



**Sixth meeting, Chisinau, 13 February 2020**

### **JOINT DECLARATION**

The EU-Moldova Civil Society Platform<sup>1</sup> (CSP) is one of the bodies set up within the framework of the Association Agreement between the European Union (EU) and the Republic of Moldova (hereinafter “Association Agreement”). It enables civil society organisations from both sides to monitor the implementation process and prepare its recommendations to the relevant authorities on the two sides, as well as endorse declarations outlining progress made and addressing issues of concern.

The sixth meeting of the CSP was held on 13 February 2020 in Chisinau. The members of the CSP discussed the state of play regarding the implementation of the Association Agreement and focused in particular on the social aspects of the Association Agreement, on future challenges related to work and on initiatives in area of sector and fighting corruption.

***With regard to the implementation of the Association Agreement, the CSP members:***

1. take note of the 2019-2020 **reports on the implementation of the Association Agreement** published by the Government of the Republic of Moldova<sup>2</sup> and the Shadow Report issued by the Moldovan CSOs<sup>3</sup>;
2. welcome the **statement and recommendations** issued in December 2019 after the seventh meeting of the EU-Moldova Parliamentary Association Committee (PAC)<sup>4</sup>, in which the PAC recommended that the Government and Parliament of the Republic of Moldova increase cooperation with the EU-Moldova Civil Society Platform;
3. call for **ongoing, resolute implementation of the reform agenda** as per the commitments provided by the Association Agreement, noting lack of progress in the field of fighting corruption, independence of the judiciary, investigation, prosecution and assessing recovery from banking fraud;
4. welcome the European Commission's decision **to adjust the financial assistance** to the Republic of Moldova and redirect it towards supporting projects which will have a direct and positive impact on the citizens of the Republic of Moldova, including civil society, independent media, responsible local authorities and SME's;

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<sup>1</sup> The EU-Moldova Civil Society Platform's documents are available at <https://www.eesc.europa.eu/en/sections-other-bodies/other/eu-moldova-civil-society-platform/events>.

<sup>2</sup> Ministry of Foreign Affairs and European Integration, Report on the realization of the National Actions Plan for the implementation of the Association Agreement between EU and the Republic of Moldova 2017–2019, [https://www.mfa.gov.md/sites/default/files/raport\\_pna\\_aa\\_2017-2019\\_final\\_pentru\\_publicare\\_website.pdf](https://www.mfa.gov.md/sites/default/files/raport_pna_aa_2017-2019_final_pentru_publicare_website.pdf).

<sup>3</sup> Institute for European Policies and Reforms, Shadow Report: EU – Moldova Association Agreement. Five years of implementation. Progress, Constraints, Priorities, October 2019, available at <http://ipre.md/2019/10/30/9070/?lang=en>.

<sup>4</sup> Statement and Recommendations 7th EU-Moldova PAC, 18-19 December 2019, Strasbourg, available at [https://www.europarl.europa.eu/cmsdata/194383/Statement%20&%20recommendations%20EU-PAC\\_19.12.2019-original.pdf](https://www.europarl.europa.eu/cmsdata/194383/Statement%20&%20recommendations%20EU-PAC_19.12.2019-original.pdf).

5. acknowledge the **important results achieved in terms of bilateral trade** between Moldova and EU thanks to AA/DCFTA, with almost 70% of exports being directed towards the EU market. However, more efforts are needed to strengthen negotiating capacity, along with efforts to include Moldova in the list of third countries which can export products of animal origin to the EU and facilitate the financial support for the development of the SMEs sector through association, standardisation and marketing. The members express concerns with regard to the increasing concentration of exports to the EU, their low added value and the decreasing trends that started in 2019 and could continue in 2020;
6. call on Moldovan authorities to encourage a wider integration of Transnistrian civil society in the economic and social life of the country, which could lead to more extensive implementation of the AA in this region;
7. welcome the European Commission's work programme in the area of EU external policy and agree that further sectoral cooperation and a closer relationship between the EU and the Associated TRIO should be among EU's priorities with regards to the Eastern Partnership;
8. note the **considerable impact of the visa-free travel regime** for travel to the EU. Over the past five and a half years, more than 2.1 million Moldovan nationals have travelled to the EU, with an average rate of approximately 420 000 people per year<sup>5</sup> and more than 6 million registered entries of Moldovan citizens<sup>6</sup>;
9. urge the Moldovan authorities to step up their efforts to **deliver on the fight against high-level corruption**, implement the Asset Recovery Strategy and ensure thorough, impartial prosecution of banking fraud, recovery of misappropriated funds and conviction of all those responsible without further delay;
10. point to the need to **develop the infrastructure for transportation and communication between the European Union and the Republic of Moldova**. The construction and rehabilitation projects for power grids (electricity) and pipelines (gas) between Moldova and Romania which aim to diversify the sources of supply of electricity and gas from the EU need to be accelerated. The members call on the Moldovan authorities to ensure full implementation of the 3rd energy package as per the commitments in the framework of the Energy Community Treaty;
11. call the Moldovan authorities to **ensure proper implementation of the public administration reform** and to set out an open, transparent and inclusive process for the start of the local public administration reform;
12. welcome the European Commission's work programme in the area of EU external policy and agree that **further sectoral cooperation and a closer relationship** between the EU and the associated countries should be among EU's priorities with regard to the Eastern Partnership;
13. welcome the proposal made at the December 2019 OSCE ministerial meeting by three associated states, **inviting the EU to work with Moldova, Georgia and Ukraine in a EU+3 format** which builds on the existing AAs with a long-term, strategic and forward-looking agenda;

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<sup>5</sup> Cinci ani de la liberalizarea regimului de vize cu UE (Five years since the liberalisation of the visa regime with the EU), available at <http://border.gov.md/index.php/ro/4670-cinci-ani-de-la-liberalizarea-regimului-de-vize-cu-ue>.

<sup>6</sup> *Idem*.

14. appreciate the **well-established practice of consulting civil society organisations** ahead of the annual Human Rights Dialogue between the EU and Moldova, and express their belief that such practices will be implemented by all institutional frameworks relevant to the EU-MD AA/DCFTA Agreement;
15. call on the countries of the European Union and the Eastern Partnership, in order to support the democratic rule of law in the Republic of Moldova, to develop and adopt laws similar to the Magnitsky Act, applying travel restrictions and freezing the assets of major corruption offenders, strengthening the legal framework to prevent money laundering and circulation of cryptocurrencies, boosting the activity of the newly created European Public Prosecutor's Office and facilitating the recovery of fraudulent assets;
16. encouraged by the changes to the electoral legislation, especially with respect to campaign financing, equal representation of men and women and participation of Moldovan citizens from the diaspora, call on Moldovan authorities to ensure that these reforms are fully implemented and other pending issues related to registration of independent candidates within large constituencies, the State Register of Voters, ensuring free participation of Moldovan citizens from Transnistria and the accessibility of polling stations, are resolved in due course;
17. express concern at the lack of progress with regard to ensuring free and fair media and continuous concentration of media and advertising markets in the hands of political actors. The Moldovan authorities need to ensure that the legal framework regulating the media is and improved, with full participation of concerned stakeholders, and that the Audiovisual Council becomes an effective and independent regulator;
18. call on the Moldovan authorities to fully comply with the European principles of public administration and the legislation regarding regulatory acts, and to ensure the transparency of decision-making in the process of developing and approving the Government Action Plan, taking into account the objectives of the EU – Republic of Moldova Association Agreement and the 2030 Global Agenda, in particular the priority actions that would boost the sustainable development of the Republic of Moldova, good governance, judiciary, anti-corruption, the prevention and combating of money laundering, human rights and the functioning of civil society organisations, as well as improvement of the media situation, as demanded previously by media CSOs<sup>7</sup>, and the provisions regarding environmental protection and climate change adjustment, as called for previously by environmental CSOs<sup>8</sup>;
19. call on the Moldovan authorities to ensure transparent cooperation with civil society and to guarantee a favourable space for its activity, development and involvement in the monitoring and promotion of public policies.

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<sup>7</sup> Media NGOs Request that Chicu Government Commits in its Activity Program to Improve the Media Situation, available at [http://media-azi.md/en/stiri/media-ngos-request-chicu-government-commits-its-activity-program-improve-media-situation?fbclid=IwAR2GrdzKFhq\\_sqbeqbQlXcGMIsA4hGupzHOKHRtGY6AATzPvGyZuMzf6gW4](http://media-azi.md/en/stiri/media-ngos-request-chicu-government-commits-its-activity-program-improve-media-situation?fbclid=IwAR2GrdzKFhq_sqbeqbQlXcGMIsA4hGupzHOKHRtGY6AATzPvGyZuMzf6gW4).

<sup>8</sup> The statement of the environmental civil society organisations on including environmental protection and adaptation to climate change as a priority area in the government activity programme, available at [https://environment.md/uploads/files/206420e7269c0a753c7fadc8ff29a72b.pdf?fbclid=IwAR3n85de10OBD1gR0\\_VorZkqv8PoSTFkC9yPS\\_FyEZp\\_D2szZZSPET\\_8xV8I](https://environment.md/uploads/files/206420e7269c0a753c7fadc8ff29a72b.pdf?fbclid=IwAR3n85de10OBD1gR0_VorZkqv8PoSTFkC9yPS_FyEZp_D2szZZSPET_8xV8I).

***With regard to social and labour aspects of the Association Agreement, the CSP members:***

20. underline that quality basic education, as well as high-standard and effective training, lifelong learning and up- and re-skilling, will be the necessary tools for grasping the job opportunities of the future and fostering enterprise competitiveness;
21. stress the need to support collective bargaining and social dialogue, in order to be able to anticipate and adapt the skills to technological and digital developments and develop on-the-job training. In this regard, they encourage interaction between education institutions and companies;
22. welcome numerous initiatives aimed at fighting the *brain drain* in Moldova such as start-ups and dynamic social activism; underline, however, that such initiatives receive very little political support;
23. welcome the progress made in the transposition process for the EU directives related to labour, occupational health and safety (OSH) and to gender equality; they point out, however, that gender pay gaps in pay and pensions remain and substantial and relevant legal amendments to fully transpose EU directives need to be adopted;
24. welcome the adoption and piloting of new active labour programmes, including those aimed at encouraging the employment of vulnerable groups; going forward, Moldovan authorities need to ensure that the National Employment Agency has the capacity and adequate resources to implement and expand the coverage of these programmes;
25. recommend improving the legal framework in order to stimulate the creation of new decent jobs, to increase the employment rate, reduce population migration and reduce the discrepancies in the urban-rural labour market and between women and men;
26. express concern at the high number of work-related accidents, including fatal ones, as a result of poor labour inspection; express concerns about the impact of the legislative changes introduced by the Ministry of Economy and Infrastructure, which resulted in serious jeopardy of the state control capabilities in the area of OSH, and call for the Law on the State Labour Inspectorate No 140/2001 and the Law on the State Control over the Entrepreneurial Activity No 131/2012 to be brought into line with the provisions of ILO Labour Inspection Convention No 81 and Labour Inspection (Agriculture) Convention No 129 (the action entails the development and promotion of a draft law for amending some legislative instruments – Law No 131/2012 and Law No 140/2001 – as soon as possible); call for an integrated system of labour inspection to be established (employment relations and occupational health and safety) by granting to the SLI the powers to carry out state control in the field of occupational health and safety;
27. point out that the share of informal employment remains very high. As a result, a large part of the working population is not covered by any social protection. In this regard it is necessary to develop and adopt a complex plan to combat the phenomenon of clandestine employment and off-the-books wages, the monitoring of which must be carried out at the level of the Prime Minister;
28. call for the establishment of a minimum wage in the country of 50-60% of the average wage in the country, in accordance with the recommendations of the revised European Social Charter and European trends;

29. suggest carrying out a complex analysis of the effects of the implementation of Law on the Uniform System of Remuneration in the Public Sector No 270 of 23.11.2018 eliminating the deficiencies and problems identified;
30. call for further improvement of the laws regarding wages in order to ensure respect for the principle of equal pay for equal work and work of equal value and ensure transparency in remuneration;
31. call for improvement of the mechanism for awarding the early retirement pension for both men and women and the mechanism for awarding the pension for working in special conditions;
32. call for improvement of the mechanism for reviewing pensions for people who continue their employment after being granted the right to an old-age pension;
33. suggest ensuring compliance with the provisions of international regulatory acts, which Moldova is a party to, as well as the EU directives provided for by the RM-EU Association Agreement, which have already been transposed or have yet to be transposed into national laws;
34. warn that in the process of developing and improving the employment legislation and other laws, it is necessary to comply with the provisions of Article 371 of the RM-EU Association Agreement, according to which the parties recognise that it is inappropriate to encourage trade or investment by reducing the levels of protection provided for in the domestic environmental or employment laws;
35. express extreme concern at possible promotion of the project for the new Labour Code, which was drafted under the aegis of the Economic Council supervised by the Prime Minister, without the participation of trade unions and employers and with serious violation of the international labour standards and social partnership principles;
36. recommend ensuring the continuous operation of the social dialogue institutions at all levels of the National Commission for Collective Consultations and Negotiations in accordance with the provisions of the legal framework;
37. request that Law No 245-XVI of 21 July 2006 regarding the organisation and operation of the National Commission for Collective Consultations and Negotiations, the commissions for collective consultations and negotiations at sectorial and territorial levels be amended in order to ensure the rotation of the office of chairperson of the National Commission for Collective Consultations and Negotiations among the coordinators of the parties.

***With regard to the justice sector and fighting corruption, the CSP members:***

38. remain alarmed about the situation of the rule of law and stress that Moldova's institutions should work together to ensure the independence, separation of power and integrity of the judiciary system in compliance with the Moldovan Constitution and with the international principles of democracy and the rule of law;
39. are deeply concerned about the perception of corruption, which remains high, including in respect of the judiciary. The effectiveness of the anti-corruption framework should be strengthened and the

independence and capacity of the main institutions in charge of preventing and fighting corruption should be guaranteed;

40. regret the lack of progress with regard to the activity of the National Integrity Agency (NIA), which to this day fails to employ a sufficient number of integrity inspectors; they regret the fact that the salaries of integrity inspectors were cut in December 2018 by some 40% after the introduction of a unitary pay system in the budgetary sector;
41. underline that the anti-corruption policy will only be credible if the politicians demonstrate to society on a daily basis that they personally reject corrupt schemes;
42. recall that civil society should be considered as a watch-dog both before and after elections, which can bring a valuable assessment as regards the implementation of the political promises, the integrity of politicians and prevention of corruption;
43. agree that the anti-corruption policy should be designed in a way that the financial risks associated with illicit enrichment far exceed the possible profits;

#### ***Public procurement***

44. call for fair competition to be ensured between private and public enterprises, *inter alia*, through fair tax policy that does not privilege any of the economic agents;
45. call on the authorities to implement efficient measures to counteract abusive trading, which considerably impedes the development of the national economy, by preventing and penalising both active and passive corruption;
46. call for an efficient and accessible instrument to be brought into operation for a transparent and fair public procurement system, calling for relevant EU directives on public procurement to be transposed adequately into national legislation, including for the public procurement of healthcare services, products and devices from the Mandatory Health Insurance Fund;
47. call for the development of an E-Health strategy addressing the regulation of telemedicine services, integrated information systems for all healthcare providers and an electronic patient registration system (EPR);

#### ***Environmental governance***

48. call on the authorities to recognise that “environmental governance” capacity depends on the country’s governance system, and any effort to improve it has to address both together. Thus, it is important to review the results of environmental institutional reforms, to separate the current Ministry of Agriculture, Regional Development and Environment in such way that environmental and natural protection are governed by an independent state authority, moreover by continuing to develop and strengthen the subordinated institutions in charge of environmental monitoring, authorisation, compliance monitoring and enforcement and other tasks, and to provide the conditions for abolishing environmental corruption;

49. reiterate the importance of protection and sustainable development of water resources in the Dniester River Basin in order to ensure proper functioning of ecosystems and fair access to good quality water in sufficient volume for all water users in the Basin;
50. call on the Government of the Republic of Moldova to send the Agreement on financing of the waste management in the Republic of Moldova, signed in October 2019 by the Government of the Republic of Moldova and the European Investment Bank, to the Parliament of the Republic of Moldova for ratification. They call on the Government of the Republic of Moldova to ensure an accountable, transparent and due-diligence approach for implementation of the Agreement and to avoid any attempt at corruption during its implementation;
51. The European Green Deal is a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use. We therefore call on the authorities to start application of the principles of it in national policy and legislation.

***With regard to the future of work, the CSP members:***

52. encourage the mobilisation of civil society and development partners to monitor and participate in the budgetary process at central and local level, taking into account the high budget deficit expected for 2020, along with worrying signs regarding the financing of this deficit. Primary focus should be on monitoring the privatisation process and the potential issuance of Eurobonds, justice reforms, anticorruption and integrity initiatives, and securing the rule of law, which could be regarded by the Government as alternative sources of deficit financing in an electoral year;
53. encourage the mobilisation of civil society and development partners to monitor and counteract the increasing interventions from political stakeholders on the independence of the central bank as a means to help finance the budget deficit in an electoral year;
54. encourage exchange of best practices between the EU and Moldova in the areas such as the circular economy and digitalisation; they also encourage job exchanges among enterprises in order to support “brain exchange” opportunities and create platforms for information and best practice sharing.