a report, the degree of achievement of this sub-action in 2013 is of 2 %.

Given that each monitored government authority had to publish a total of three quarterly reports during the implementation of OGAP, the degree of implementation of this sub-actions was calculated by formula: $SM_n = (NRP * 100) / 3$ where SM_n is the score registered by the ministry, and NRP - number of reports published by the ministry during 2012-2013. Therefore, the average scores obtained by ministries to achieve the sub-action: Sub-Action 1.2 = $(SM_1 + SM_2 + ... + SM_{16}) / 16$, represents the level of accomplishment of this sub-action for the entire period 2012 - 2013 and it is of about 25%.

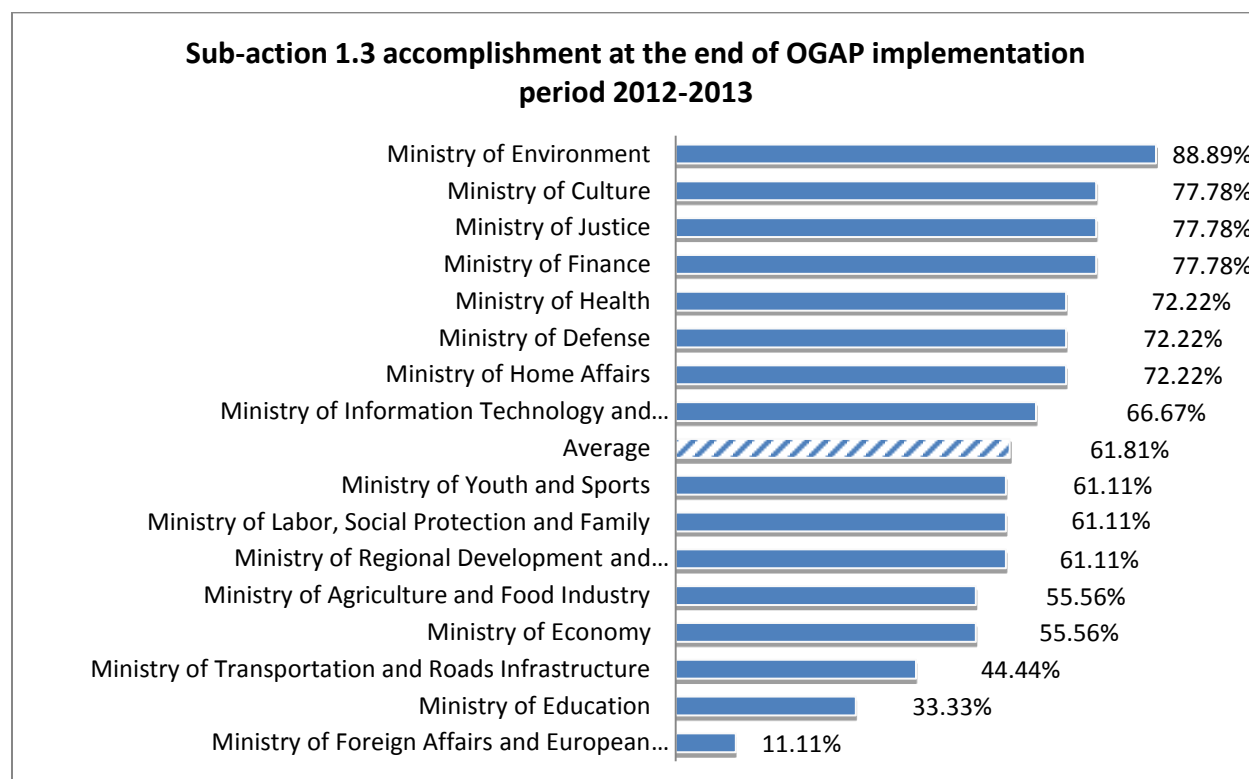
Sub-action 1.3

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
The central public administration authorities will publish on their websites and regularly update the "Decision making transparency" sub-menu, publishing relevant information regarding the participatory decision-making process	59,7%	61,81%

⁹ http://www.mts.gov.md/Sites/sport_ro/Uploads/Raport4.AFAFBCF48D27497E88E3CCC87810EDE3.pdf

The level of accomplishment of this sub-action is given by the average score obtained for this sub-action by the monitored institutions, which is approximately 61.81%.

Of the 16 ministries, the highest score in achieving this sub-action was obtained by the Ministry of Environment (88.9%) and the lowest scores were obtained by the Ministry of Foreign Affairs and European Integration (11%), Ministry of Education (33%) and the Ministry of Transport and Road Infrastructure (44%).



The implementation of this sub-action was assessed based on a set of 9 indicators developed in accordance with the provisions of article 15.6, paragraphs a) to i) from the "Regulation on the official websites of Public Administration Authorities", that prescribe what data on transparency in the decision making process have to be published on CPAA official website. These are: a) annual (trimestral) programs of drafting normative documents, b) internal rules of organizing the public consultations in the decision making process, c) name and contact information of the public consultations coordinator, d) announcements regarding the initiated decisions drafting process (the announcements have to correspond to the requirements of Article 9 of the Law on transparency in decision making), e) announcements regarding the organization of public consultations, f) draft decisions and the relevant accompanying documents, g) outcomes of the public consultations (minutes of consultative public meetings carried out, summary of recommendations received), h) decisions adopted, i) public authority's annual report on the transparency in the decision making process. Thus, for every legal provision complied with, the monitored institution received 1 point, for a partially complied with legal provision – 0.5 points, and 0 points for those provisions that were not respected.

At the end of the implementation period of the Open Government Action Plan, there is some progress in the case of some ministries, although there are ministries that have registered lower scores than in 2012.

A series of setbacks are observed in fulfilling the provisions related to transparency in decision making. Only some ministries (9 of 16, or about 56%) publish partial information related to the annual / quarterly programs for draft legislation development.

Eight ministries (or 50%) only partially comply or not comply at all with the legal requirement to publish statements on income and property of the ministers and deputy ministers. Five ministries published incomplete information; these ministries just published the income statement of the Minister but not those of the deputy ministers. These are the Ministry of Economy, Ministry of Regional Development and Constructions, Ministry of Environment and Ministry of Health. Three other ministries do not publish statements of income, property and interests: Ministry of Finance, Ministry of Transport and Road Infrastructure and the Ministry of Labor, Social Protection and Family.

The same is true for the ministries' obligation to publish the results of the public consultations (summary of the received inputs/ recommendations) and the approved decisions. Thus, only 6 ministries out of 16 (~37.5%) periodically publish information regarding the results of the conducted public consultations.

A positive trend consists in the fact that many institutions publish information on those responsible for public consultation process within the ministries. About 7 ministries of 16 (~ 43.75%) published information on the names and contact details of the public consultation coordinator. 5 other public ministries publish partial information on this topic.

Sub-action 1.4

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
The central public administration authorities will publish on their official websites and update regularly the information on environmental protection and environmental quality, in accordance with paragraph 27 of Annex 2 to the Government Decision no. 195 of 4 April 2012 and will also submit this information to the Ministry of Environment	0%	0%

During the monitored period, ministries did not publish data regarding environmental protection and quality, with the exception of the Ministry of Environment that has published on its website certain information regarding the environment's quality. This sub-action was not implemented in the absence of the "Methodological guide for the public administration authorities regarding the publication of information on the environmental quality and protection" (sub-action 1.5) that was not developed till the end of 2013.

Sub-action 1.5

	2012	Accomplishment level at the end of
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		OGAP implementation period: 2012-2013
Development of the methodological guide for public authorities on publishing information on environmental protection and environmental quality	0%	0%

In the period 2012-2013 this sub-action was not completed. According to OGAP implementation progress report published by the State Chancellery and the Center for Electronic Governance in July 2013, this sub-action was postponed. However, the prospects of this regulation development are unclear, given the fact that this action was not included in the 2014 Action Plan for the implementation of the Strategic Program for technological modernization of government.

Sub-action 1.6

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Amending the Regulation on public administration authorities email system by introducing special provisions regarding the exclusive use of governmental email accounts (gov.md) in the official correspondence, and the restriction on the use of other email accounts	50%	50%

The "Regulation regarding the public administration email system" has not been modified in accordance with this sub-action of the OGAP, but it was repealed by Government Decision no. 822 of 06.11.2012 on the email system of the public administration authorities. However, the same GD nr.822 of 06/11/2012 provides mandatory use of government e-mail accounts (@ gov.md). This government's decision cancels the GD no. 969 of 23 August 2007 on the adoption of the "Regulation regarding the public administration email system" and provides for the drafting of a new Regulation, in the same time containing some mistakes regarding the terms when the new Regulation has to be drafted: it indicates to the State Chancellery to draft a new Regulation till 1 November 2012, while the GD itself has been adopted on 6 November 2012. Furthermore, the annulation of the previous Regulation, before a new one is adopted makes it difficult to enforce the fulfillment of the sub-action 1.7 of the OGAP that requires the implementation of the provisions of GD no.969 of 23.08.2007. This given situation points to certain discrepancies in the legislation adjustment process.

This sub-action is considered partially accomplished given the fact that only part of the respective sub-action was implemented, namely the obligatory use of email@gov.md addresses, while the second part of the sub-action that relates to the adoption of a new regulation has not been achieved.

Sub-action 1.7

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Ensure the mandatory use of official governmental email addresses (gov.md) in internal and external communications, according to Government Decision	75%	81%

nr.969 of 23 August 2007 on the approval of the Regulation on public administration email system		
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In the first monitoring phase (for the year 2012), it was revealed that all of the 16 monitored CPAA publish on their websites the official email addresses. In most of the cases (12 of 16, or 75%) email addresses are exclusively on the gov.md domain – as provided by this sub-action. Three ministries (MFA, Ministry of Defense, and Ministry of Education) used other email addresses than @gov.md. Ministry of Finance used different email addresses: @gov.md and cancelaria@minfin.moldova.md. A similar situation was registered in the case of Ministry of Defense; besides the email address @army.md they also used an informal email address armylives@gmail.com.

Repeated monitoring carried out at the end of OGAP 2012 – 2013 implementation, allows us to make the following conclusions. Of the 16 central public administration authorities whose sites were monitored, all published official email addresses. In most cases (13 of 16 ministries, or 81%) email addresses are on @gov.md domain in accordance with the provisions of this sub-action.

MFA, Ministry of Defense, and Ministry of Education continue to use other email addresses than @gov.md. In the case of two ministries there is discrepancy between the ministry's official web domain and the email domain. In the case of the Ministry of Finances, the official website is www.minfin.md, while the email addresses are @mf.gov.md. The same situation is in the case of the Ministry of Foreign Affairs and European integration, whose website is at the www.mfa.gov.md address while the email is @mfa.md. During the collection of data from various state institutions, it has been observed that employees sometimes use personal emails (@gmail.com) in their official correspondence with the citizens.

Sub-action 1.8

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
The central public administration authorities shall develop and post on their websites the annual report on public information disclosure. The annual progress report on public information disclosure will contain mandatory information on the number of data requests received from individuals and organizations, the type of data requested, number of answered requests, time needed to answer, and other information reflecting the performance of institutions in data disclosure	0%	0%

During OGAP implementation period none of the 16 monitored ministries published the annual reports regarding the publication of public information. These reports must include information regarding the number of data requests received from individuals or legal entities, the type of data requested, number of requests that have been answered to, time required to answer these requests, etc.

Sub-action 1.9

	2012	Accomplishment level at the end of OGAP

		implementation period: 2012-2013
Stimulating and increasing the efficiency of public consultation process, by obliging (including through approval of this decision) the central public administration authorities to post on the online platform www.particip.gov.md their policy papers, draft legislation, information on the period and format of public consultations and public officials responsible of these consultations, etc.	87,5%	87,5%

At the end of 2013 still not all ministries used the platform particip.gov.md to ensure transparency in the decision making process. Similarly to 2012, Ministry of Foreign Affairs and European Integration and the Ministry of Agriculture and Food Industry does not upload draft bills on particip.gov.md platform while the remaining 14 ministries (87.5%) actively use this platform.

50% of ministries have integrated the particip.gov.md module on their websites under the heading "Transparency in decision-making." Other six ministries (37.5%) duplicate the information, placing draft bills both on particip.gov.md as well as on their official website. Information is duplicated for the following ministries: Ministry of Youth and Sports, Ministry of Culture, Ministry of Environment, Ministry of Transport and Road Infrastructure, Ministry of Justice and Ministry of Defense. It should be mentioned that the Ministry of Finance is the only ministry that integrated particip.gov.md module on its website in 2013.

ACTION 2. Launching the online petition platform www.petitii.gov.md

Sub-action 2.1

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Development and launching of www.petitii.gov.md that will allow submitting electronic petitions to public authorities, so that petitioners can track the: itinerary, stage of the review process, or resolution, civil servants responsible for dealing with the given petition and their resolution etc.	0%

This sub-action was scheduled to be completed in 2013. Till the end of the OGAP 2012-2013 implementation period, the online petition platform www.petitii.gov.md has not been launched.

Sub-action 2.2

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Amending the legal framework on petitions, namely Law No. 190 of 19 July 1994 on petitions and other relevant legislation to regulate the mechanisms and procedures for submitting, receiving, reviewing and resolving petitions submitted electronically to the central public administration authorities	0%	0%

During the implementation of OGAP 2012 - 2013, Law no. 190 of 19.07.1994 on petitioning has not been amended. It has to be mentioned that the Parliament has initiated public consultations on amendment of the law on petitioning, nevertheless so far there it is not clear when will these amendments be approved and whether they will contain provisions regarding the electronic petitioning.

ACTION 3. Ensuring the re-use of public sector information, developing the open government data portal www.date.gov.md into a single access window to all government data

Sub-action 3.1

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Drafting the law on the reuse of public sector information	100%	100%

This sub-action was accomplished in due time through the approval of the Law no 305 of 26.12.2012 on the reuse of public sector information, and its publication in the Official Monitor no. 64-68/197 of 29.03.2013.

Sub-action 3.2

	2013	Accomplishment level at the end of OGAP implementation period: 2012-2013
Drafting the Government's Decision on the application of the law on re-use of public sector information	100%	100%

The sub-action was accomplished with a certain delay; the "Methodological norms regarding the application of Law no.305 of 26.12.2012 on the reuse of public sector information" have been approved by the Government Decision no. 886 of 11.08.2013¹⁰.

Sub-action 3.3

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Open government data that have high importance for citizens in accordance with the Annex 2 to the Government Decision no. 195 of 04.04.2012 on the approval of the Open Government Action Plan 2012-2013, with the due observance of the legal framework on the protection of personal data	72,41%	72.41%

In terms of opening the data listed in Annex 2 of the GD no.195 of April 4, 2012, the situation mentioned in the first assessment report of the OGAP implementation, has remained unchanged.

By the end of 2012 central government authorities have published about 59 datasets, a significant part of which represents data foreseen by Annex 2 of GD no.195 of April 4, 2012. Out of the 29 categories listed in the Annex 2, data from 21 data groups have been open (about 72.41%).

In 2013 central government authorities have made some progress in opening up public data that were not necessarily specified in Annex 2 of OGAP 2012-2013. This is confirmed by the evaluation report regarding the process of opening government data, prepared by the Centre for Independent Journalism (CIJ), which shows that in the second half of 2013 a total of 14 institutions have published 90 new data sets.

However, according to the mentioned CIJ report¹¹, data that have not been published in 2012 were not published till the end of 2013 either, the only exception being the data on "road safety, accidents location, for year 2012 "which was published by the Ministry of Internal Affairs in November 2013¹².

Among the main causes of not publishing these data sets, the CIJ report mentions to the absence of these data. Another reason mentioned by the report and put forward by some government institutions is that that production of these data was not part of concerned ministries' competences. This indicates that the data sets were included in OGAP annex 2, without a thorough analysis of these data sources.

¹⁰ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=350277>

¹¹ <http://www.soros.md/files/publications/documents/Raport%202013%20Open%20data.pdf>

¹² <http://data.gov.md/raw/1128>

Sub-action 3.4

	2012	2013	Accomplishment level at the end of OGAP implementation period: 2012-2013
Each public authority will prepare the Institution's Catalogue of Public Government Data, containing the list of all raw / primary data that may be published on the date.gov.md portal. The catalogue shall be published on the website of the respective public administration authority	12,5%	18.75%	18.75%

In July 2013, according to the Center for Electronic Governance, a total of 10 of 16 monitored ministries (or 62.5%) had developed Catalogs of public government data, which were compiled into a unified Catalog of public government data published on the portal date.gov.md¹³. However, it should be noted that by the end of OGAP implementation period, most of the monitored authorities have not published their catalogs of public government data on their websites. This sub-action provides for the publication of the mentioned catalog on the website of the public authority, while by the end of the OGAP implementation period, out of the 16 monitored ministries only three ministries (or 18.75%) had developed and published on their website the Catalogue of public government data: Ministry of Interior¹⁴, Health Ministry¹⁵, and the Ministry of Information and Communications Technology¹⁶. Considering this fact, the level of achievement of this sub-action is of 18.75%.

Sub-action 3.5

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Expanding the technological interface of the date.gov.md portal in order to provide local public administration access to this portal	100%	100%

According to the information offered by the e-Government Center, date.gov.md portal has the functionality allowing the local public authorities to use it. Nevertheless, during the OGAP implementation period, no local public authorities have yet published data on the date.gov.md portal. This situation is determined by several factors such as insufficient legal framework as well as low level of awareness of LPA regarding this web portal.

Sub-action 3.6

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013

¹³ <http://www.egov.md/index.php/ro/comunicare/stiri/item/1176-catalogul-datelor-guvernamentale-deschise-un-exerci%C5%A3iu-de-inventariere-a-datelor-cu-caracter-public%20target=#.Ub99Ec5WLuN>

¹⁴ <http://www.mai.md/content/13908>

¹⁵ http://www.ms.gov.md/sites/default/files/legislatie/ordinul_nr._677_din_02.07.2012.pdf

¹⁶ http://www.mtic.gov.md/statistica_rom/

Posting information on the location of public authorities and their subordinate structures, on the geospatial data portal www.geoportal.md	100%	100%
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This sub-action was accomplished in due time. The information on the public authorities' location has been published on the geospatial data portal www.geoportal.md.

Sub-action 3.7

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Promotion of development of applications that add value to and facilitate the understanding and use of government open data, through the organization of competitions, trainings, specialized workshops, as well as through the organization of the innovative applications competition that use open data, in May 2012, as well as other actions	100%	100%

In May 2012, the e-Government Center has organized a public event for the promotion of Open Data applications – “the Open Innovations Week”. Within this event there was organized a competition of apps using open governmental data where a number of 26 applications ideas have been presented. Besides this, at this event several thematic activities were carried out such as, Data Journalism (with 74 participants), BOOST training (65 participants), Smart Government Day (157 participants) and the Apps competition (105 participants)¹⁷.

Sub-action 3.8

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Implementation of applications selected in the competition of innovative applications using on open data conducted in May 2012	50%	50%

As stated in the information published on the e-Government Center website, as a result of the competition “E-applications for Moldova” organized in May 2012, four applications were selected¹⁸. According to the e-Government Center, out of the four selected applications two applications “Social Tools” and “OpenMed” have been implemented, however so far only the “Social Tools” has been launched¹⁹. By the end of the OGAP implementation period, no other applications mentioned above were implemented.

Sub-action 3.9

	2012	Accomplishment level at the end of OGAP implementation
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¹⁷ Information provided by the e-Government Center

¹⁸ <http://test.egov.md/index.php/ro/comunicare/stiri/item/186-centrul-de-guvernare-electronic%C4%83-sus%C8%9Bine-idei-de-aplica%C8%9Bii#.UcBe-c5WLuM>

¹⁹ <http://socialtools.lungu.info/>

		period: 2012-2013
Develop national standards on collecting, archiving and publishing digital data	0%	0%

National standards on collecting, archiving and publishing digital data have not been developed during the OGAP implementation period.

Sub-action 3.10

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Central public administration authorities will develop their own institutional regulations for the collection, archiving and publishing of digital data in accordance with national standards	0%

This sub-action was scheduled to be implemented in 2013, however by the end of the OGAP implementation period this sub-action was not complete: the monitored ministries did publish the mentioned Regulations on their websites.

Sub-action 3.11

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Develop and launch an application based on the digital archive of public procurement data, in order to increase their usability	-	No information available

ACTION 4. Ensuring information transparency regarding the income and property of senior public officials, judges, prosecutors, civil servants, etc.

Sub-action 4.1

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Amending Law no. 1264-XV of 19 July 2002 on the disclosure and control of incomes and properties of senior public officials, judges, prosecutors, civil servants and other persons holding management positions, concerning the mechanisms of on-line submission of these statements	0%

This sub-action was scheduled to be achieved in 2013. By the end of OGAP implementation period, no changes were made to Law no. 1264-XV of 19 July 2002, regulating the mechanisms for the submission of income and property statements online²⁰. Currently statements of income, property and interests of

²⁰ <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312751&lang=1>

senior public officials, judges, prosecutors, civil servants and other persons holding management positions, are sent to the National Integrity Commission and placed on institutions' websites as scanned documents, which are often illegible and do not contain all the necessary data.

Sub-action 4.2

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Development, installation and launching of an automated information system for on-line submission of income statements by public servants and other persons holding management positions	0%

This sub-action was scheduled to be implemented in 2013. By the end of OGAP implementation period 2012 - 2013, the mentioned automated information system for on-line submission of income statements was not created.

ACTION 5. Use of the potential of social networking for effective communication between central government and citizens and fostering participatory decision making

Sub-action 5.1

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Develop the Guidelines on the use of social media by the public administration authorities	100%	100%

The "Guide on the use of social networks by the public administration authorities" has been prepared and published on the website of the Center for Electronic Governance on February 4, 2013 and is available online²¹.

Sub-action 5.2

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Harmonization of the Communications and Public Relations Strategy of the Central Public Administration with the Policy documents and the Guide for the use of social networks	0%

²¹ http://egov.gov.md/images/stiri/Ghidul_de_utilizare_a_retelelor_sociale_in_sectorul_public.pdf

Of the 16 monitored ministries, most of them have not published on their website their communications strategy, the exceptions being the Ministry of Interior, Ministry of Defense, Ministry of Health and Ministry of Youth and Sports. However the strategies of these ministries are not harmonized with the Guide for the use of social networks, and in the best cases are containing brief references about publishing information in the social network Facebook.

Sub-action 5.3

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Create and maintain official websites of central public administration authorities on social networks and ensuring effective two-way communication between central government and citizens, according to relevant regulations	0%	100%

All of the 16 monitored ministries have an official Facebook page. Those are regularly updated. It should be noted that the Ministry of Environment has several Facebook pages, one of which is regularly updated, the others being abandoned, which creates confusion.

Sub-action 5.4

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Training of civil servants, responsible for communication (including representatives of local public administration) on the effective and efficient use of social media in their work	50%	50%

In 2012 the Center for Electronic Governance carried out training on the use of social media (13-14 march). The training was attended by 21 public servants responsible of communication in their ministries²².

In 2013, on July 19, Center for Electronic Governance in partnership with the Communications and media relations Bureau of the Government organized a training "Effective communication on social networks," attended by 50 government communicators, which accounted for 23 state institutions²³. No information is available about the training of local government officials on the use of social networks during the implementation of OGAP 2012-2013. Given the fact that sub-action 5.4 provides also training of "local public administration representatives", the conclusion is that this sub-action was only partially completed – 50%.

²² Information provided by the e-Government Center

²³ <http://www.egov.md/index.php/ro/comunicare/stiri/item/1500-comunicatorii-guvernului-invata-cum-sa-foloseasca-mai-bine-retelele-de-socializare#.Uwp53Nvzs38>

ACTION 6. Ensuring transparency of decision-making process at the local level government

Sub-action 6.1

	2012	2013	Accomplishment level at the end of OGAP implementation period: 2012-2013
Development of the Regulation on the use of www.actelocale.md portal in the communication and interaction between State Chancellery structures and the involvement of local public administration authorities in this process	0%	0%	0%

The "Regulation on the use of www.actelocale.md portal" was not developed. This sub-action has been postponed to the end of 2014, and it was introduced in the "Action Plan for 2014 for the implementation of the Governance Technological Modernization (e-transformation) Strategic Program".

Sub-action 6.2

	2012	2013	Accomplishment level at the end of OGAP implementation period: 2012-2013
Ensure that local public administration authorities publish in reasonable time, their approved acts on the www.actelocale.md web portal	100%	100%	100%

At the end of OGAP 2012-2013 implementation, about 156 municipalities were publishing official documents on www.actelocale.md platform compared to the end of 2012, when about 114 municipalities regularly published official documents on this platform. It should be noted that there is a positive trend in the increasing number of local authorities that publish on this website. The fact that not all local authorities publish documents on the portal [actelocale.md](http://www.actelocale.md) is determined by the lack of adequate legal framework to regulate the use of this portal in the work of local government. The wording of this sub-action does not allow a definite assessment of its performance, there is no specific number of LPAs that should publish documents on the portal. For this reason, taking into account the progress made under this sub-Action it can be considered as completed (100%).

ACTION 7. Ensuring transparency of the judicial system

Sub-action 7.1

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Implementing an e-justice system for an efficient and functional use of the judicial information system, in order to exclude the human factor in the management of cases,	50%

Considering the progress of the Integrated Case Management Program (ICMP) implementation and the deficiencies related to the use of this program, this sub-action can be considered as partially completed (50%). This sub-action of OGAP is also part of the Action Plan for the implementation of the Justice Sector Reform Strategy for the period 2011-2016, area of intervention 1.2.2: "Implementing an e-justice system for an efficient and functional use of the judicial information system, in order to exclude the human factor in the administrative case management". According to the Action Plan for implementation of the Justice Sector Reform Strategy for the years 2011-2016, for the year 2013 were planned several actions in this area of intervention:

1.2.2 point 4 - Improving integrated case management program for: a) ensuring random distribution of cases; b) ensuring the establishment of the Court and the appointment of their presidents; c) create other programs to ensure transparency and efficiency of justice; d) technical mechanism for the verification of records management process; e) inserting the module that will ensure the protection of personal data;

1.2.2 point 5 - providing each court with technical support for the application of integrated case management program;

1.2.2. point 6 - Providing courts with the required equipment for audio / video recording of court proceedings;

1.2.2 point 9 - Conduct training courses for judicial staff and judges on the use of information technologies. According to the Report for 2012 on the implementation of Reform Strategy for Justice Sector Reform (2011-2016)²⁴, the measures provided by 1.2.2 were completed as follows:

1.2.2. point 4 – Partially completed. - The Ministry of Justice Order no. 286 of 19.06.2012 created a working group to implement the Justice Sector Reform Strategy for the period 2011-2016 and the Action Plan to improve the Integrated Case Management Program in courts.

This action is carried out with the support of the Program for strengthening state institutions (ROLISP). Following the tender organized by ROLISP a local IT company was contracted that runs a number of activities related to reviewing and improving the functioning ICMP; conducted the study and prepared the report on ICMP security. The report was sent to the concerned authorities. The conclusions of the report will be taken into account when updating ICMP. Currently, with the support of ROLISP version IV of ICMP is developed, which includes improvement of the random distribution of cases, the integration of ICMP with SRS 'FEMIDA' program²⁵.

1.2.2. point 5 – No information available.

²⁴ http://www.justice.gov.md/public/files/Tabelul_actiuni_RAPORT_ANUAL_2012_anexa.pdf

²⁵ Intermediate sector report 2013 - Pillar I (reporting period: IV quarter 2011, second quarter, 2013) http://www.justice.gov.md/public/files/file/reforma_sectorul_justitiei/Pilonul_I_Raport_sectorial_Intermediar_2013.Pdf

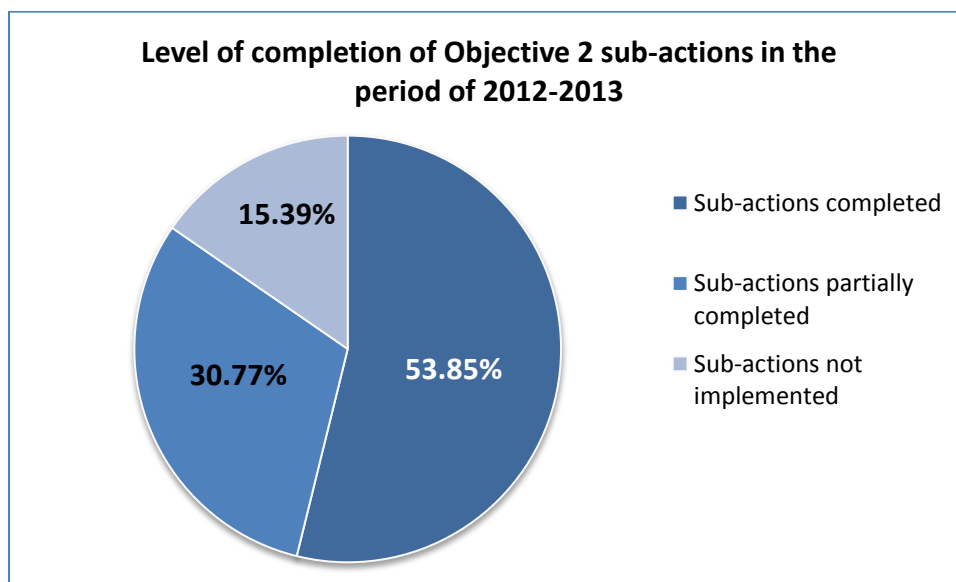
1.2.2. point 6 – Partially completed (in progress). With the support of ROLISP audio recorders were purchased for the court proceedings.

1.2.2. point 9 - Completed. During the reporting period the National Institute of Justice organized a series of trainings for clerks and judges on effective use of ICMP²⁶.

Despite the mentioned progress, there are a number of problems and shortcomings in the ICMP functioning. The main weaknesses are related to the program itself and the ineffective or inappropriate use of this informational system by judges²⁷ - reducing in this way the positive impact of this sub-actions implementation and its related measures.

OBJECTIVE 2. Efficient management of public resources by increasing public spending transparency

The achievement level of Objective 2 is of 68.75%. Out of a total of 13 sub-actions evaluated, 7 were completed (53.85%), 4 partially completed (30.77%) and 2 sub-actions was not implemented (15.39%).



During the implementation of the action plan, there were a series of achievements that have contributed to the advancement of this objective. The Automated Information System "State Register of Public Procurement" was launched and training of civil servants on the use of e-procurement continued. State Chancellery continued to publish and update quarterly data on external assistance received by Moldova. The positive practice of publishing monthly information on state budget execution was further maintained, even if the current demand for real-time data is low.

²⁶ <http://www.inj.md/node/503> and <http://www.inj.md/node/829>

²⁷ http://adevarul.ro/moldova/actualitate/justitia-renunta-programul-gestionare-dosarelor-1_51ad79ebc7b855ff5656190f/index.html
<http://www.zdg.md/social/cum-sunt-distribuite-dosarele-in-instantele-de-judecata>

A certain progress was recorded in the publication of budgetary drafts, plans and budget reports on the websites of the monitored authorities. At the end of this study, a total of about eight ministries were publishing their budgetary plans and reports on the website, compared with only six ministries in 2012.

During the OGAP implementation period a setback was recorded in the publication of complete information on public procurement on the ministries' websites. Another negative aspect is the failure to accomplish the sub-action on the establishment of the Help Center of the Public Procurement Agency which was scheduled to be completed in 2013.

ACTION 8. Ensuring budgetary transparency

Sub-action 8.1

	2012	2013	Accomplishment level at the end of OGAP implementation period: 2012-2013
Publication of budgetary projects, plans and budget reports on the websites of public administration	37,5%	50%	50%

At the end of the OGAP 2012 – 2013 implementation, of the 16 ministries monitored, 8 ministries (or 50%) had published budgetary plans and budget reports on their websites, 4 ministries had published partial or outdated information and other 4 ministries had not published on their websites any official information required by this sub-action.

Sub-action 8.2

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Publication of real-time information on state budget execution (Open Budget Data)	100%	100%

Ministry of Finance publishes on monthly basis information about the State budget execution. According to the e-Government Center this information will continue to be presented monthly due to reduced public demand of the real time budget execution information. Monthly data on state budget execution are published on the data.gov.md website²⁸. It is very important that the information is published in CSV format, a good practice corresponding with the e-transformation strategy and especially with the open data requirements²⁹ recommending the use of open, non-proprietary formats for the publication of documents that are intended for public reuse.

²⁸ <http://data.gov.md/raw/688>

²⁹ <http://5stardata.info/>

Sub-action 8.3

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Conducting annual updates of the Database on Public Spending (BOOST) and the publication of data for year 2011	50%	50%

Budget data are published on the website of Ministry of Finance³⁰ (in XLSX format). In June 2013, data was updated for year 2012³¹. At the end of 2013 (December) the online data-base <http://moldova.wb-boost.org> was not updated with data from 2011-2012. The data-base is not always accessible online.

Sub-action 8.4

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Online publication of real-time data on the incomes and expenditures of central public administration authorities	0%	0%

The analysis of ministries' websites reveals the fact that these lack a submenu dedicated to real-time publication of data on their incomes and expenditures.

Sub-action 8.5

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Opening and updating quarterly data regarding all types of external assistance offered to Republic of Moldova and the disbursement of project funds, on the portals www.cancelaria.gov.md and www.date.gov.md	100%	100%

Information on the amount of foreign assistance offered to Moldova is published on the website of State Chancellery³². At the end of the OGAP 2012-2013 implementation, on the State Chancellery the following documents were published:

- Projects launched by donors, in the period of 2009-2013, as of October 1, 2013
- Projects launched by sector, in the period of 2009-2013, as of October 1, 2013
- Projects launched, by funding instruments, period 2009-2013, as of October 1, 2013
- Projects in progress, by sector, as of October 1, 2013
- Projects in progress, by donors, as of October 1, 2013

³⁰ <http://minfin.md/ro/BOOST/>

³¹ <http://minfin.md/actdoc/BOOST>

³² <http://www.ncu.moldova.md/pageview.php?l=ro&idc=471&t=/Raport/Raport/>

Sub-action 8.6

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Creating an internal integrated informational system of gathering information on external assistance and publication of this information in accordance with international standards	100%	100%

Sub-action 8.7

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Creating and launching the web application for monitoring external assistance flows	100%

Sub-actions 8.6 and 8.7 respectively were completed, given that the Information System of Data on External Assistance³³, entitled "Foreign Assistance data Management Platform" (AMP) has been launched and is available at <http://public.amp.gov.md/>. At the end of the OGAP implementation period (January 2014) the platform has been updated and is functional³⁴.

ACTION 9. Increasing transparency of public procurement. Implementation of e-Procurement system in the public sector

Sub-action 9.1

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Online publication in reasonable time and with the possibility of free access to this information to all citizens (on the official websites of public authorities, in the Public Procurement Bulletin and on the website of the Public Procurement Agency) of all announcements of procurement and information on the awarded and signed contracts.	65.63%	62.5%

At the end of OGAP implementation (year 2013) this sub-action was accomplished up to circa 63%, which represents a decrease compared to year 2012, when this sub-action had a level of accomplishment of about 66%. This decrease, although small, is caused by the low level of accomplishment of this sub-action by some ministries even if some of them actually improved their performance in implementing this sub-action.

³³ <http://www.ncu.moldova.md/pageview.php?l=ro&idc=654&t=/AMP/AMP/>

³⁴ <http://public.amp.gov.md/ro/news/lansarea-noii-platforme-informa%C5%A3ionale-de-gestionare-asisten%C8%9Bei-externe-amp>

Out of 16 monitored ministries, only two fully meet the provisions of sub-action 9.1 on publishing public procurement announcements as well as the information regarding the contracts awarded, both on their website as well as on the website of the Public Procurement Agency (PPA). 6 ministries fulfilled these requirements to an extent of 75%. The other ministries (8 of 16) met the requirements of this sub-action to an extent of 25% - 50%.

These differences result from the way ministers choose to publish information on public procurements and information on contracts awarded either on their official website or on the Public Procurement Agency website. Only 4 of the 16 ministries publish on their website the information on the awarded and signed contracts, sometimes these data are not available neither on the website of the Public Procurement Agency. The Ministry of Interior publishes the respective information only on their website. Three ministries (Ministry of Economy, Ministry of Social and Family and the Ministry of Technology, Information and Communications) do not publish information neither on their website nor on the website of the Public Procurement Agency.

Sub-action 9.2

	2013	Accomplishment level at the end of OGAP implementation period: 2012-2013
Developing and initiation of the pilot phase of the Electronic Information System "State Registry of Public Procurement"	100%	100%

The implementation of this activity was planned for end of 2012, but was completed with a certain delay. The Automated Information System "State Registry of Public Procurement" was released on February 7, 2013 and is available at: <http://etender.gov.md/public/>.

Sub-action 9.3

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Establishment of the Public Procurement Agency Assistance Center in order to strengthen the capacity of using the specialized electronic information system	0%

This sub-action was scheduled for 2013. By the end of OGAP implementation period 2012-2013, the Public Procurement Agency's Assistance Center was not created.

Sub-action 9.4

	2012	2013	Accomplishment level at the end of OGAP implementation period: 2012-2013

Training of relevant public servants on the use of the e-Procurement information system	100%	100%	100%
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This sub-action has been fully implemented both in 2012 and in 2013. According to the information published in the list of training seminars³⁵, on the Public Procurement Agency website, in 2013 a number of 1,466 people were trained. In 2012 the Agency trained procurement representatives from 34 contracting authorities participating in the piloting of the Information System "State Registry of Public Procurement" (4 groups of 2 training sessions). In 2012, representatives of 12 ministries attended the trainings.

Sub-action 9.5

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Develop indicators and statistical methodology of transparency of public procurements	100%	100%

According to information provided by the Public Procurement Agency, statistical indicators have been developed and were scheduled to be integrated within the SIA RSAP after the implementation of the "Statistics" module in the e-procurement system.

Sub-action 9.6

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
The approval of relevant amendments to the legal framework regarding the electronic procurements	50%	50%

In the reporting period, the following documents were developed and published for public consultation: "Regulation on public procurement using the electronic auction"³⁶ and "Regulation on public procurement using the dynamic system".³⁷ These documents regulate the procedures of initiating and conducting the public procurements by means of electronic tools.

By the end of the OGAP implementation period (2012 – 2013) only the "Regulation on public procurement using the dynamic system" was approved: Government Decision no. 766 of 26.9.2013 published in "Official Monitor" nr.216-220/870 of 04.10.2013.

No information is available regarding the prospects for adoption of the "Regulation on public procurement using the electronic auction".

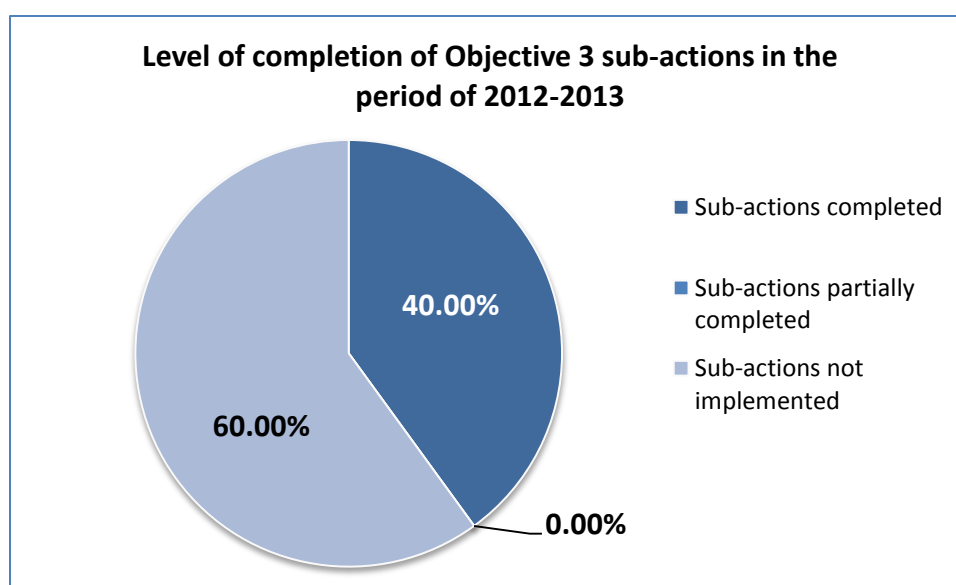
³⁵ http://old.tender.gov.md/common/inst/Lista_seminarelor_de_instruire_2013_04032013.doc

³⁶ <http://www.mf.gov.md/ro/TranspDeciz/ProiecDeciz/achizpublice/>

³⁷ <http://www.mf.gov.md/ro/TranspDeciz/ProiecDeciz/10septembrie2012/>

OBJECTIVE 3. Improvement of the quality of public services delivery

Of the 5 sub-actions planned to be carried out in 2012-2013 towards accomplishing this objective, only two sub-actions were completed at the end of 2013. Three of the actions planned under this objective were not achieved. Therefore, at the end of the implementation period of the Action Plan, Objective 3 has been accomplished to an extent of 40%.



Compared with 2012, by the end of the implementation period of OGAP 2012-2013, this objective was achieved in a relatively higher proportion. The increase is due to the progress in digitization of new public services, and approval with some delay of the "Regulation on organization and operation of SIA "Register of civil service and civil servants". The other sub-actions planned under this objective were not achieved until the end of OGAP implementation period.

ACTION 10. Providing quality public service delivery through process reengineering and optimization of public service delivery

Sub-action 10.1

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Drafting and approval of the Catalogue of public services	0%	0%

By the end of the implementation period of the Open Government Action Plan, the Catalogue of public services was not developed.

Sub-action 10.2

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Develop and implement quality standards for public services	0%	0%

This sub-action was not completed until the end of the implementation period of the Action Plan. This action is part of the Public Services Reform Program for 2012 - 2015 adopted by GD no.797 of 26.10.2012³⁸, namely the strategic objective no.3, activity 5: "Authorities shall establish and make public the general and specific quality standards, in line with Methodology for setting minimum quality standards and tariffs for the public services offered for a charge, taking into account the specific needs of each public authority". For the moment, a draft of the Government Decision "On the Methodology for establishing minimum quality standards for public services and tariffs for public services provided" was developed and published for public consultations³⁹ on 14 November 2012.

Sub-action 10.3

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Gradual digitization of public services. The following e-services will be launched in 2012-2013: on-line appointments to public administration authorities; online release of documents, licenses, certificates and permits; online reporting for businesses; e-Visa, integrated medical information system, automated information system for primary health care, E-construction.	50%	100%

In 2012, only two services mentioned in this sub-action were digitized. By the end of OGAP implementation another series of e-services have been launched, such as: civil status (multilingual extracts of birth certificates, marriage and death certificates), m-cloud service, mobile payment services MPay, services eCNAS and eCNAM, and e-service for the construction documents (www.ednc.gov.md), etc. Given that in the second monitoring period (2013) a series of e-services were released which go beyond the initial planned list, this sub-action can be considered as fully completed.

Sub-action 10.4

	2012	Accomplishment level at the end of OGAP implementation period: 2012-2013
Implementation of the automated information system "Registry of civil service and civil servants", approved by Government Decision no.1373 of 1 December 2006	0%	100%

³⁸ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=345215>

³⁹ <http://www.cancelaria.gov.md/pageview.php?l=ro&idc=444&nod=1&>

On February 11, 2014 was approved Government Decision no. 106 "On approval of the Regulation on the organization and functioning of the automated information system "Register of civil service and civil servants"⁴⁰. In parallel with the adoption of the regulation a government portal was launched presenting the public with all governmental vacancies <http://careers.gov.md/>. This service aims at enhancing the transparency of the recruitment of civil servants process, and in perspective at increasing the quality of public service delivery.

Sub-action 10.5

	Accomplishment level at the end of OGAP implementation period: 2012-2013
Creation and implementation / piloting of an electronic information platform in the primary and secondary education system, that would ensure parents and students with secure access to relevant information about student performance, studies process, including interfaces for communication between teachers and parents / guardians, students, etc.	0%

The implementation of this sub-action was planned for 2013. At the end of OGAP implementation period this sub-action can be regarded as not completed. It was postponed and included in the draft Education Strategy 2020 placed for public consultations on particip.gov.md on September 13, 2013.

The draft Education Strategy 2020 contains a number of key competences for lifelong learning, including digital literacy. Strategic Direction 6 "Integration of ICT in education" provides "Developing digital literacy through the development and application of digital educational content in the educational process." A priority is to create a unique educational platform that would gather all digital educational contents of Moldova and could be accessed by students, teachers and parents. The objective 6.3 "Enhancing the effectiveness and efficiency of school management at the system level, school and class through information technologies" provides as priority actions: "Implementing an educational management information system which will include schools registry, pupils and teachers registry based on school census, and ensuring regular and accurate data collection in schools".

⁴⁰ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=351564>

CONCLUSIONS AND RECOMMENDATIONS

At the end of two years of implementing the Open Government Action Plan, its level of completion is average, of about 53%. The commitments Moldova took by joining the Open Government Partnership are: increasing public integrity by ensuring a participatory decision-making; involving citizens and increasing transparency in governance; efficient management of public resources by increasing the transparency of public spending; and improving the quality of public services.

The objectives set by OGAP to meet these commitments have been achieved partially, their implementation ranging from 40% (Objective 3) to 47.17% (objective 1) to 70.19% (objective 2). We see that the highest performance Moldovan government registered in the effective management of public resources by increasing the transparency of public spending. Despite some progress during the reporting period, the Government still has difficulties in ensuring a participatory decision-making process and increasing transparency in governance and in improving the quality of public services delivery.

Among the main achievements in implementing the Open Government Action Plan during 2012 - 2013 was the adoption of the Law on the re-use of information; creation of official Facebook pages of the central government authorities; publishing data and updating the date.gov.md portal; training officials on the use of social networks; publishing the location of public authorities on the geospatial data portal www.geoportal.md; continued publication of documents issued by local authorities on www.actelocale.md portal.

Other important achievements in implementing the action plan were regular publication of information regarding state budget execution, online publication of budget drafts and budget reports by a large number of ministries, launching the platform of data management on external assistance offered to Moldova, opening and updating data on external assistance provided to Moldova, development and launch of Electronic Information System "State Register of Public Procurement". Of particular importance is the continuing digitization of public services - a total of 88 e-services are available on the website servicii.gov.md (in 2014), and the approval of the regulation on organization and operation of AIS "Register of civil service and civil servants."

In addition to the above mentioned achievements, some difficulties were encountered during the implementation period which led to failure in implementation of about a third of the planned sub-actions. Of the 49 sub-actions planned by OGAP about 23 sub-actions are related to organizational measures, data opening, training (16 sub-actions - Disclosure of data for public access, 4 sub-actions are reporting measures, internal management, 3 sub-actions are related to training processes). Another set of sub-actions included about 14 sub-actions that aimed to change the legal framework (law development and amendments, decisions, regulations, etc.). The third set of measures in OGAP included 12 sub-actions for applications development, development of web platforms, information systems, launching platforms for interaction / communication with the public.

The analysis of OGAP implementation shows that the sub-actions involving various organizational actions (e.g.: trainings, data publication, etc.) were implemented in a higher proportion. The same was

observed in the implementation of technological measures (e.g.: implementation of information systems, digitization of public services, etc.). Those sub-actions pertaining to the amendment of the legal framework (development and approval of regulatory or legislative acts) were performed in a lesser extent. In fact, most of the sub-actions that remained unfulfilled at the end of the implementation period are namely related to the adoption of laws and regulations.

The plenary implementation of organizational measures and of the technological solutions and lower achievement of legislative measures indicate the existence of discrepancies in the level of commitment assumed by different state institutions involved in the implementation of measures to establish an open government in Moldova.

Another reason for the disproportionate implementation of OGAP sub-actions is the inadequate mechanisms for monitoring and control of the implementation of this plan and the lack of adequate financial resources for these purposes. When the Open Government Action Plan was approved, the Government recommended to the National Participation Council to create a new working group to monitor the implementation of the Action Plan. However, the Government has not provided financial means for the effective functioning of this group. As confirmed by the members of the Working Group, they worked a volunteer basis, with no resources to conduct monitoring.

On the other hand, the analysis of OGAP activities and the interviews conducted with representatives of public authorities indicate there is a perception that the Centre for Electronic Governance is one of the main actors responsible for implementing the Open Government Action Plan. This perception is largely fueled by the important role of information technology in the process of setting up an Open Government, as it is also provided by the Open Government Partnership Declaration⁴¹. However, the Action Plan shows that the control of OGAP implementation was largely attributed to the State Chancellery, but considering the level of OGAP achievement, it can be inferred that the plan was not a priority.

In this situation, the Center for Electronic Governance was forced to perform multiple roles: that of leadership (promoting the concepts of Open Data, Open Government, motivation, training, capacity building); the role of infrastructure developer (data portals, coordination of digitization processes, etc.); and the control role (enforcement, pressure for the implementation of planned measures). Many OGAP sub-actions were not completed given the fact that the Center for Electronic Governance has been focused largely on infrastructure development, leadership and promotion of the results of Open Government. The Center for Electronic Governance did not have the necessary leverage to exert a control / constraint function to achieve the OGAP results – the responsibility for full implementation of this Action Plan being owned by the Government as a whole and not just by a particular institution.

A significant problem in implementing the OGAP was the reduced quality of this document. The main weaknesses were the imprecise wording of certain sub-actions which left the institutions responsible for their implementation the freedom to partially implement these measures. This was observed in the way ministries reported on the implementation of planned measures. A good example is the implementation

⁴¹ <http://www.opengovpartnership.org/about/open-government-declaration>

of sub-action 1.1, for which ministries have reported briefly that it is "implemented continuously" while in reality the monitoring showed that ministries have drawbacks at implementing the mentioned sub-action.

Another important issue that was highlighted in discussions with representatives of the central government is the inadequate human resources or their underfunding. In some institutions there is no subdivision dedicated to e-Governance and Open Government, and the e-Transformation Coordinator is performing multiple additional roles beside e-transformation (coordinator of public consultations, manager of the Web site) without having an increased salary for the additional workload.

Prospects for establishing an open government in Moldova

At the end of OGAP 2012-2013 implementation period, Moldova has undertaken a new set of commitments as part of the process to establish an open government. These commitments were included in the 2014 Action Plan for the implementation of the Strategic Program for technological modernization of the governance (e-transformation), approved by Government Decision 1096 of 31.12.2013. This action plan includes a component dedicated to the promotion of Open Government and thus constitutes the continuation of the Moldovan government efforts to meet the commitments taken within the Open Government Partnership in April 2012.

The analysis of Government Decision no. 1096 on approving the 2014 Action Plan for the implementation of the Strategic Program for technological modernization of governance (e-transformation) in the light of Moldova's commitments taken under the Open Government Partnership allows the following conclusions.

First of all, one has to note the reduction in the importance the Government pays to open government development and to fulfilling the commitments made under the Open Government Partnership. The government has not developed an action plan specifically dedicated to the principles and actions for establishing an open government, these measures being merged with the actions on technological modernization of the government.

The 2014 Action Plan for the implementation of the Strategic Program for technological modernization of governance (e-transformation) includes only one of the three goals of open government undertaken by the Government in 2012: "Objective 1: Strengthening public integrity by ensuring participatory decision making / involvement of citizens and increase transparency in government". The new plan does not specifically include the other two commitments undertaken by Moldova in OGP, which is unfortunate, especially considering the fact that, as shown by this evaluation of OGAP 2012-2013 implementation, those objectives were not fully achieved.

Moreover, a large part of the OGAP 2012 - 2013 measures (which have not yet been completed, were partially completed, or those that need to be conducted on an ongoing basis) were not included in the e-transformation Action Plan for 2014, thus reducing the continuity of Moldovan government's efforts to establish an Open Government.

Nevertheless it has to be mentioned that in developing the Action Plan for 2014 for the implementation of the Strategic Program for technological modernization of governance (e-transformation), the Government has accepted a large part of the civil society's recommendations proposed in the public consultation of this document.

Recommendations

Given the conclusions regarding the achievements and challenges that marked the implementation of the Action Plan for Open Government, and that the Government has approved the strategic document for 2014, the following recommendations are proposed.

It is important for the government to ensure continuity of Moldova's efforts to establish an Open Government, by reiterating the Government's commitment to achieving OGAP objectives. This can be achieved by ensuring priority to the commitments Moldova undertaken under the Open Government Partnership and by the implementation of measures directed to development of Open Government by adopting an Action Plan specifically dedicated to open government objectives. A new action plan specifically dedicated to set up an open government should be coordinated through a high level institutionalized mechanism for monitoring and evaluation that would ensure wider involvement and commitment from ministries and other public authorities.

Moldova's efforts to fulfill commitments under the Open Government Partnership should be continued including by including in the new action plan the sub-actions that were not completed or were partially completed in the OGAP 2012-2013.

For an efficient use of funds it is recommended to develop and approve legislation on open licensing and free online distribution of software, information materials, cultural products, research, and so on, which were developed with public funding or with government grants, except where this would endanger the information security of the state.

Finally it is recommended that efforts to establish an open government should not be focused just on implementing technological solutions but should be accompanied by appropriate adjustment of the legal framework and training of civil servants to raise awareness of the importance of transparency in the activity of state institutions.

ANNEXES

Annex 1. Accomplishment level of Open Government Action Plan at the end of the implementation period 2012-2013

Objective	No.	OGAP sub-action	Accomplishment level in 2012 (%)	Accomplishment level at the end of implementation period (%)
Objective 1	1	1.1	62.86%	68.57%
	2	1.2	68.75%	24.97%
	3	1.3	59.70%	61.81%
	4	1.4	0.00%	0.00%
	5	1.5	0.00%	0.00%
	6	1.6	50.00%	50.00%
	7	1.7	75.00%	81.00%
	8	1.8	0.00%	0.00%
	9	1.9	87.50%	87.50%
	Average score for Action 1		39.31%	41.54%
	10	2.1	⁴²	0.00%
	11	2.2	0.00%	0.00%
	Average score for Action 2		0.00%	0.00%
	12	3.1	100.00%	100.00%
	13	3.2	100.00%	100.00%
	14	3.3	72.41%	72.41%
	15	3.4	12.50%	18.75%
	16	3.5	100.00%	100.00%
	17	3.6	100.00%	100.00%
	18	3.7	100.00%	100.00%
	19	3.8	50.00%	50.00%
	20	3.9	0.00%	0.00%
	21	3.10	-	0.00%
	22	3.11	Information not available	Information not available
	Average score for Action 3		70.55%	64.12%
	23	4.1	-	0.00%
	24	4.2	-	0.00%
	Average score for Action 4			0.00%
	25	5.1	100.00%	100.00%
	26	5.2	-	0.00%

⁴² Sub-actions planned to be completed in 2013

	27	5.3	-	100.00%
	28	5.4	50.00%	50.00%
	Average score for Action 5		75.00%	62.50%
	29	6.1	0.00%	0.00%
	30	6.2	100.00%	100.00%
	Average score for Action 6		50.00%	50.00%
	31	7.1	-	50.00%
	Action 7		-	50.00%
Average score for objective 1			53.86%	47.17%
Objective 2	32	8.1	37.50%	50.00%
	33	8.2	100.00%	100.00%
	34	8.3	50.00%	50.00%
	35	8.4	0.00%	0.00%
	36	8.5	100.00%	100.00%
	37	8.6	100.00%	100.00%
	38	8.7	No data available	100.00%
	Average score for Action 8		64.58%	71.43%
	39	9.1	65.63%	62.50%
	40	9.2	100.00%	100.00%
	41	9.3	-	0.00%
	42	9.4	100.00%	100.00%
	43	9.5	100.00%	100.00%
	44	9.6	50.00%	50.00%
	Average score for Action 9		83.13%	68.75%
Average score for objective 2			73.01%	70.19%
Objective 3	45	10.1	0.00%	0.00%
	46	10.2	0.00%	0.00%
	47	10.3	50.00%	100.00%
	48	10.4	0.00%	100.00%
	49	10.5	-	0.00%
	Average score for Action 10		12.50%	40.00%
Average score for objective 3			12.50%	40.00%
AVERAGE SCORE OF OGAP SUBACTIONS			55.05%	52.66%

