



**TRANSPARENCY IN THE DECISION MAKING OF
THE CENTRAL PUBLIC ADMINISTRATION
AUTHORITIES:
JANUARY – DECEMBER 2013**

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LIST OF ABBREVIATIONS:

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|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ADEPT | Public Association “Association for Participatory Democracy” |
| CPAA | Central public administration authority |
| Law no. 239/2008 | Law no. 239-XVI of 13.11.2008 on Transparency in Decision Making |
| GD no. 96/2010 | Government Decision no. 96 of 16.02.2010 on Implementation of Law no. 239-XVI of 13 November 2008 on Transparency in Decision Making |
| GD no. 668/2006 | Government Decision no. 668 of 19.06.2006 on Official Websites of the Public Administration Authorities |
| GD no. 188/ 2012 | Government Decision no. 188 of 03.04.2012 on Official Websites of the Public Administration Authorities |
| Regulations | Regulations on Procedures for Ensuring Transparency in Developing and Adopting Decisions, approved by Government Decision no. 96 of 16.02.2010 |
| Internal rules | Internal rules on informing, consulting and participating in the development and adoption of decisions, in the sense of paragraph 2 of Government Decision no. 96 din 16.02.2010 |
| Stakeholders | Individuals or legal entities that can be affected by the adoption of a decision of public authorities and that can influence decision making |
| Project | The project “Strengthening Transparency in Decision Making in Moldova” |
| RoM | Republic of Moldova |
| TiDM | Transparency in Decision Making |

INTRODUCTION

The principles of good governance involve compliance with transparency in the development and adoption of regulatory acts. Decisions prepared and adopted in a transparent and participative manner enjoy the support of the society and are more likely to serve public interest. Even if the Republic of Moldova has the necessary legal and institutional preconditions for ensuring the transparent and participative nature of decision making, they are selectively applied and results in weak public trust in state institutions.

This study, produced by the Association for Participatory Democracy (ADEPT), aims at assessing the extent to which the principles of transparency in decision making were applied by the authorities of central public administration in 2013. The assessment has been done on the basis of daily monitoring of official websites of 23 central public administration authorities (hereinafter – CPAA). The collected information is the object of transparency in decision making and has been introduced into an electronic database that allowed analyzing data through the prism of all requirements of Law no. 239-XVI of 13.11.2008 on Transparency in Decision Making (hereinafter – Law no. 239/2008) and Regulations on Procedures for Ensuring Transparency in Developing and Adopting Decisions, approved by Government Decision no. 96 of 16.02.2010 (hereinafter – Regulations).

Therefore, the database contains information about: compliance with requirements for writing and placing announcements on initiation of works on draft decisions (announcement publication date, date indicated in the announcement, deadline for submission of recommendations, mandatory elements of the announcement according to Law no. 239/2008, etc.); placement of draft decisions, explanatory notes and/or other related materials on the website; organization of public consultations concerning draft decisions: compliance with requirements on producing and placing the announcement on the organization of public consultations, the procedure of public consultations, the subject that came with the initiative of public consultation, etc.; placement of the synthesis of recommendations (total number of recommendations formulated by other CPAAs and total number of recommendations formulated by civil society representatives, types of solutions adopted by the CPAA in connection with the recommendations, etc.); adoption and publication of the decision.

In addition to announcements on public consultations placed on the websites of CPAAs, the database contains the texts of drafts, explanatory notes, analyses on the impact of regulation, syntheses of recommendations, etc.

The above-mentioned monitoring was conducted in the period of 01 January – 31 December 2013. To see the dynamics of year 2013 compared with previous years, the monitoring results of 2013 have been compared with those for 2010 and 2011.

The sample for this report includes 583 draft decisions of CPAAs introduced into the database. Monitoring has been completed for 23.8% of all monitored draft decisions, in connection with these documents being adopted and published in the Official Monitor. The sample of monitored drafts contains: 59% of draft acts; 40% of drafts on modification or supplementation; 0.3% draft decisions on abolition; 23% are draft laws; and 68% are draft government decisions.

I. THE PROBLEMS OF LEGISLATION ON TRANSPARENCY IN DECISION MAKING

The national legal framework aimed at ensuring transparency in decision making has made no progress during the monitored period. The main law in this regard is Law no. 239 of 13.11.2008 on Transparency in Decision Making (hereinafter – Law no. 239/2008), which, starting with the object of regulation stipulated in Article 1, sets the norms applicable to the authorities of central and local public administration and to other public authorities in order to ensure transparency in decision making by regulating the relations of these authorities with citizens, associations established in compliance with the law, and with other stakeholders, in order to participate in decision making.

At the same time, Law no. 239/2008 lists the principles of transparency in decision making (Article 5), stakeholders' rights (Article 6) and the obligations of public authorities (Article 7), and prescribes the procedures aimed at ensuring transparency in the works on decisions (Chapter II) and at guaranteeing transparency in adoption of decisions (Chapter III).

According to Article 8 of Law no. 239/2008, the main stages in ensuring transparency in the works on decisions are as follows:

- Informing the public about initiation of works on a decision;
- Making draft decisions and related materials available to stakeholders;
- Consulting citizens, legally established associations, and other stakeholders;
- Examining the recommendations of citizens, legally established associations, and other stakeholders while developing draft decisions;
- Informing the public about the adopted decisions.

As for transparency in adoption of decisions, it shall be ensured by: offering possibility to stakeholders to participate in public meetings (Article 13); stipulating conditions when certain decisions can be adopted as a matter of urgency (Article 14); obligation to inform the public about the adopted decisions (Article 15); obligation to produce and make public reports on transparency in decision making (Article 16).

Law no. 239/2008 has been analyzed in several previous studies of the Association for Participatory Democracy (ADEPT), which identified its deficiencies and proposed recommendations for improving the legal framework.¹ For this reason, in this section we will only indicate the most essential problems:

- Article 3 (4) stipulates that public authorities shall consult with citizens, legally established associations, and with other stakeholders about draft legislative and administrative acts that might have a social, economic, or environmental impact (affecting people's lives and rights, culture, health and social protection, local communities, public services). Provisions here are so general that may refer to any act. Even an individual act on designation of a head of authority might have a social impact, in the larger sense of this notion, by increasing public mistrust in

¹ <http://www.e-democracy.md/files/raport-monitorizare-parlament-2011.pdf> - Monitoring report "Activity of the Moldovan Parliament in 2011";

<http://www.e-democracy.md/files/final-report-transparency-2011.pdf> - Final monitoring report on transparency in decision making (July–December 2011);

<http://www.e-democracy.md/files/td/transparenta-decizionala-parlament-2013.pdf> - Study "Transparency in the Parliament's Decision Making: Legal Provisions, Applicability and Application".

the authority and the government if the person is discredited. However, this meaning of provisions might not be shared by the authorities responsible for job designations. In our opinion, when the situations in which a law should be applied cannot be defined explicitly and fully, it is preferable to list exceptions from the law – situations when the law does not apply. It is, for example, how Article 5 of the Law of Romania no. 52/2003 on transparency in the decision making of public administration is formulated;

- Article 10 does not contain express requirements ensuring the placement of draft decisions and related materials, including explanatory notes, on the websites of authorities;
- Article 12 (2) sets the deadline for submitting recommendations to draft decisions, which shall be at most 15 working days from the day of publication of the announcement on initiation of works on decision. Thus, the phrase “at most” offers to authorities the opportunity to set shorter terms in a discretionary and unjustifiable manner;
- Article 12 (7) stipulates that if citizens, legally established associations, and other stakeholders fail to submit recommendations within deadlines and the public authority justifiably does not find it necessary to organize consultations, such draft decision can be subjected to the adoption procedure. To make authorities accountable, it is important to stipulate the manner in which the public shall be informed about the reasons for which consultations are found unnecessary;
- The law is completely inefficient in terms of control and penalties. Thus, Article 13 (5) stipulates penalties for hindering access to the public meetings of public authorities and for compromising decision making by concealing information of public interest or by falsifying it, without specifying the exact nature of the applicable penalty. When proving the fact of concealing or falsifying, one needs to prove intention, which is a difficult task. However, to increase the efficiency of decision making in public authorities, one should equally monitor: failure to inform the public about initiation of works on decisions; failure to make draft decisions and related materials available to stakeholders; failure to consult; failure to examine recommendations; failure to inform the public about public meetings; failure to inform the public about the adopted decisions; failure to produce or inappropriate production and failure to publish reports on transparency in decision making. Moreover, rules are confusing in terms of challenging the actions or decisions of public authorities in case of failure to abide by the law. To assess the potential efficiency of the mechanism of penalizing legal violations, one usually uses the analysis of statistics for the applied penalties. Thus, the Report on the implementation of the central public administration reform in Moldova in 2012², which includes data on ensuring transparency in the decision making of central public authorities, is absolutely lacking in terms of penalties. This fact, in our opinion, is not due to lack of violations, but to the small potential provided by the law in identifying and penalizing violations in the field.

Law no. 239/2008, according to Article 11 (3), delegated the regulation of certain procedures on consulting stakeholders to the Parliament, the President of the RoM and the Government. Also, according to Article 13 (4) of Law no. 239/2008, transparency in the adoption of Parliament decisions shall be ensured by provisions in its Regulations. As a matter of fact, for the latter provisions we shall mention the much more extended meaning of norms in the article itself (“Transparency in the Parliament’s decision making shall be ensured according to its Regulations.”) than the meaning of the

² <http://www.cancelaria.gov.md/public/files/noutati/2013/4aprilie/Raport-succint-RAPC-2012-0904.doc>

norms used in the title of the chapter that the article is part of (“Transparency in adoption of decisions”).

To comply with the quoted norms, the Parliament has supplemented, with a delay, by Law no. 72 of 04.05.2010, the Parliament’s Regulations, approved by Law no. 797 of 02.04.1996. These supplementations especially refer to the organization of public consultations by the standing committee informed of the matter (Article 491 of the Parliament’s Regulations). The supplementations, however, are so general, leaving basic regulations to the discretion of committees, that they made no qualitative change in the Parliament’s decision making transparency.³

The President of the RoM so far has issued no act to execute Article 11 (3) of Law no. 239/2008.

As for the Government, it has been executing the provisions of Article 11 (3) and the final dispositions of Article 18 (c) of Law no. 239/2008 with delay, too, through the Regulations on Procedures for Ensuring Transparency in Developing and Adopting Decisions, approved by Government Decision no. 96 of 16.02.2010 (hereinafter – Regulations).

The Regulations, starting with item 2, set the procedures aimed at ensuring transparency in the process of development and adoption of decisions in the State Chancellery, ministries, other central administrative authorities, their deconcentrated public services, authorities of the local public administration, and public and private legal persons that manage and use public financial means. The Regulations establish:

- Organizational measures for ensuring transparency in decision making;
- Means of informing during decision making;
- Procedures for organizing public consultations;
- Procedures for organizing public meetings;
- Provisions related to the report on transparency in decision making.

Obviously, the Government has exceeded its limits of competence delegated by Article 11 (3) of Law no. 239/2008 by regulating not only the procedures for consulting with stakeholders (which is only one of the stages specified in Article 8 of Law no. 239/2008), but intervening, sometimes by means of primary legal rules, into all other stages of ensuring transparency. In addition, the Government operates with other notions (such as mandatory consulting procedures and additional consulting procedures) than the notions used in Law no. 239/2008, which produces confusion in the implied legal meaning.

This problem, along with other problems of legislation on transparency in decision making, especially those of the Regulations, have been identified in the final monitoring report on transparency in decision making (July–December 2011)⁴, and a number of recommendations has been made to improve the legal framework. We shall insist on these problems and recommendations in this section:

- Item 17 of the Regulations does not specify that the website sections listed in it (“Announcements on initiation of works on decisions”; “Announcements on organization of public consultation”; “Draft decisions, related materials, and adopted decisions”; “Results of

³ An analysis of regulations concerning transparency in the Parliament’s decision making can be found in the previous studies produced by ADEPT:

<http://www.e-democracy.md/files/raport-monitorizare-parlament-2011.pdf> - Monitoring report “Activity of the Moldovan Parliament in 2011”;

<http://www.e-democracy.md/files/td/transparenta-decizionala-parlament-2013.pdf> - Study “Transparency in the Parliament’s Decision Making: Legal Provisions, Applicability and Application.”

⁴ <http://www.e-democracy.md/files/final-report-transparency-2011.pdf>

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- public consultation (minutes of consultative public meetings, synthesis of recommendations)”) shall be placed in the same module “Transparency in Decision Making”;
- Confusions between the provisions of Law no. 239/2008 and of the Regulations concerning the stages in ensuring transparency;
 - The introduction of a new way of public consultation – “requesting citizens’ opinion” – into the Regulations generates confusion;
 - The lack of provisions concerning the exact consequences in the situation when recommendations are not received, as well as some inconsistencies in this regard between the Regulations and Law no. 239/2008;
 - The Regulations do not contain univocal provisions concerning online placement of syntheses of recommendations, nor provisions specifying that the storage of the syntheses of recommendations in the files intended for works on draft decisions, access to which is provided upon request, does not limit the possibility of placing them on the website of the relevant authority immediately after they are produced.

During the monitored period, in the context of legislative developments, we should mention the draft law on the modification and supplementation of Law no. 239 of 13 November 2008 on Transparency in Decision Making⁵, produced by the Ministry of Justice to execute the Action Plan for the Implementation of the Civil Society Development Strategy for 2012–2015, approved by Law no. 205 of 28.09.2012 (action no. 1.3.1.2).⁶ The draft proposes modifying and supplementing some provisions of articles 3, 9, 10, 11, 12, 13 and 15 of Law no. 239/2008, and supplementing it with a new article – Article 121.

Considering the comments in the opinion presented by ADEPT to the author, we shall especially insist on the need to watch over the terminology used in the legislative text. Thus, the initial version of the draft proposed a new edit of paragraph (2) of Article 3, according to which the range of authorities falling under Law no. 239/2008 was to be determined generically and by using the notions that were not expressly defined in the national legislation. In such conditions there is always the risk of equivocal interpretation of legal provisions, which is also inadmissible according to Article 19 (e) of Law no. 780 of 27.12.2001 on Legislative Acts, which stipulates that the terminology used on the developed act has to be constant and uniform, like in other legislative acts. Moreover, the initially proposed version limited the range of subjects of Law no. 239/2008, which is also inadmissible. The terms we are referring to are as follows: autonomous public authorities⁷; authorities of the central public administration⁸; authorities

⁵ http://www.justice.gov.md/public/files/transparenta_in_procesul_decizional/proiect-23-12-2013.pdf

⁶ The draft was initiated on 19.08.2013, placed on the website of the Ministry of Justice on 15.10.2013, and returned to the Government on 23.12.2013.

⁷ The term is not expressly defined in the legislation. There are authorities, the status of which is expressly determined by the phrase “autonomous public authority”, such as the National Commission for Financial Markets (Article 1 (1) of Law no. 192 of 12.11.1998 on the National Commission for Financial Markets); the National Center for Personal Data Protection (item 1 of General Provisions, in the Regulations of the National Center for Personal Data Protection, approved by Law no. 182 of 10.07.2008); or the National Integrity Commission (item 1 of the Regulations of the National Integrity Commission, approved by Law no. 180 of 19.12.2011). At the same time, there are authorities, such as the Court of Accounts, whose status is not expressly determined by the phrase “autonomous public authority”, although they should fall under this category of authorities. Therefore, the term “autonomous public authorities” risks being interpreted in a limiting manner, including in this category only the authorities that are expressly determined and “autonomous public authorities” in specialized laws. This risk grows given the fact that the definition of the notion is not indicated in any other laws, such as Law no. 317 of 18.07.2003 on the Regulatory Acts of the Government and Other Authorities of the Central and Local Public Authorities; Law no. 98 of

of autonomous territorial units with special legal status⁹; authorities of the local public administration¹⁰. It would be preferable to maintain the current way of listing the authorities that fall under Law no. 239/2008, certainly by specifying them, but provisions need to be extended to the authorities of autonomous territorial units with special legal status, also with their specification.

The initial version of the draft proposed substituting the word “legislative” with “regulatory” in Article 3 (4) of Law no. 239/2008. The author of the draft insisted that thus the scope of Law no. 239/2008 was being broadened and the existing inconsistencies were being removed: transparency in decision making would be a requirement not only for the acts issued by the Parliament (legislative acts), but also all mandatory, general and impartial acts issued by public authorities, i.e. regulatory acts. It might seem that this proposal is justified by the fact that it gives more clarity to the norm. However, there will be some confusion that needs clarifying. Thus, the notion of “administrative acts,” in the sense of Article 2 of Law on Administrative Court no. 793 of 10.02.2000 and Article 34 (4) of Law no. 98 of 04.05.2012 on specialized central public administration, includes regulatory acts.

According to the author of the draft, the deadline set by Article 12 (2), as it is at the moment, offers to public authorities the possibility to set unjustifiably short deadlines for consulting draft decisions. Thus, it is proposed that the term of 10 working days be the minimum and not the maximum. We consider that, although the deadline for issuing expert opinions, stipulated by Article 39 (1) of Law no. 317 of 18.07.2003 on Regulatory Acts, is 10 working days as well, it is insufficient for citizens, associations and other stakeholders, who have no resources (specialized subdivisions) similar to those available to ministries. This term might also be insufficient for a large and complex draft decision or if the analysis of the draft requires studying a large number of additional materials. In fact, the Concept of Cooperation between the Parliament and the Civil Society, approved by Parliament Decision no. 373 of 29.12.2005, also sets, in item 4.3.1, a deadline of 15 working days for the civil society to submit proposals to draft laws placed onto the official website of the Parliament, as the Parliament falls under Law no. 239/2008. We consider that the deadline should be fixed – 15 working days – and that it should be extendable in cases of large and complex drafts or in the case of drafts whose analysis requires studying additional materials.

It is proposed to supplement Law no. 239/2008 with a new article, 121, ensuring that stakeholders are also informed about withdrawal of a draft decision from the process of its elaboration. We believe that

04.05.2012 on the Specialized Central Public Administration, which, as a matter of fact, operates with the notion of “administrative authorities autonomous from the Government”.

⁸ The term is not expressly defined by the legislation. The Constitution of the Republic of Moldova, in Article 107, operates with the notions “specialized central public administration,” “specialized central bodies of the state,” “other administrative authorities.” Title IV, “Structure of the Central Public Administration,” of Law no. 64 of 31.05.1990 on the Government suggests that “authorities of the central public administration” are ministries and other central administrative authorities which, however, according to the title of Article 24 of the Law on the Government, are the “specialized central bodies of public administration.” Law no. 98 of 04.05.2012 on the Specialized Central Public Administration does not operate with the phrase “authorities of the central public administration,” either; instead, it uses the notion “central administrative authorities subordinated to the Government.” Moreover, judging from the proposed phrasing, the range of subjects falling under Law no. 239/2008 might be limited by omitting deconcentrated public services that are parts of or subordinated to ministries.

⁹ The term is not expressly defined by the legislation. It is unclear whether the proposed intervention will make the governor (Bashkan) of Gagauzia, who is the supreme official person of Gagauzia according to Article 14 (1) of Law no. 344 of 23.12.1994 on the special legal status of Gagauzia (Gagauz-Yeri), fall under the incidence of Law no. 239/2008.

¹⁰ The notion is clearer in the sense of Articles 112 and 113 of the Constitution of the RoM and Article 1 of Law no. 436 of 28.12.2006 on the Local Public Administration. However, we shall mention that the proposed phrasing could limit the range of subjects of Law no. 239/2008 by omitting decentralized public services and institutions of local interest.

to make authorities accountable, it might be important for the announcement to state the reason of withdrawal of a draft decision, which should be expressly provided by law.

Conceptually, the provisions of the draft meet certain needs of improving Law no. 239/2008. The need to introduce modifications and supplementations into Law no. 239/2008 is noticeable. However, this intervention should be more comprehensive, responding to all legal deficiencies, which have also been remarked by non-governmental organizations while monitoring the implementation of legal provisions.

II. COMPLIANCE WITH TRANSPARENCY IN DECISION MAKING LEGISLATION WHEN DEVELOPING DRAFT DECISIONS

The electronic database of ADEPT, which contains the results of daily monitoring of the CPAAs' websites, has a component that allows statistic visualization of general and particular trends of CPAAs compliance with the requirements of TiDM. Further, using the available statistics, we will describe the generalized situation of the 4 stages of TiDM during works on decisions:

- Announcements on initiation of works on draft decisions;
- Accessibility of draft decisions;
- Public consultations;
- Synthesis of recommendations.

II.1. Announcements on initiation of works on draft decisions and organization of public consultations

According to Law no. 239/2008, announcements on initiation of works on draft decisions must include the following data: arguments explaining the need to develop the decision; the deadline for submission of recommendations; the place and manner in which recommendations can be submitted or delivered.

Given that announcements set the deadlines for submission of contributions, which are calculated from the moment when announcements are published, it is absolutely necessary to indicate the date of their publication. However, not every CPAA indicates the date, and if they do, it is not always true. Considering the above, mandatory elements of announcements were monitored along with the way CPAAs indicate or avoid indicating the announcement publication date.

Announcements' publication date

Of the 583 draft decisions monitored between January and December 2013, 97% of announcements indicate their publication date, and 3% – do not; the dynamics in this regard are positive compared with 2011, with a 20% improvement (see table and figure below). In 59 of the announcements indicating publishing date (or 10% of all announcements), the indicated date does not correspond with the real publication date, and in the rest 87% the date is real, which is a 19% improvement when compared with 2011.

We shall remind that failure to indicate the real announcement publication date means that the rights of stakeholders to participate in TiDM might be violated.

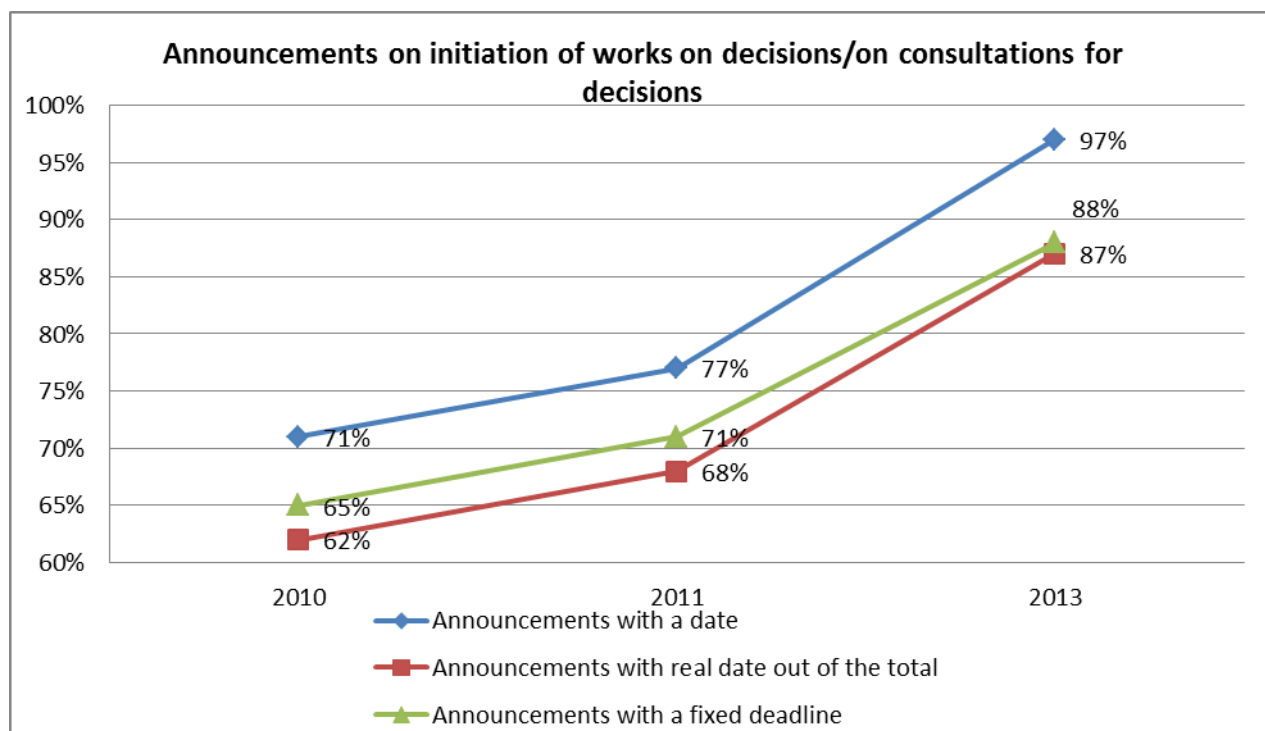
| <i>Announcements according to date</i> | <i>2010</i> | <i>2011</i> | <i>2013</i> | <i>Dynamics (2013 vs. 2011)</i> |
|------------------------------------------------------|-------------|-------------|-------------|-------------------------------------|
| Announcements with date | 71% | 77% | 97% | +20% |
| Announcements with real date out of the total | 62% | 68% | 87% | +19% |

Deadline for submission of contributions

The dynamics of announcements with the deadline for submission of contributions in 2013 compared to 2011 is positive, with a 17% improvement (see the table and figure). However, the fact that 12% of announcements do not indicate the deadline for submission of contributions affects the legally

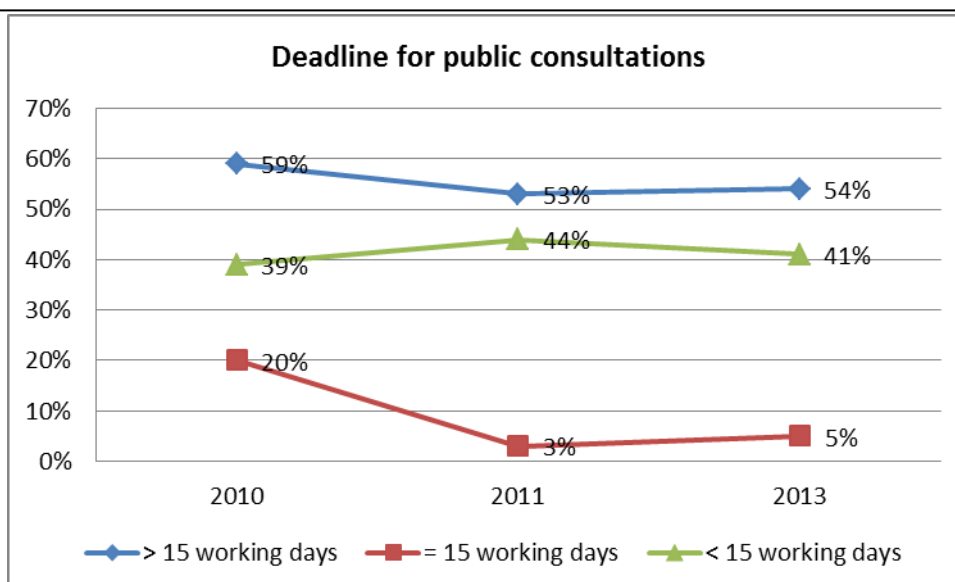
guaranteed rights of stakeholders and makes it impossible to determine whether the legally established deadlines are observed.

| <i>Announcements according to indication of the deadline</i> | <i>2010</i> | <i>2011</i> | <i>2013</i> | <i>Dynamics (2013 vs. 2011)</i> |
|--------------------------------------------------------------|-------------|-------------|-------------|---------------------------------|
| Announcements with a fixed deadline | 65% | 71% | 88% | +17% |



As Law no. 239/2008 requires setting deadlines for submission of recommendations of at most 15 working days from the publication of announcement on initiation of works on draft decisions, the following table examines the incidence of setting deadlines exceeding 15 working days, of 15 working days, and shorter than that, showing dynamics in 2013 compared with 2011 and 2010.

| <i>Deadline</i> | <i>2010</i> | <i>2011</i> | <i>2013</i> | <i>Dynamics (2013 vs. 2011)</i> |
|-------------------------------|-------------|-------------|-----------------|---------------------------------|
| >15 working days | 59% | 53% | 54% | +1% |
| The largest deadline: | 57 days | 48 days | 68 days | +20 days |
| = 15 working days | 2% | 3% | 5% | +2% |
| <15 working days | 39% | 44% | 41% | -3% |
| The smallest deadline: | -10 days | -43 days | -21 days | -22 days |



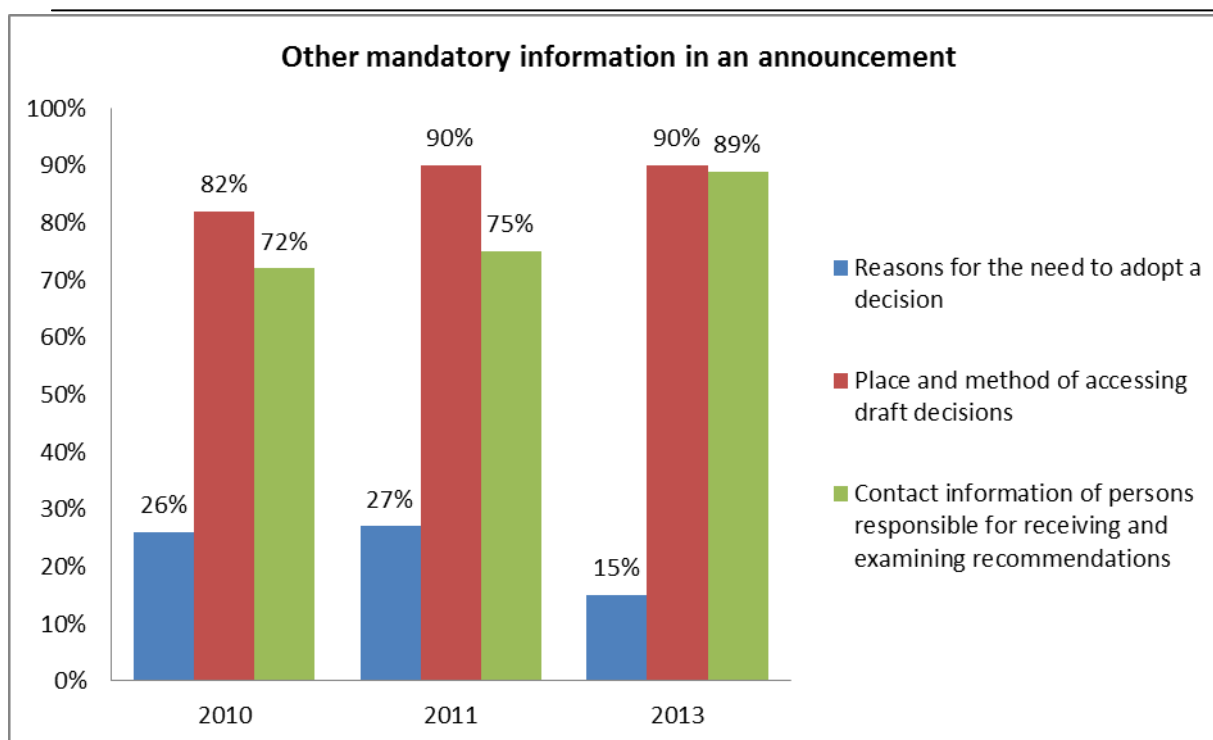
The table and figure suggest that during the entire monitoring period the tendency was that about half of the drafts subjected to public consultations had deadlines for submission of contributions that exceeded 15 working days. In addition, there has been modest improvement, of 3%, in the number of drafts with deadlines for consultation smaller than those required by legislation. There has been 1 case when the deadline was negative, i.e. the announcement publication date came later than the deadline for submission of contributions: an announcement of the Ministry of Economy (deadline: minus 21 days).

Reasons for the need of decision – in 2013 this mandatory element of the announcement was found in 15% of cases, which represents significant negative dynamics (-12%) compared with 2011. The analysis of data from 2013 in comparison with data from 2010 and 2011 shows a negative trend in the manner of presenting the reasons justifying the need to adopt a decision.

Place and method of accessing draft decisions – in 2013 they were indicated in 91% of announcements. Most often access to drafts was ensured together with the announcement. This practice remained unchanged over the past 3 years (see table below).

Contact information of persons responsible for receiving and examining recommendations – was identified in 89% of announcements, which represents positive dynamics compared with previous years (+14%, see the table below).

| <i>Mandatory elements of announcements</i> | <i>2010</i> | <i>2011</i> | <i>2013</i> | <i>Dynamics (2013 vs. 2011)</i> |
|----------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|--------------------------------------------|
| Reasons for the need to adopt a decision | 26% | 27% | 15% | -12% |
| Place and method of accessing draft decisions | 82% | 90% | 90% | 0 |
| Contact information of persons responsible for receiving and examining recommendations | 72% | 75% | 89% | +14% |



II.2. Accessibility of draft decisions and additional materials

In 2013, the majority of draft decisions (91%) were accessible directly on the CPAAs' websites or by redirecting to www.particip.gov.md. In 9% of cases stakeholders were offered the address of the CPAA headquarters where they could receive a copy of the draft decision (the possibility usually offered in parallel with the possibility to download the draft from the CPAA's website). 9% of announcements did not indicate the ways of accessing drafts, and the texts of drafts were inaccessible. The dynamics of 2013 compared with previous years is presented in the table below.

| <i>Access to drafts and other materials</i> | <i>2010</i> | <i>2011</i> | <i>2013</i> | <i>Dynamics (2013 vs. 2011)</i> |
|--------------------------------------------------------|-------------|-------------|-------------|-------------------------------------|
| Access to drafts on websites | 82% | 90% | 91% | +1% |
| Indication of address where drafts can be accessed | 45% | 25% | 9% | -16% |
| Lack of information about the ways of accessing drafts | 17% | 10% | 9% | -1% |

II.3. Additional procedures of public consultation

According to GD no. 96 of 16.02.2010 on the Implementation of Law no. 239-XVI of 13 November 2008 on Transparency in Decision Making, public authorities decide on applying compulsory or additional consultation procedures when developing draft decisions, depending on the impact of the draft decision and on the public interest in the subject matter of consultation.

Therefore, in addition to compulsory consultation procedures (publishing announcements and draft decisions on the official websites of public authorities, posting them at the authorities' offices in places visible to the public, and/or disseminating them, as appropriate, through central or local mass media), authorities may initiate additional consulting procedures, such as: requesting written recommendations

from experts or stakeholders, organizing public hearings, public debates, working groups with the participation of stakeholders, organization of opinion polls, referendums, etc.

The analysis of transparency in the CPAAs' decision making in 2013 showed that out of the 583 draft decisions monitored in 2013, additional public consultations were announced for only 6 (1%) of drafts. The consultations took the form of public debates (3), requests for experts' opinions (1), creation of working groups (2), and they were initiated by the Ministry of Justice and the Ministry of Labor, Social Protection and Family.

We shall mention that this performance is a 5% regression in comparison with 2011.

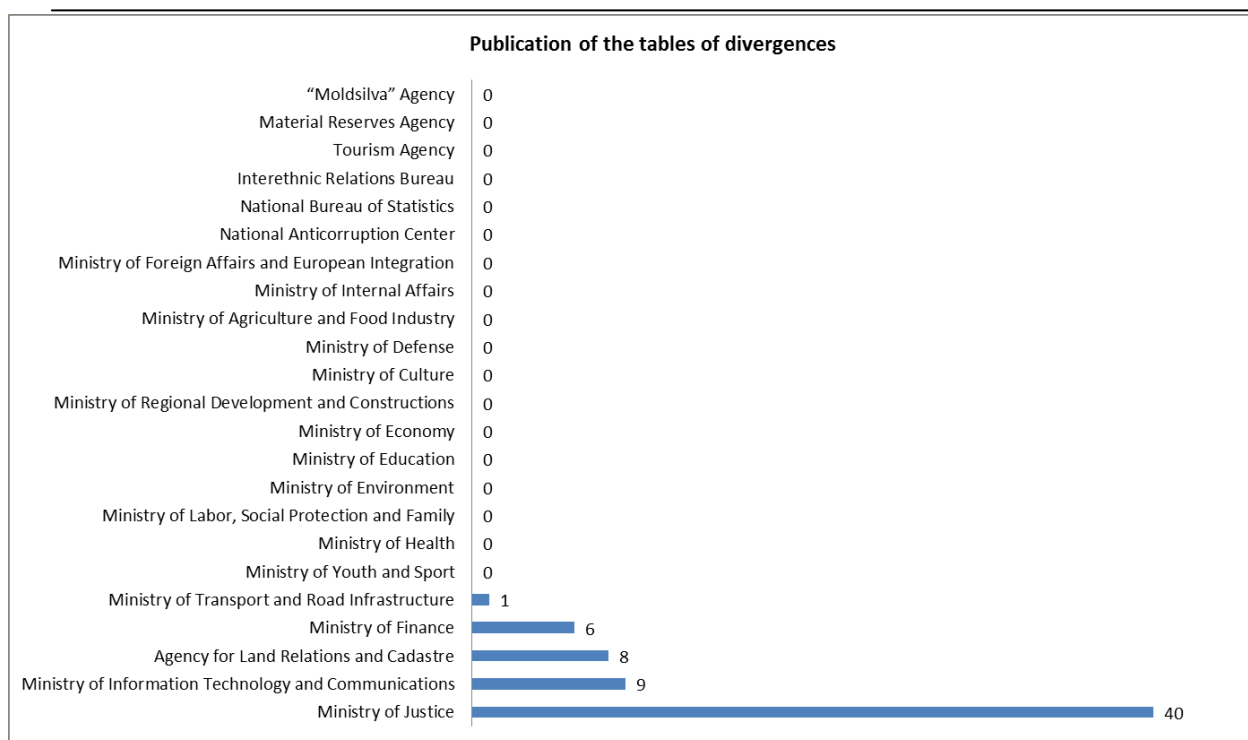
| <i>Type of additional public consultations</i> | <i>2011</i> | <i>2013</i> | <i>Dynamics (2013 vs. 2011)</i> |
|--------------------------------------------------------------------------------|-------------|-------------|-------------------------------------|
| Public debates | 13 | 3 | -10 |
| Opinion poll | 0 | 0 | 0 |
| Requests of experts' opinions | 0 | 1 | +1 |
| Public hearings | 0 | 0 | 0 |
| Referendum | 0 | 0 | 0 |
| Creation of working groups | 0 | 2 | +2 |
| Total no. of conducted additional consultations vs. total no. of drafts | 6% | 1% | -5% |

II.4. Synthesis of recommendations

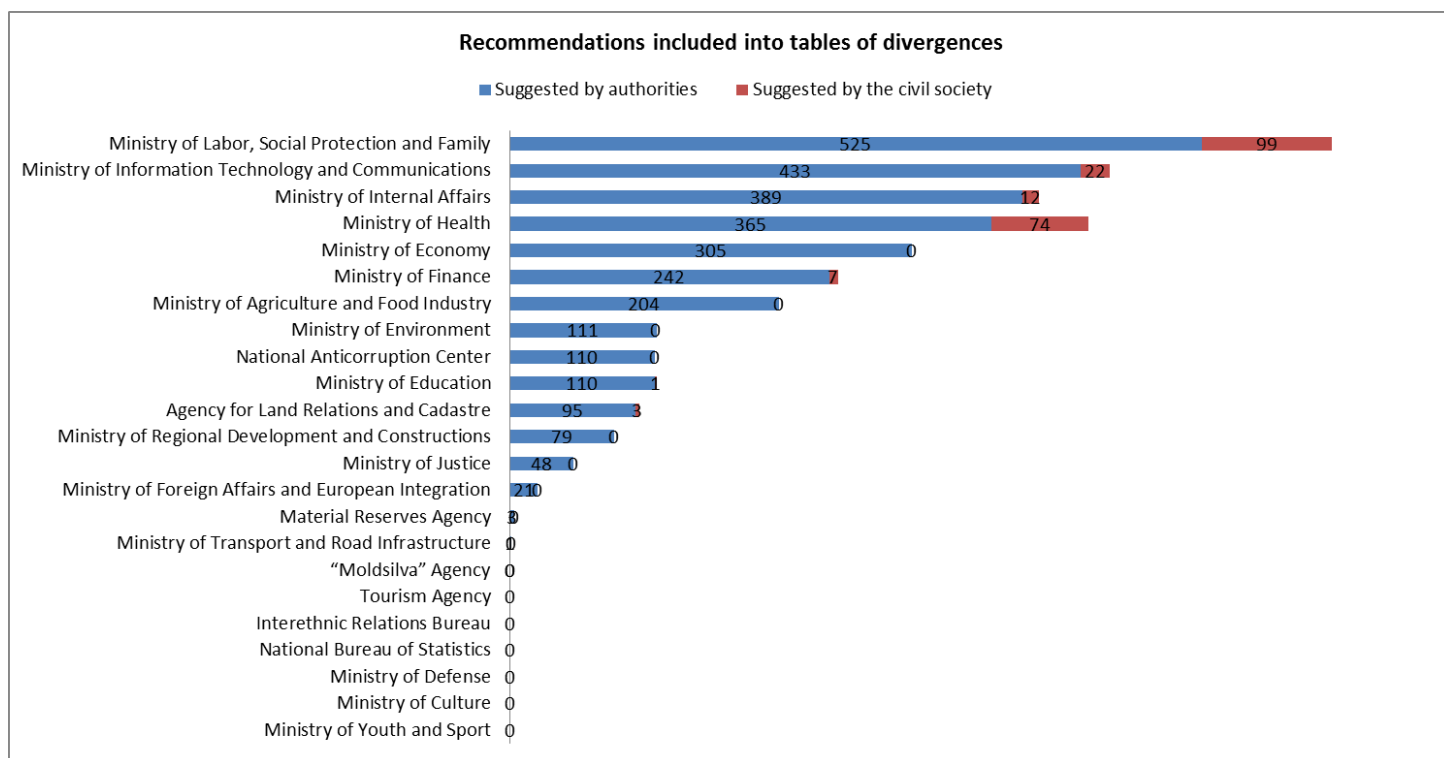
Law no. 239/2008 stipulates that syntheses of recommendations, produced after examining the recommendations on draft decisions, shall be placed on the websites. During monitoring, a total of 64 tables of divergences have been found on websites, which is 11% of the total number of tables of divergences that had to be placed for the publicly consulted drafts before 31 December 2013.

The list of the CPAAs that published tables of divergences:

- Ministry of Justice – 40 cases;
- Ministry of Information Technology and Communications – 9 cases;
- Agency for Land Relations and Cadastre – 8 cases;
- Ministry of Finance – 6 cases;
- Ministry of Transport and Road Infrastructure – 1 case.



During 2013, a total of 3,259 recommendations were made to the 583 drafts subjected to transparency in decision making. Of them, 93% were issued by CPAAs and 7% – by the civil society. Overall, 69% of recommendations have been accepted: 50% of the civil society recommendations and 66% of the CPAAs recommendations.



III. TRANSPARENCY IN DECISION MAKING ON THE WEBSITES OF THE CENTRAL PUBLIC ADMINISTRATION AUTHORITIES

According to item 17 of the Regulations, in order to facilitate stakeholders' access to the information about the CPAAs' decision making, the official websites of the latter should have sections intended for transparency in decision making.

As the result of monitoring CPAAs' websites in 2013, we shall mention that all CPAAs have developed the special section, "Transparency in Decision Making", on their websites.

According to item 17 of the Regulations, the website of a CPAA should contain information about:

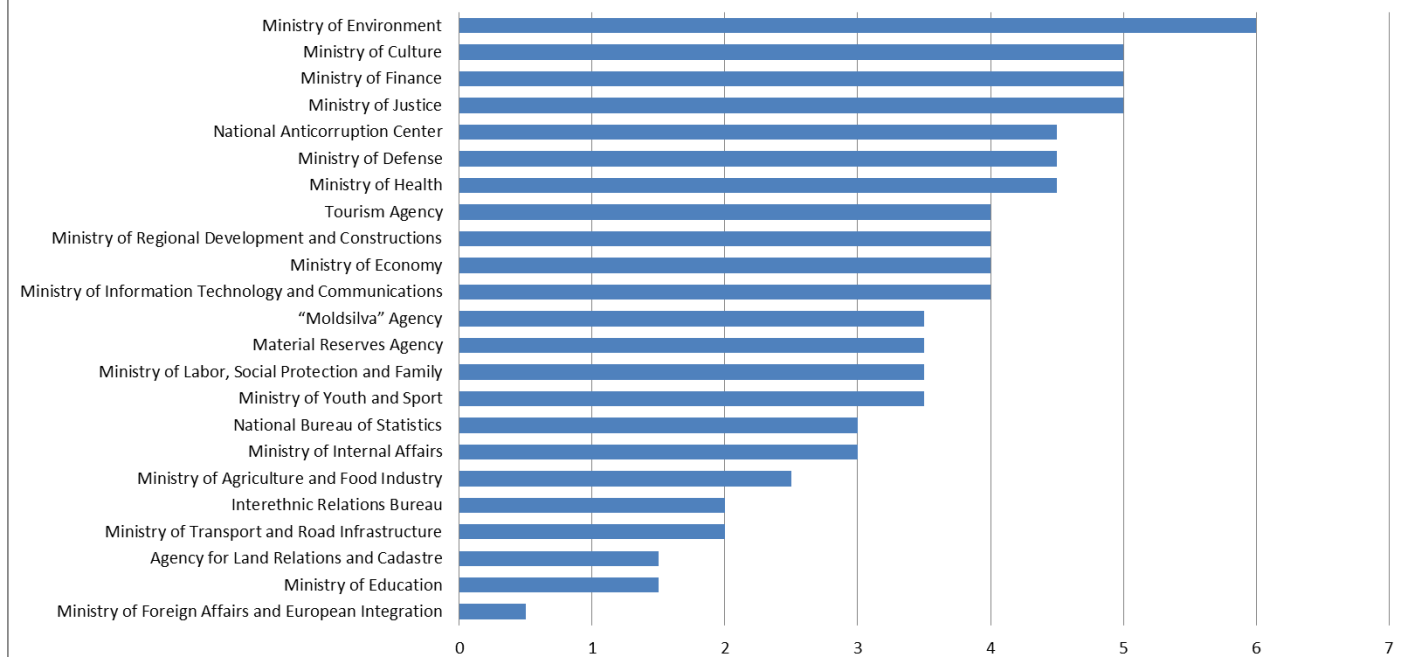
1. Internal rules on procedures of informing, consulting and participating in decision making;
2. The name and contact information of the coordinator responsible for public consultation during decision making within the public authority;
3. Annual (quarterly) programs of works on regulatory acts, with indication of draft decisions that shall be subjected to public consultation;
4. Announcements on initiation of works on decisions;
5. Announcements on organization of public consultations;
6. Draft decisions, related materials, and adopted decisions;
7. Results of public consultation (minutes of public consultative meetings, syntheses of recommendations);
8. Annual report of the public authority on transparency in decision making;
9. Other information.

General performance of CPAAs in 2013 in terms of compliance with requirements concerning the information to be placed into the TiDM section of websites

An overview of the CPAAs' compliance with these provisions in 2013 shows that 15 of the 23 monitored CPAAs have complied with at least half of these provisions, with the Ministry of Environment having placed on its website the most information necessary for ensuring transparency in decision making (see figure below). Other institutions that show a relatively high performance in terms of transparency in decision making if compared with other CPAAs are the Ministry of Justice, the Ministry of Finance, the Ministry of Culture, the Ministry of Health, the Ministry of Defense and the National Anticorruption Center.

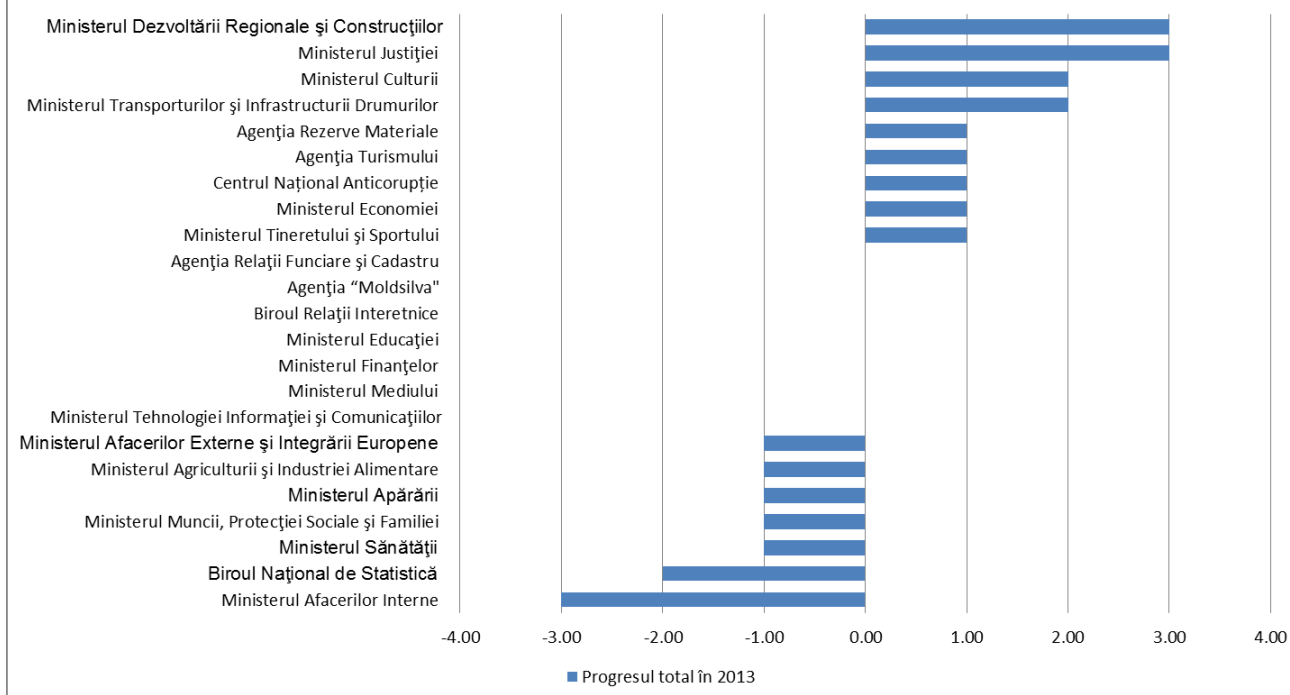
The other end of the rating has been taken by the Ministry of Foreign Affairs and European Integration, whose section on transparency in decision making is insufficiently developed and very rarely updated. A similar situation characterizes the Agency for Land Relations and Cadastre, the Ministry of Education, the Interethnic Relations Bureau and the Ministry of Transport and Road Infrastructure.

Information placed on websites in the sections of transparency in decision making



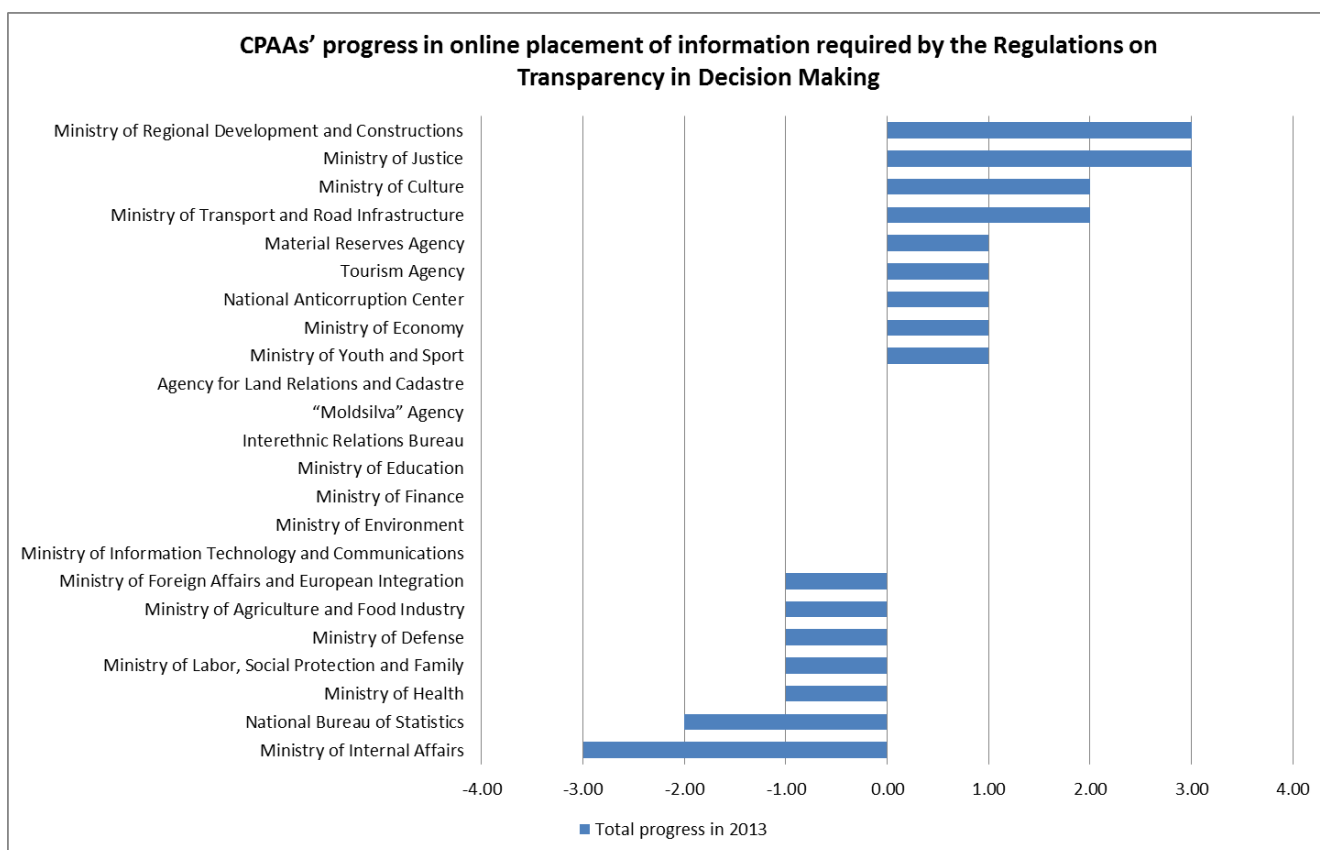
Progress and regression achieved by CPAAs in 2013

Progresul AAPC în plasarea pe pagina web a informațiilor date de Regulamentul cu privire la transparența decizională



The analysis of information placed in the *Transparency in Decision Making* sections of the websites of the 23 CPAAs indicates modest progress in the compliance with requirements for the information

published for the public. 9 of the CPAAs (39%) reached some progress, having improved the quality of sections on transparency in decision making. Other 7 CPAAs in 2013 maintained the level of 2011, and 7 somewhat regressed since 2011.



The following pages show the situation on the monitored CPAAs' websites in detail, from the perspective of compliance or failure to comply with the requirements of Regulations, outlining the dynamics for 2010, 2011, and 2013.

III.1. Placement of internal rules on information, consultation and participation in the process of development and adoption of decisions

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of internal rules on information, consultation and participation in the process of development and adoption of decisions | | |
|-----|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------|
| | | 2010 | 2011 | 2013 |
| 1 | Agency for Land Relations and Cadastre | Non-compliance | Non-compliance | Non-compliance |
| 2 | Material Reserves Agency | Compliance Order no. 31 of 01.07.2010 | Compliance Order no. 31 of 01.07.2010 | Compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of internal rules on information, consultation and participation in the process of development and adoption of decisions | | |
|-----|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 3 | Tourism Agency | Compliance Order of 19.07.2010 However, internal rules are not placed in the TiDM section, but in the “Legislation / Departmental Documents” section | Compliance | Compliance |
| 4 | “Moldsilva” Agency | Compliance , but internal rules were adopted before GD no. 96/2010 and do not comply with the requirements of the Regulations on ensuring transparency in decision making. A separate section for TiDM is non-existent. | Compliance Order no. 239-9 of 11.11.2011 | Compliance |
| 5 | National Bureau of Statistics | Compliance Order no. 33 of 19.04.2010 | Compliance | Compliance |
| 6 | Interethnic Relations Bureau | Non-compliance | Non-compliance | Non-compliance |
| 7 | Center for Combating Economic Crimes and Corruption / National Anticorruption Center | Compliance Order no. 61 of 28.04.2010 | Compliance | Compliance |
| 8 | Ministry of Foreign Affairs and European Integration | Non-compliance Rules are inaccessible and have not been provided even at the written request of ADEPT. The TiDM section on the website is non-existent. | Non-compliance | Non-compliance The TiDM section is accessible, while the Rules are inaccessible. |
| 9 | Ministry of Internal Affairs | Compliance Order no. 200 of 24.06.2010 | Compliance | Compliance |
| 10 | Ministry of Agriculture and Food Industry | Compliance Order no. 74 of 20.04.2010 | Compliance | Compliance |
| 11 | Ministry of Defense | Compliance Order no. 150 of 27.05.2010 | Compliance | Compliance |
| 12 | Ministry of Regional Development and Constructions | Non-compliance ADEPT received internal rules upon request. The TiDM section is not properly developed. | Non-compliance | Non-compliance |
| 13 | Ministry of Culture | Compliance Order no. 316 of 27.10.2010 | Compliance | Compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of internal rules on information, consultation and participation in the process of development and adoption of decisions | | |
|-----|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 14 | Ministry of Economy | Compliance Order no. 41 of 15.03.2010. Rules are difficult to access, as they are placed in the section of “Advisory Board Meetings”. The TiDM section is not properly developed. | Compliance | Compliance TiDM rules are accessible, but the TiDM section is not properly developed. |
| 15 | Ministry of Education | Non-compliance The TiDM section has been created, but internal rules have not been placed. | Non-compliance | Non-compliance |
| 16 | Ministry of Finance | Compliance Order no. 51 of 8.04.2010 | Compliance | Compliance |
| 17 | Ministry of Justice | Non-compliance The TiDM section has been created, but internal rules have not been placed. | Non-compliance | Compliance Order no. 269 of 08.06.2012 Progress +1 |
| 18 | Ministry of Environment | Compliance Order no. 37 of 10.05.2010 | Compliance | Compliance |
| 19 | Ministry of Labor, Social Protection and Family | Compliance Order no. 256-p of 24.06.2010 | Compliance | Compliance |
| 20 | Ministry of Health | Compliance Order no. 173 of 18.03.2010 | Compliance | Compliance |
| 21 | Ministry of Information Technology and Communications | Compliance Directive no. d-10 of 25.03.2010 | Compliance | Compliance |
| 22 | Ministry of Youth and Sport | Compliance Directive no. 323 of 10.06.2010 | Compliance | Compliance |
| 23 | Ministry of Transport and Road Infrastructure | Compliance However, internal rules are not placed in the TiDM section, but in the section of “Legislation / Orders”. | Non-compliance Internal rules are no longer placed on the website. The TiDM section is not properly developed. | Non-compliance |

Conclusion: We have found that even though all CPAAs have sections on transparency in decision making, there still are 6 authorities (26%) without internal rules on their websites, in violation of GD no. 96/2010 and GD no. 668/19.06.2006 and then GD no. 188/2012 on official websites of public authorities. They are the Agency for Land Relations and Cadastre, the Interethnic Relations Bureau, the Ministry of Foreign Affairs and European Integration, the Ministry of Regional Development and Constructions, the Ministry of Education, and the Ministry of Transport and Road Infrastructure.

Nevertheless, compared to 2010 and 2011, the dynamics in 2013 have been positive, with the Ministry of Justice showing progress compared to previous years.

III.2. Placement of the name and contact information of the public consultation coordinator during decision making

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the name and contact information of the public consultation coordinator during decision making | | |
|-----|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 1 | Agency for Land Relations and Cadastre | Compliance | Compliance | Compliance |
| 2 | Material Reserves Agency | Compliance | Compliance | Compliance |
| 3 | Tourism Agency | Compliance The name and contact details are difficult to access, as they are placed in the text of internal rules. | Compliance | Compliance |
| 4 | “Moldsilva” Agency | Non-compliance (data missing on the website) | Compliance The name and contact details are difficult to access, as they are placed in the text of internal rules. | Compliance |
| 5 | National Bureau of Statistics | Compliance | Compliance | Non-compliance The name of the person responsible for TiDM is missing from the website. Regression -1 |
| 6 | Interethnic Relations Bureau | Non-compliance (data missing on the website) | Non-compliance | Non-compliance |
| 7 | Center for Combating Economic Crimes and Corruption / National Anticorruption Center | Compliance | Compliance | Compliance |
| 8 | Ministry of Foreign Affairs and European Integration | Non-compliance | Non-compliance The coordinator’s name and contact details were provided at the request of ADEPT, but have not yet been placed on the Ministry’s website. | Non-compliance The coordinators’ names and contact details are accessible only upon opening draft decisions on particip.gov.md |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the name and contact information of the public consultation coordinator during decision making | | |
|-----|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 9 | Ministry of Internal Affairs | Compliance | Non-compliance The website does not indicate the coordinator's name, but it says about website reconstruction due to the reorganization of the Ministry. | Non-compliance |
| 10 | Ministry of Agriculture and Food Industry | Partial compliance The Ministry order on application of Law no. 239/2008 provides for persons responsible for TiDM, but does not name them <i>coordinators</i> and does not indicate their contact details. | Partial compliance | Partial compliance |
| 11 | Ministry of Defense | Compliance | Compliance | Compliance |
| 12 | Ministry of Regional Development and Constructions | Non-compliance Information has been provided at the written request of ADEPT | Non-compliance | Non-compliance Information is only accessible as part of the drafts published on particip.gov.md |
| 13 | Ministry of Culture | Compliance | Compliance | Compliance |
| 14 | Ministry of Economy | Compliance | Non-compliance Order no. 41 of 15.03.2010 on adoption of internal rules designates the division responsible for coordinating public consultation, but does not name the person or give their contact details. | Non-compliance Information is only accessible as part of the drafts published on particip.gov.md |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the name and contact information of the public consultation coordinator during decision making | | |
|-----|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 15 | Ministry of Education | Non-compliance The section of TiDM is missing | Partial compliance Directive no. 286 of 24.05.2010 was placed on the website and designates the person, without providing their contact details. The coordinator's name and contact details are not directly placed on the website. | Partial compliance Information is only accessible as part of the drafts published on particip.gov.md |
| 16 | Ministry of Finance | Partial compliance Order no. 51 of 08.04.2010 designates the coordinator, but does not provide their contact details. The coordinator's name and contact details are not placed directly on the website. | Partial compliance | Partial compliance |
| 17 | Ministry of Justice | Non-compliance A separate section on TiDM is missing. | Non-compliance Although the TiDM section has been created, it does not contain information about the coordinator's name and contact details. | Compliance The coordinators' names and contact details are presented together with the draft decisions intended for public consultation. Progress +1 |
| 18 | Ministry of Environment | Compliance | Compliance | Compliance |
| 19 | Ministry of Labor, Social Protection and Family | Partial compliance The coordinator's name appears in Order no. 256-p of 24.06.2010, but contact details are missing. The coordinator's name and contact details are not placed directly on the website. The information has been provided upon written request of ADEPT. | Partial compliance | Partial compliance |
| 20 | Ministry of Health | Compliance | Compliance | Compliance |
| 21 | Ministry of Information Technology and Communications | Compliance | Compliance | Compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the name and contact information of the public consultation coordinator during decision making | | |
|-----|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 22 | Ministry of Youth and Sport | Non-compliance The order designating the coordinator is placed on the website, but contact details are missing. The designated person no longer works in the ministry, and the current coordinator's name and contact details are missing. | Partial compliance Order no. 591 of 02.11.2010 designates the person responsible for "tracking transparency in the Ministry's decision making," but contact details are missing. The coordinator's name and contact details are not placed directly on the website. | Non-compliance Regression -1 |
| 23 | Ministry of Transport and Road Infrastructure | Non-compliance | Non-compliance | Partial compliance The name and contact details are presented with the draft decisions subjected to public consultation. Progress +1 |

Conclusion: Of the 23 monitored CPAAAs, 12 (52%) have placed the names and contact details of public consultation coordinators on their websites. Overall, identifying these responsible persons sometimes proves difficult; most often, only information about the office responsible for transparency in decision making is accessible. Information about public consultation coordinators is not placed directly on the website and can be found only in the internal rules on ensuring TiDM within the CPAA. About half of the 23 CPAAAs fail to comply or comply only partially with the requirement of placing the coordinator's name and contact details directly on the website. Compared to previous years, the general situation has not changed.

The CPAAAs that showed some progress are:

- The Ministry of Justice,
- The Ministry of Transport and Road Infrastructure.

Regression was shown by:

- The National Bureau of Statistics,
- The Ministry of Youth and Sport.

III.3. Placement of annual (quarterly) programs of works on draft regulatory acts, with indication of draft decisions that shall be subjected to public consultation

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of annual (quarterly) programs of works on draft regulatory acts, with indication of draft decisions that shall be subjected to public consultation | | |
|-----|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 1 | Agency for Land Relations and Cadastre | Non-compliance | Non-compliance | Non-compliance |
| 2 | Material Reserves Agency | Non-compliance | Partial compliance The website contains the program for 2011 with information about draft decisions that shall be developed, but no information about the draft decisions that shall be subjected to public consultation. | Partial compliance |
| 3 | Tourism Agency | Non-compliance | Non-compliance | Non-compliance |
| 4 | “Moldsilva” Agency | Non-compliance | Non-compliance | Non-compliance |
| 5 | National Bureau of Statistics | Partial compliance The website contains the program for the 1 st quarter of 2011, with information about the draft decisions that shall be developed. The information about draft decisions that shall be subjected to public consultation is missing. | Partial compliance The website contains the program for the 3 rd and 4 th quarters of 2011, with information about the draft decisions that shall be developed, but the information about draft decisions that shall be subjected to public consultation is missing. | Partial compliance The website contains information about the draft decisions that shall be developed, but no information about the draft decisions that shall be subjected to public consultation. |
| 6 | Interethnic Relations Bureau | Compliance | Compliance The website contains the program for 2011, indicating the draft decisions that shall be subjected to public consultation. | Compliance The website contains the program, indicating the draft decisions that shall be subjected to public consultation. |
| 7 | Center for Combating Economic Crimes and Corruption / National Anticorruption Center | Non-compliance | Non-compliance | Non-compliance |
| 8 | Ministry of Foreign Affairs and European Integration | Non-compliance | Non-compliance | Non-compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of annual (quarterly) programs of works on draft regulatory acts, with indication of draft decisions that shall be subjected to public consultation | | |
|-----|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 9 | Ministry of Internal Affairs | Non-compliance | Non-compliance The website does not contain the Ministry's program for 2011. Some information about draft decisions that shall be adopted can be found in the Action Plan for the Implementation of the Concept of the MIA Reform. | Non-compliance The section exists, but without any relevant information. |
| 10 | Ministry of Agriculture and Food Industry | Non-compliance | Non-compliance Although the program for 2011 is announced to have been placed on the website, it is inaccessible. | Non-compliance |
| 11 | Ministry of Defense | Non-compliance | Non-compliance | Non-compliance The section exists on the website, but contains no relevant information. |
| 12 | Ministry of Regional Development and Constructions | Partial compliance The website contains the program for 2010 with information about draft decisions that shall be developed, but no information about the drafts that shall be subjected to consultation. | Non-compliance The website does not contain the program for 2011 that might have contained the relevant information. | Partial compliance The website contains the program for 2013 with information about the draft decisions that shall be developed, but not the ones that shall be subjected to consultation. Progress +1 |
| 13 | Ministry of Culture | Partial compliance The program for 2010 is available, but contains no information about public consultation. | Non-compliance The website does not contain the program for 2011 that might have contained the relevant information. | Partial compliance The website contains the program for 2013, but without information about public consultation. Progress +1 |
| 14 | Ministry of Economy | Non-compliance | Non-compliance | Compliance Information is available in the programs for 2012 and 2013, which are placed in the relevant section. Progress +1 |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of annual (quarterly) programs of works on draft regulatory acts, with indication of draft decisions that shall be subjected to public consultation | | |
|-----|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 15 | Ministry of Education | Non-compliance | Partial compliance The website contains the program for 2011, indicating the draft decisions that shall be subjected to public consultation. | Partial compliance The website contains the program for 2013, indicating the approved draft decisions. |
| 16 | Ministry of Finance | Partial compliance The website contains the Ministry's program for 2010 with information about the draft decisions that shall be developed, but no information about public consultation. | Partial compliance The website contains the Ministry's program for 2011 with information about the draft decisions that shall be developed, but no information about public consultation. | Partial compliance The website contains the Ministry's program with information about the draft decisions that shall be developed, but no information about public consultation. |
| 17 | Ministry of Justice | Partial compliance The website contains the Ministry's program for 2010 with summary information about some draft decisions that shall be developed. | Partial compliance The website contains the Ministry's program for 2011 with information about the draft decisions that shall be developed. | Non-compliance The website does not contain the Ministry's program. Regression -1 |
| 18 | Ministry of Environment | Partial compliance The program for 2010 is available, but without information about public consultation. | Partial compliance The website contains the program for 2011 with information about the draft decisions that shall be developed, but without information about the drafts that shall be subjected to public consultation. | Partial compliance The website contains the program for 2013 with information about the draft decisions that shall be developed, but without information about the drafts that shall be subjected to public consultation. |
| 19 | Ministry of Labor, Social Protection and Family | Non-compliance | Compliance The website contains the program for 2011 with information about the draft decisions that shall be developed and subjected to public consultation. | Non-compliance Regression -1 |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of annual (quarterly) programs of works on draft regulatory acts, with indication of draft decisions that shall be subjected to public consultation | | |
|-----|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 20 | Ministry of Health | Non-compliance | Partial compliance The website contains the Ministry's program for 2011 with summary information about some draft decisions that shall be developed, without specifying whether they will be subjected to public consultation. | Partial compliance The website contains the Ministry's program for 2013 with summary information about some draft decisions that shall be developed, without specifying whether they will be subjected to public consultation. |
| 21 | Ministry of Information Technology and Communications | Compliance | Partial compliance The website contains the program for 2011 with information about the draft decisions that shall be developed, but without information about the drafts that shall be subjected to public consultation. | Partial compliance The website contains the program with information about the draft decisions that shall be developed, but without information about the drafts that shall be subjected to public consultation. |
| 22 | Ministry of Youth and Sport | Non-compliance | Non-compliance | Non-compliance |
| 23 | Ministry of Transport and Road Infrastructure | Non-compliance | Non-compliance | Partial compliance The website contains the Ministry's program for 2013 with summary information about some draft decisions that shall be developed, without specifying whether they will be subjected to public consultation. Progress +1 |

Conclusion: Currently, only the Interethnic Relations Bureau and the Ministry of Economy place annual (quarterly) programs of works on draft regulatory acts, with indication of the drafts that shall be subjected to public consultation. Other 10 CPAAs (43%) comply with this requirement partially, presenting their programs with information about some drafts that shall be developed, but without specifying whether they will be subjected to public consultation. 11 CPAAs (48%) fail to comply with this requirement: authorities do not place annual programs of works on acts. In comparison with previous years, the general situation remained the same.

The CPAAs that showed some progress are:

- The Ministry of Regional Development and Constructions,

- The Ministry of Culture,
- The Ministry of Economy.

Regression was shown by:

- The Ministry of Justice,
- The Ministry of Labor, Social Protection and Family,
- The Ministry of Transport and Road Infrastructure.

III.4. Placement of announcements on initiation of works on decisions

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of announcements on the initiation of works on decisions | | |
|-----|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------|
| | | 2010 | 2011 | 2013 |
| 1 | Agency for Land Relations and Cadastre | Non-compliance Drafts are placed without announcements, and there is no indication to the drafts publication date, deadlines or contact persons. | Non-compliance | Non-compliance |
| 2 | Material Reserves Agency | Non-compliance The relevant section is non-existent. Drafts are placed without announcements, and there is no indication to the drafts publication date, deadlines or contact persons. | Non-compliance | Non-compliance |
| 3 | Tourism Agency | Partial compliance The relevant section is non-existent. The website contains only some elements of the announcement. The name and contact details of the responsible person are missing. | Partial compliance | Partial compliance |
| 4 | “Moldsilva” Agency | Non-compliance Drafts are placed without announcements; contact persons are not indicated. | Non-compliance The relevant section exists, but announcements are missing. | Non-compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of announcements on the initiation of works on decisions | | |
|-----|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 5 | National Bureau of Statistics | Compliance Announcements are placed in the section of “Announcements on initiation of works on decisions and public consultation.” | Non-compliance All announcements in the section of “Announcements on initiation of works on decisions and public consultation” concern the organization of public consultations. | Non-compliance |
| 6 | Interethnic Relations Bureau | Non-compliance Drafts are placed without announcements; the deadlines and contact persons are not indicated. | Partial compliance The website contains only some elements of the announcement. The name and contact details of the responsible person are missing. | Partial compliance |
| 7 | Center for Combating Economic Crimes and Corruption / National Anticorruption Center | Partial compliance Only 2 draft decisions are accompanied by announcements. | Non-compliance All announcements placed in the section of TiDM concern organization of public consultations. The section of announcements on initiation of works on decisions is missing. | Non-compliance |
| 8 | Ministry of Foreign Affairs and European Integration | Non-compliance Drafts are placed without announcements; the deadlines and contact persons are not indicated. | Compliance | Non-compliance The relevant section exists, but it concerns the organization of public consultations, and not initiation of works on decisions. Regression -1 |
| 9 | Ministry of Internal Affairs | Compliance | Compliance | Partial compliance The last update to the section was made in 2012. Regression -1 |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of announcements on the initiation of works on decisions | | |
|-----|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 10 | Ministry of Agriculture and Food Industry | Partial compliance Not all draft decisions are accompanied by announcements on initiation of works on decisions. Announcements do not set clear deadlines for submission of recommendations; only the term of 15 days is indicated, without specifying the deadline. | Partial compliance The section of announcements on initiation of works on decisions is non-existent. Such announcements are seemingly confused with announcements on organization of public consultations. | Partial compliance |
| 11 | Ministry of Defense | Compliance | Compliance | Compliance |
| 12 | Ministry of Regional Development and Constructions | Non-compliance Drafts are placed without announcements; the deadlines and contact persons are not indicated. | Partial compliance The section of announcements on initiation of works on decisions is non-existent. | Compliance Progress +1 |
| 13 | Ministry of Culture | Non-compliance Drafts are placed without announcements; the deadlines and contact persons are not indicated. | Partial compliance The announcements publication date is missing. | Compliance Progress +1 |
| 14 | Ministry of Economy | Partial compliance Deadlines are not indicated in all announcements. | Partial compliance The section of announcements on initiation of works on decisions is non-existent. Some announcements are placed without indication of their publication date. | Partial compliance The section of announcements on initiation of works on decisions exists. Announcements are placed without indication of their publication date. |
| 15 | Ministry of Education | Non-compliance Drafts are placed without announcements; the deadlines and contact persons are not indicated. | Non-compliance All announcements in the TiDM section concern the organization of public consultations. The section of announcements on initiation of works on decisions is non-existent. | Non-compliance |
| 16 | Ministry of Finance | Compliance | Compliance | Compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of announcements on the initiation of works on decisions | | |
|-----|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 17 | Ministry of Justice | Partial compliance Only some drafts are accompanied by announcements | Compliance | Compliance |
| 18 | Ministry of Environment | Partial compliance Announcements are placed in the section "Announcements on initiation of public consultation of draft decisions". | Compliance | Compliance |
| 19 | Ministry of Labor, Social Protection and Family | Partial compliance Not all drafts are accompanied by announcements. Such announcements are confused with announcements on organization of public consultations. | Partial compliance | Partial compliance The section has not been updated since 2012. |
| 20 | Ministry of Health | Compliance | Partial compliance Announcements on initiation of works on decisions are often confused with announcements on public consultation. | Partial compliance |
| 21 | Ministry of Information Technology and Communications | Partial compliance Announcements are placed in the section of "Announcements on organization of public consultation." | Non-compliance Both the section and the relevant announcements are non-existent. | Non-compliance |
| 22 | Ministry of Youth and Sport | Non-compliance The relevant section exists, but drafts are placed without announcements and without indicating their publication date. | Non-compliance | Partial compliance Announcements on initiation of works on decisions are often confused with announcements on public consultation. Progress +1 |
| 23 | Ministry of Transport and Road Infrastructure | Non-compliance Announcements are missing, but some explanatory notes appear instead, without specifying responsible persons or contact details. | Non-compliance The section of announcements on initiation of works on decisions is non-existent. Announcements are missing. | Non-compliance |

Conclusion: The analysis of placement of announcements on initiation of works on drafts confirms the conclusion that a significant part of CPAAs (35%) continue confusing “initiation of works” with “public consultations,” and the provisions of Regulations in this regard continue causing confusion and uneven application and reducing the expected impact. The websites of only 6 monitored CPAAs (26%) contain announcements on initiation of works on decisions. Other 39% of authorities either do not have such sections on their websites, or failed to place information in them in 2013.

In comparison with 2010 and 2011, the dynamics in 2013 were negative: an increasing number of CPAAs failed to update this section.

The CPAAs that showed some progress are:

- The Ministry of Regional Development and Constructions,
- The Ministry of Culture,
- The Ministry of Youth and Sport.

Regression was shown by:

- The Ministry of Foreign Affairs,
- The Ministry of Internal Affairs,
- The Ministry of Labor, Social Protection and Family.

III.5. Placement of draft decisions, related materials, and adopted decisions

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of draft decisions, related materials, and adopted decisions | | |
|-----|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 1 | Agency for Land Relations and Cadastre | Partial compliance Adopted decisions (with adoption date) are not placed in a separate section. | Partial compliance | Partial compliance |
| 2 | Material Reserves Agency | Partial compliance Once placed, draft decisions are subsequently removed from the website. The draft placement dates are missing. | Partial compliance In 2011, no decision was published in the section of “Approved draft decisions”. | Compliance Progress +1 |
| 3 | Tourism Agency | Non-compliance | Partial compliance Some drafts are not accompanied by explanatory notes. | Partial compliance Some drafts are not accompanied by explanatory notes. |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of draft decisions, related materials, and adopted decisions | | |
|-----|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 4 | "Moldsilva" Agency | Partial compliance Adopted decisions are not placed separately. | Partial compliance Some drafts are not accompanied by explanatory notes. | Partial compliance Some drafts are not accompanied by explanatory notes. Adopted decisions are not published. |
| 5 | National Bureau of Statistics | Compliance Adopted decisions are placed in the section of "Developed draft decisions" | Compliance | Partial compliance Adopted decisions are not placed on the website. Regression -1 |
| 6 | Interethnic Relations Bureau | Partial compliance Adopted decisions are not placed separately. | Partial compliance Not all adopted decisions (with adoption date) are placed in a separate section. Some drafts are not accompanied by explanatory notes. | Partial compliance |
| 7 | Center for Combating Economic Crimes and Corruption / National Anticorruption Center | Partial compliance Adopted decisions are not placed separately. | Partial compliance Adopted decisions (with adoption date) are not placed into a separate section. | Compliance Progress +1 |
| 8 | Ministry of Foreign Affairs and European Integration | Partial compliance Adopted decisions are not placed separately. | Partial compliance Not all adopted decisions are placed into the section of "Information on adopted decisions". | Partial compliance |
| 9 | Ministry of Internal Affairs | Compliance | Compliance | Partial compliance Adopted decisions are not placed on the website. The last update was made in 2012. Regression -1 |
| 10 | Ministry of Agriculture and Food Industry | Partial compliance Draft decisions are not always accessible (cannot be downloaded from the website). Materials related to drafts are rarely published. Adopted decisions (final versions) are not published. The section of "Adopted drafts" is non-existent. | Partial compliance Draft decisions are not always accessible (cannot be downloaded from the website). Adopted decisions (with adoption date) are not placed into a separate section. | Partial compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of draft decisions, related materials, and adopted decisions | | |
|-----|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 11 | Ministry of Defense | Partial compliance Although a separate section for adopted decisions exists, it is empty. | Partial compliance | Partial compliance |
| 12 | Ministry of Regional Development and Constructions | Partial compliance Adopted decisions (with adoption date) are not placed into a separate section. | Partial compliance | Compliance Progress +1 |
| 13 | Ministry of Culture | Partial compliance Draft decisions are placed on the website, while adopted decisions (final versions) are not. Draft decisions are placed ineptly (some drafts are placed in full); the draft placement dates are missing. | Partial compliance The draft placement dates are missing. Adopted decisions (with adoption date) are not placed into a separate section. | Partial compliance Adopted decisions (with adoption date) are not placed into a separate section. |
| 14 | Ministry of Economy | Partial compliance Adopted decisions are not placed separately. | Partial compliance Adopted decisions are not placed separately. Not all draft decisions are accompanied by explanatory notes. | Partial compliance Adopted decisions are not placed separately, although the section of “Adopted decisions” exists. |
| 15 | Ministry of Education | Partial compliance Draft decisions are placed on the website, while adopted decisions (their final versions) are not. The draft placement dates are missing. Some drafts are placed, but later withdrawn from the website. Not all drafts are accompanied by explanatory notes. | Partial compliance | Partial compliance Draft decisions are placed on the website, while adopted decisions (their final versions) are not. |
| 16 | Ministry of Finance | Partial compliance Adopted decisions are not placed separately. | Partial compliance Adopted decisions are not published. There is no separate section for these decisions. | Partial compliance |
| 17 | Ministry of Justice | Partial compliance Adopted decisions are not placed separately. | Partial compliance | Partial compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of draft decisions, related materials, and adopted decisions | | |
|-----|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 18 | Ministry of Environment | Partial compliance Adopted decisions are not placed separately. | Compliance Adopted decisions are placed outside the section of TiDM, into the section of “Regulatory acts”. | Compliance |
| 19 | Ministry of Labor, Social Protection and Family | Partial compliance Draft decisions are placed on the website, while adopted decisions (final versions) are not. Not all draft decisions are accompanied by explanatory notes. Draft placement dates are missing. | Partial compliance | Partial compliance Draft decisions are placed on the website, while adopted decisions are not. |
| 20 | Ministry of Health | Compliance The section of “Adopted decisions” has been introduced. | Compliance | Partial compliance Draft decisions are placed on the website, while adopted decisions are not. Regression -1 |
| 21 | Ministry of Information Technology and Communications | Partial compliance Adopted decisions are not placed separately. | Partial compliance | Partial compliance |
| 22 | Ministry of Youth and Sport | Partial compliance Adopted decisions are not placed separately. Draft placement dates are missing. | Partial compliance | Partial compliance Adopted decisions are not placed separately. |
| 23 | Ministry of Transport and Road Infrastructure | Partial compliance Adopted decisions are not placed separately. Drafts are placed into a different section (“Legislation”) than “Transparency in decision making” (TiDM). The section of TiDM displays ministry news and events. Some drafts are placed in their final version (with the table of divergences), while others – in preliminary versions, subjected to consultation. Draft placement dates are missing. | Partial compliance | Partial compliance Adopted decisions are not placed separately. Some drafts are placed in their final version (with the table of divergences), while others – in preliminary versions, subjected to consultation. |

Conclusion: All CPAAs (100%) comply with the requirement of placing draft decisions with additional materials, but the quality of these materials is not always in line with relevant requirements. As for placement of adopted decisions or at least information about their adoption, the situation is deficient: 70% (or 16 CPAAs) either have no separate sections for adopted decisions, or do not update them, despite decisions being adopted and published. Sometimes adopted drafts appear as drafts in the process of consultation, which is misleading for the public and does not allow performing proper quantitative assessment. The situation did not change significantly when compared with 2010 and 2011.

The CPAAs that showed some progress are:

- The Material Reserves Agency,
- The National Anticorruption Center,
- The Ministry of Regional Development and Constructions.

Regression was shown by:

- The National Bureau of Statistics,
- The Ministry of Internal Affairs,
- The Ministry of Health.

III.6. Placement of results of public consultations (minutes of consultative public meetings, syntheses of recommendations)

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the results of public consultations (minutes of consultative public meetings, syntheses of recommendations) | | |
|-----|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 1 | Agency for Land Relations and Cadastre | Non-compliance There is no such section. | Non-compliance | Non-compliance There is no such section. |
| 2 | Material Reserves Agency | Non-compliance There is no such section. | Non-compliance | Non-compliance |
| 3 | Tourism Agency | Non-compliance There is no such section. | Non-compliance | Non-compliance |
| 4 | “Moldsilva” Agency | Non-compliance There is no such section. | Partial compliance A single synthesis of recommendations was published on the website in the text of a draft decision. | Non-compliance Regression -1 |
| 5 | National Bureau of Statistics | Non-compliance | Non-compliance | Non-compliance |
| 6 | Interethnic Relations Bureau | Non-compliance There is no such section. | Non-compliance | Non-compliance |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the results of public consultations (minutes of consultative public meetings, syntheses of recommendations) | | |
|-----|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 7 | Center for Combating Economic Crimes and Corruption / National Anticorruption Center | Non-compliance | Partial compliance A single synthesis of recommendations was published on the website. | Partial compliance |
| 8 | Ministry of Foreign Affairs and European Integration | Non-compliance | Non-compliance | Non-compliance |
| 9 | Ministry of Internal Affairs | Compliance | Compliance | Non-compliance The section exists, but has not been updated since 2012. Regression -1 |
| 10 | Ministry of Agriculture and Food Industry | Non-compliance There is no such section. | Partial compliance Two syntheses of recommendations were published on the website, in the texts of draft decisions. | Non-compliance Regression -1 |
| 11 | Ministry of Defense | Non-compliance The section exists, but does not contain any materials. | Partial compliance A single synthesis of recommendations was published on the website. | Non-compliance The section exists, but does not contain any materials. Regression -1 |
| 12 | Ministry of Regional Development and Constructions | Non-compliance The section exists, but does not contain any materials. | Partial compliance A single synthesis of recommendations was published on the website | Partial compliance Two syntheses of recommendations were published on the website. |
| 13 | Ministry of Culture | Non-compliance | Non-compliance | Non-compliance |
| 14 | Ministry of Economy | Non-compliance | Non-compliance | Non-compliance The section exists, but does not contain any materials. |
| 15 | Ministry of Education | Partial compliance A single synthesis of recommendations was published on the website | Non-compliance | Non-compliance |
| 16 | Ministry of Finance | Non-compliance The section exists, but does not contain any materials. | Partial compliance A single synthesis of recommendations was published on the website | Partial compliance The section does not exist, but some syntheses of recommendations have been published in the texts of draft decisions. |

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the results of public consultations (minutes of consultative public meetings, syntheses of recommendations) | | |
|-----|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 17 | Ministry of Justice | Non-compliance The section exists, but does not contain any materials. | Non-compliance | Partial compliance The section of “Draft regulatory acts delivered to the Government for examination” contains the syntheses of recommendations. Progress +1 |
| 18 | Ministry of Environment | Non-compliance | Partial compliance Only some syntheses of recommendations for draft laws have been published on the website. | Partial compliance |
| 19 | Ministry of Labor, Social Protection and Family | Non-compliance The section exists, but does not contain any materials. | Non-compliance | Non-compliance |
| 20 | Ministry of Health | Non-compliance The section exists, but does not contain any materials. | Non-compliance | Non-compliance |
| 21 | Ministry of Information Technology and Communications | Non-compliance The section exists, but does not contain any materials. | Non-compliance | Non-compliance |
| 22 | Ministry of Youth and Sport | Non-compliance | Compliance | Partial compliance There is no such section. The syntheses of recommendations are published within draft decisions. Progress +1 |
| 23 | Ministry of Transport and Road Infrastructure | Non-compliance | Partial compliance Two tables of divergences have been placed on the website. | Partial compliance There is no such section. The syntheses of recommendations are published within draft decisions. |

Conclusion: None of the CPAAAs is in full compliance with the requirements of placing the results of public consultations on their websites. Although the majority of websites have a section intended for the results of public consultations, only 30% of CPAAAs made the syntheses of recommendations partially available, which represents negative dynamics of minus 12% (in 2011, 42% of CPAAAs were placing information about the results of public consultations). In 2013, 16 CPAAAs (about 70%) failed to place on their websites any results of the conducted public consultations.

The CPAAAs that showed some progress are:

- The Ministry of Justice,
- The Ministry of Youth and Sport.

Regression was shown by:

- The “Moldsilva” Agency,
- The Ministry of Internal Affairs,
- The Ministry of Agriculture and Food Industry,
- The Ministry of Defense.

III.7. Placement of the annual report on transparency in decision making

| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the annual report of the public authority on transparency in decision making | | |
|-----|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 1 | Agency for Land Relations and Cadastre | Non-compliance | Non-compliance | Non-compliance |
| 2 | Material Reserves Agency | Compliance | Non-compliance | Non-compliance |
| 3 | Tourism Agency | Compliance | Non-compliance The website contains only the report for the 1 st quarter of 2010. | Compliance The website contains the report for 2012. Progress +1 |
| 4 | “Moldsilva” Agency | Non-compliance | Non-compliance | Compliance Detailed reports. Progress +1 |
| 5 | National Bureau of Statistics | Compliance | Compliance | Compliance |
| 6 | Interethnic Relations Bureau | Compliance | Non-compliance The website contains only the report for the 1 st quarter of 2010. | Non-compliance |
| 7 | Center for Combating Economic Crimes and Corruption / National Anticorruption Center | Compliance | Compliance Brief report | Compliance |
| 8 | Ministry of Foreign Affairs and European Integration | Non-compliance | Non-compliance | Non-compliance |
| 9 | Ministry of Internal Affairs | Compliance | Compliance The report for 2011 is also published. Reports for 2010 and 2011 are brief. | Compliance The last published report is for 2012. |
| 10 | Ministry of Agriculture and Food Industry | Compliance Detailed report | Non-compliance | Non-compliance |

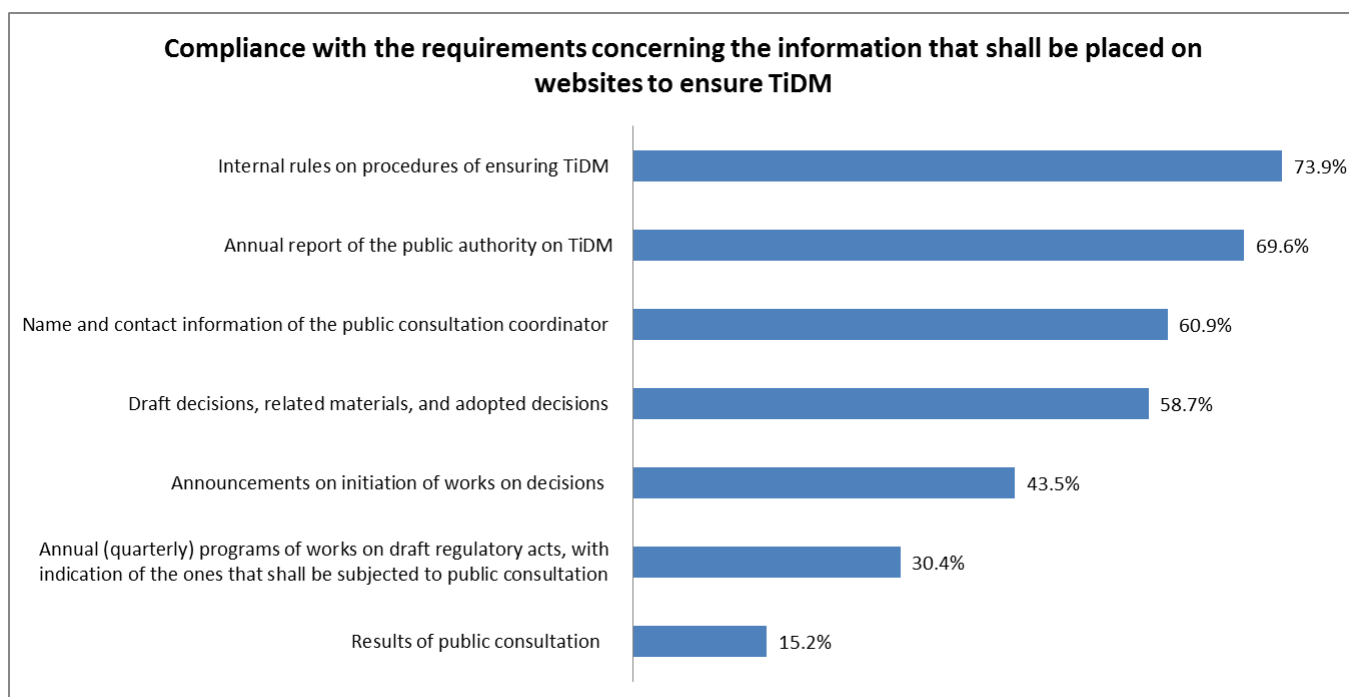
| No. | Public authority | Assessment of compliance with the requirement concerning online placement of the annual report of the public authority on transparency in decision making | | |
|-----|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| | | 2010 | 2011 | 2013 |
| 11 | Ministry of Defense | Compliance | Compliance Brief report. | Compliance |
| 12 | Ministry of Regional Development and Constructions | Non-compliance | Non-compliance | Compliance Progress +1 |
| 13 | Ministry of Culture | Non-compliance | Compliance The report for 2011 is also published. Reports for 2010 and 2011 are brief. | Compliance The report for 2013 has not been published yet. |
| 14 | Ministry of Economy | Compliance | Compliance Detailed report. | Compliance The report for 2013 has not been published yet. |
| 15 | Ministry of Education | Non-compliance | Non-compliance The report for 2010 is missing; the report for the 1 st quarter of 2011 is available, but it is very brief. | Non-compliance |
| 16 | Ministry of Finance | Compliance | Compliance Detailed report. | Compliance Detailed report |
| 17 | Ministry of Justice | Non-compliance | Non-compliance | Compliance Brief report. Progress +1 |
| 18 | Ministry of Environment | Compliance | Compliance The report for 2011 is also published. Reports for 2010 and 2011 are detailed. | Compliance Brief report |
| 19 | Ministry of Labor, Social Protection and Family | Compliance | Compliance | Compliance |
| 20 | Ministry of Health | Compliance | Compliance Brief report. | Compliance |
| 21 | Ministry of Information Technology and Communications | Compliance | Compliance The report for 2010 is brief. The report for 2011 is also published, and it is detailed. | Compliance |
| 22 | Ministry of Youth and Sport | Non-compliance | Compliance Brief report. | Compliance |
| 23 | Ministry of Transport and Road Infrastructure | Non-compliance | Non-compliance | Non-compliance |

Conclusion: Although the Law on Transparency in Decision Making requires submission of annual reports, only 16 out of the 23 monitored CPAAs (70%) have produced such reports and published them

on their websites. Few of the reports are detailed, with information about the process of debates on decisions. However, when compared with 2010 and 2011, the dynamics have been positive, of 8%.

The CPAAs that showed some progress are:

- The Tourism Agency,
- The “Moldsilva” Agency,
- The Ministry of Regional Development and Constructions,
- The Ministry of Justice.



Summarizing the results that CPAAs achieved in complying with the requirements concerning the information that needs to be placed on websites to ensure TiDM, we have found major deficiencies in the publication of the following information: results of public consultations (only 15.2% of authorities comply with this requirement); annual programs of works on drafts, including the ones to be subjected to public consultation (30.4%); and announcements on initiation of works on decisions (43.5%). No authority showed full compliance with the requirements of the legislation on transparency in decision making.

CONCLUSIONS AND RECOMMENDATIONS

The analysis of the performance that the 23 CPAAs showed in 2013 in terms of transparency in decision making reveals a moderate progress of the monitored authorities in the application of rules intended for ensuring TiDM.

In comparison with previous years, in 2013 positive developments have been registered in the following areas:

- Indication of the placement dates of announcements on initiation of works / consultation on decisions – 97% (20% positive dynamics);
- Agreement between the date indicated in the announcement and the date when the announcement was placed onto the website – 87% (19% positive dynamics);
- Indication of the deadline for submission of contributions – 88% (17% positive dynamics);
- Setting the deadline for consultations of at least 15 working days – 59% (3% positive dynamics);
- Indication of the place and procedure for accessing the draft decision subjected to consultation – 90% (15% positive dynamics);
- Indication of contact information of persons responsible for receiving and examining recommendations – 89% (14% positive dynamics);
- Possibility to access draft decisions on the authority's website or on *particip.gov.md* – 91% (1% positive dynamics);
- Placement of the name and contact information of the public consultation coordinator – positive dynamics;
- Placement of draft decisions and related materials – positive dynamics;
- Placement on the websites of CPAAs of the annual report on TiDM – positive dynamics.

In 2013 regression in terms of transparency in decision making affected mainly the following aspects:

- Maintenance of a high incidence of drafts with deadlines less than 15 working days for public consultation (41%);
- Negative dynamics, of minus 12%, in the presentation of reasons justifying the need to adopt a decision;
- About 5% reduction in the number of additional public consultations organized by CPAAs;
- Regression in 7 CPAAs out of the 23 monitored in terms of compliance with the requirements concerning TiDM;
- Lack of the names and contact information of public consultation coordinators in about half of the monitored CPAAs;
- Continued confusion between “initiation of works” on a draft and “public consultation”;
- Maintenance of a small number of tables of divergences / results of public consultations placed on the websites of CPAAs.

The main conclusion, which was mentioned in previous reports as well, is that CPAAs fail at fully complying with the TiDM standards imposed by Law no. 239/2008 and the Regulations approved by GD no. 96/2010. There has also been found greater compliance with Law no. 239/2008 than with the Regulations. The impossibility to fully apply these national standards is in part due to the CPAAs' lack of institutional capacities and financial shortages, but to a large extent it happens because of imperfections in the legal and regulatory framework, its complexity and ambiguity. Thus, the Regulations shall be brought into compliance with Law no. 239/2008 or vice versa. The important thing is to have clear, simple and accessible standards, whose interpretation would not allow any ambiguity.

The national legal framework intended to ensure transparency in decision making has shown no progress. The only development during the monitored period has been the draft law on modifying and supplementing Law no. 239 of 13 November 2008 on Transparency in Decision Making, produced by the Ministry of Justice in order to execute the Action Plan for the Implementation of the Civil Society Development Strategy for 2012–2015, approved by Law no. 205 of 28.09.2012 (action 1.3.1.2).

The regulations in the field need improvement.

Thus, regarding Law no. 239/2008, it is necessary:

- At Article 3 (4) – to specify the scope by directly and exhaustively listing exceptions from the law (draft decisions that do not fall under Law no. 239/2008);
- At Article 10 – to supplement with express provisions that would ensure placement of draft decisions and related materials, including explanatory notes, onto the websites of authorities;
- At Article 12 (2) – to replace the phrase “at most” with the phrase “at least”;
- At Article 12 (7) – to prescribe the procedure of informing the public about the reasons for which the organization of consultation is found unnecessary;
- To improve the control and penalty mechanism by specifying violations and applicable penalties.

Regarding the Regulations, it is necessary:

- At item 17, to specify that the listed sections of websites (“Announcements on initiation of works on decisions”, “Announcements on organization of public consultations”, “Draft decisions, related materials, and adopted decisions”, “Results of public consultation (minutes of consultative public meetings, syntheses of recommendations)”) shall be placed under a single module – “Transparency in Decision Making”;
- To remove existing confusions between the provisions of Law no. 239/2008 and the Regulations regarding the stages of ensuring transparency;
- To remove confusions concerning the new procedure of public consultation – “requesting the opinion of citizens”;
- To specify the exact consequences in case no recommendations are received, and to remove the inconsistencies in this regard between the Regulations and Law no. 239/2008;
- To supplement with univocal provisions concerning placement of syntheses of recommendations on websites.