
ACTIVITY REPORT

OF THE LEGAL RESOURCES CENTRE
FROM MOLDOVA

2020

TABLE OF CONTENTS

| | |
|--|-------|
| About LRCM | 3 |
| LRCM's team LRCM's Board LRCM's members LRCM's donors | 4-6 |
| The Message of the Executive Director | 7-8 |
| The Independence, Efficiency and Accountability of the Judiciary | 9-14 |
| Respect of human rights | 14-17 |
| Promoting an Environment conducive to the development of civil society and democracy | 18-20 |
| The LRCM in figures: 2020 | 21 |
| LRCM's financial sources | 22 |
| The LRCM's balance sheet | 23-24 |
| Income and expenses statement | 25 |

ABOUT LRCM

IDENTITY

The Legal Resources Centre from Moldova (LRCM) is a nonprofit organization that contributes to strengthening democracy and the rule of law in the Republic of Moldova, with emphasis on justice, human rights and civil society. Our work includes research and advocacy. We are politically independent and non-affiliated.

VISION

We live in a prosperous and democratic country where people are free and responsible, live in safety, enjoy equal opportunities, are protected by law, trust in justice, and are confident in their future.

MISSION

The LRCM promotes an independent, efficient and accountable judiciary, the observance of human rights and an enabling environment for civil society and democracy. To this end, we identify problems with systemic impact, bring them on the public agenda, propose solutions, react to abuses and mobilize partners to make a difference.

VALUES

The LRCM believes in democracy, the rule of law, human rights and the values of open society.

PRINCIPLES

The LRCM is guided by the following principles:

- Professionalism
- Integrity and transparency
- Respect for professional ethics
- Human rights approach
- Proactive and constructive attitude towards better changes
- Team spirit and participatory approach to strategic decision making
- Gender balance
- Political non-affiliation

LRCM'S BOARD

Tatiana RĂDUCANU,
President

Arcadie BARBĂROȘIE

Corina CEPOI

Elena PROHNIȚCHI

Victor URSU

LRCM'S MEMBERS

Raisa BOTEZATU

Andrei BRIGHIDIN

Vladislav GRIBINCEA

Ion GUZUN

Nadejda HRIPTIEVSCHI

Peter-Vlad IANUȘEVICI

Elena LEȘAN

Sorina MACRINICI

Cristina MARTIN

Veronica MIHAILOV-MORARU

Ana REVENCO

Nicolae ROȘCA

Corneliu RUSNAC

Octavian ȚÎCU

LRCM'S TEAM

Vladislav GRIBINCEA,
Executive Director

**Nadejda
HRIPTIEVSCHI,**
Program Director

Sorina MACRINICI,
Program Director

Ilie CHIRTOACĂ,
Legal Officer

Daniel GOINIC,
Legal Officer

Ion GUZUN,
Legal Officer

Ecaterina POPȘOI,
Legal Officer

Olga BURUCENCO,
Director of the
Administrative Service

Aurelia CELAC,
Financial Manager and
Accountant

Mihaela CIBOTARU,
Communications
Coordinator

Nicoleta COJUHARI,
Web and Social Media
Manager

LRCM'S DONORS

United States Agency for International
Development
(USAID)



Swedish International Development
Cooperation Agency
(SIDA)



United States Embassy



Embassy of the Kingdom of
the Netherlands



International Center for
Not-for-Profit Law
(ICNL)



THE MESSAGE OF THE EXECUTIVE DIRECTOR



Vladislav GRIBINCEA
President

*Legal Resources
Centre from Moldova*

The activity of the Legal Resources Centre from Moldova in 2020 was marked by the COVID-19 pandemic, the presidential election from November 2020 and the political shift that happened in the same month. Following the lockdown imposed due to the pandemic, the LRCM's possibilities to promote positive changes in the Republic of Moldova decreased. Moreover, many important initiatives were not discussed because the Parliament had very few sittings in the

fall of 2020. If the first half of 2020 was marked by some openness to cooperation of the Ministry of Justice, at the end of the year Parliament violated all conceivable legislation rules and the politicians of the ruling party launched furious attacks on the civil society.

In the field of justice, we advocated for amending the Constitution to ensure greater independence for judges. The draft law received positive review

from the Venice Commission and is awaiting the vote of MPs. A series of the LRCM proposals were incorporated into the future justice reform strategy. To facilitate the work of professionals during the pandemic, we prepared a brief explanation of the special rules imposed by authorities during the state of emergency. In September 2020, we hosted the second edition of the Justice Reform and Anticorruption Forum and, in December 2020, we released the results of the only survey of judges', prosecutors', and lawyers' opinions about the justice system and corruption in the judiciary. We also reviewed the practices related to the anonymization of court judgments and the recruitment, promotion and disciplinary liability of judges.

The LRCM kept informing and training on human rights, as well as working to strengthen civil society in the Republic of Moldova. We kept the Council of Europe, the European Union, and other development partners informed about human rights situation in the country. We also trained lawyers how to defend journalists and reviewed the judicial practice on discrimination. To raise the awareness about democratic values among young people, the LRCM offered public lectures at universities and schools and organized its School of Democracy.

In 2020, thanks to combined efforts that had spanned several years and despite the resistance of the ruling party, we succeeded in getting a progressive legislation on nonprofit organizations passed. 2020 was the fourth year of applying the percentage designation mechanism. We continued working on its promotion and trained civil society organizations to implement it. We have also analyzed the impact of the percentage designation mechanism. Because of their criticism towards the questionable policies promoted by authorities, many civil society organizations came under the government's harsh attacks meant to discredit them. To discourage such practices, the LRCM, along with other organizations, denounced these attacks in a report.

In 2020, the LRCM turned ten. [We tried to look back](#) and to see what we had achieved. To mark this milestone, [we founded the LRCM merit scholarship](#) for the best and most dedicated students from Moldova. Taking this opportunity, I would like to thank all the partners and supporters of the LRCM for their cooperation and support in our work. I am also deeply grateful to the LRCM's Board, members and team for their dedication, professionalism, and involvement.

Vladislav GRIBINCEA
Executive Director

Legal Resources Centre from Moldova

THE INDEPENDENCE, EFFICIENCY, AND ACCOUNTABILITY OF THE JUDICIARY

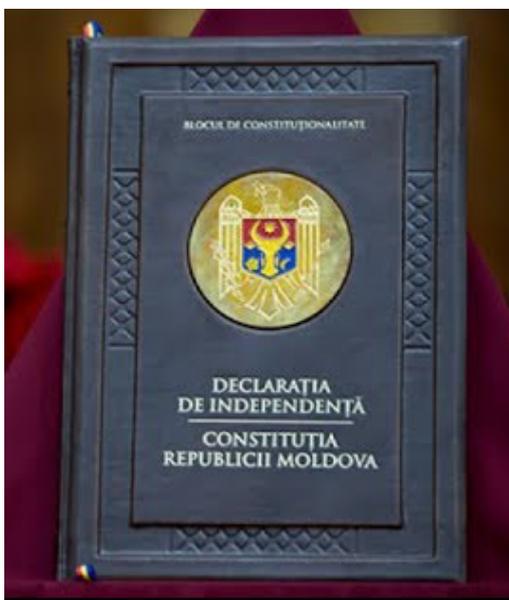
Developing an independent, accountable, incorruptible and efficient judiciary in the Republic of Moldova is the LRCM's first strategic objective. Even though it benefits of numerous legal guarantees, the Moldovan judiciary is not perceived as politically independent. Although the current situation in the judiciary is sometimes determined by a deficient legal framework, most of the problems lie not in the text of the law, but in the practice of applying it. .

In 2020, the government resumed the development of a new justice reform strategy. The LRCM, in cooperation with the Institute for European Policies and Reforms (IPRE), prepared three [legal opinions](#) that recommended improving the draft law put out for consultation. We recommended a better systematization of the document, more ambitious actions, clear targets

and an efficient mechanism for implementing the new strategy. The Ministry of Justice accepted many of our recommendations, but the subsequent lobbying of the document was flawed. As a result, the President of the country refused to sign the strategy and asked the Parliament to introduce the vetting of judges in the strategy.



When the Republic of Moldova imposed the state of emergency due to the COVID-19 pandemic, the LRCM prepared brief synthesis on the special rules imposed by authorities that affected the justice system and its beneficiaries. Special attention was paid to the new regulation regarding the calculation of statutory time limitations, the examination of cases and the enforcement of judgments.



In the summer of 2020, the Ministry of Justice resumed its work on amending the Constitution to give more independence to judges. This was one of the European Union's conditions for granting financial assistance. The LRCM and IPRE sent to the Ministry of Justice several legal opinions that recommended improving the draft law. Our main recommendations were accepted and the draft law received a positive review from the Venice Commission. Currently, the draft law is awaiting the Parliament vote by the end of 2021.



Justice Reform and Anticorruption Forum, September 2020

On 24 and 25 September 2020, the LRCM hosted one of the most important communication platforms in the field of justice—the **Justice Reform and Anticorruption Forum**. The forum participants discussed the priorities of the justice reform and the fight against corruption in the Republic of Moldova as viewed both by the Government, the Parliament and justice sector representatives from one side and by civil society and development partners from the other side. The forum was watched online by over 5,000 people. **The LRCM prepared a summary** of the event discussions.



RJCC

Justice Reform and Anticorruption Forum



**ANALYTICAL
DOCUMENT**

**JULY
2020**

The disciplinary liability of judges in the Republic of Moldova. An evaluation of laws and practices.

Cristi DANILEȚ

In January, the LRCM published the study on [Transparency of the Judiciary versus data protection](#), which examined the practice of anonymizing court judgments. The premise of this study was that judgments published online get excessively anonymized. Out of 1,340 randomly selected court judgments, more than 55% have been anonymized in violation of the rules. The LRCM recommended the Superior Council of the Magistracy to ensure that court judgments were not anonymized excessively.

Another analysis published by the LRCM in January 2020 was [Expropriation from Good Faith Purchasers: Is the Judicial Practice Uniform?](#) and it was meant to encourage a uniform judicial practice. Our study on the practice of the Supreme Court of Justice from 2017 through 2019 showed that the solutions in the analyzed court judgments were not

perfectly compatible, but deviations were not that many.

The LRCM worked with Romanian Judge Cristi DANILEȚ to prepare the study [The Disciplinary Liability of Judges in the Republic of Moldova. An Evaluation of Laws and Practices](#). The research reviewed the applicable legal framework and practices and found that, in the previous five years, the Superior Council of the Magistracy had received over 7,500 complaints about judges' actions and applied 49 sanctions. The expert noted that the disciplinary procedure against judges was cumbersome and involved more than 30 people, while each case lasts for 400 days on average until full completion. The study recommended a series of legislative and managerial actions to make the disciplinary procedures against judges more efficient.

In May 2020, the LRCM published a policy document on [the recruitment and promotion of judges in the Republic of Moldova](#). The document reviewed the competitions for recruiting and promoting judges that took place during the period of 2013 through 2019 and recommended the Superior Council of the Magistracy several changes of practice to ensure the fairness of those competitions, including the improvement of the hearing of candidates before the SCM and the abolishment of the majority vote for promotions of judges.

In October 2020, the LRCM published the policy paper [Anticorruption Court: Does the Republic of Moldova Really Need It?](#), which was prepared following the justice ministry’s initiative to establish a specialized court for corruption cases. Our conclusion was that this initiative did not fit in well with the policy measures taken in recent years, and the experience of other countries confirms that the establishment of anticorruption courts

does not make the fight against corruption more efficient. The document recommended specializing judges from existing courts and limiting the scope of anticorruption prosecutors’ work to cases of grand corruption, which would boost the investigation of grand corruption cases.

In October 2020, the LRCM published an analysis of [the judicial practice in awarding compensations for failure to examine cases or to enforce court judgments within statutory timeframes](#). This study was made in the context of the monitoring of this subject performed by the Council of Europe. The study covered the judicial practice during the period of October 2017 through March 2020 and showed that awarded compensations were too small and the time for examining such cases was too long. The LRCM recommended the Council of Europe to intensify the dialogue with the Republic of Moldova to address these issues.

REPORT

OCTOBER

2020

The efficiency of the mechanism for compensation by the state of the damage caused by protracted proceedings or non-enforcement of judgments

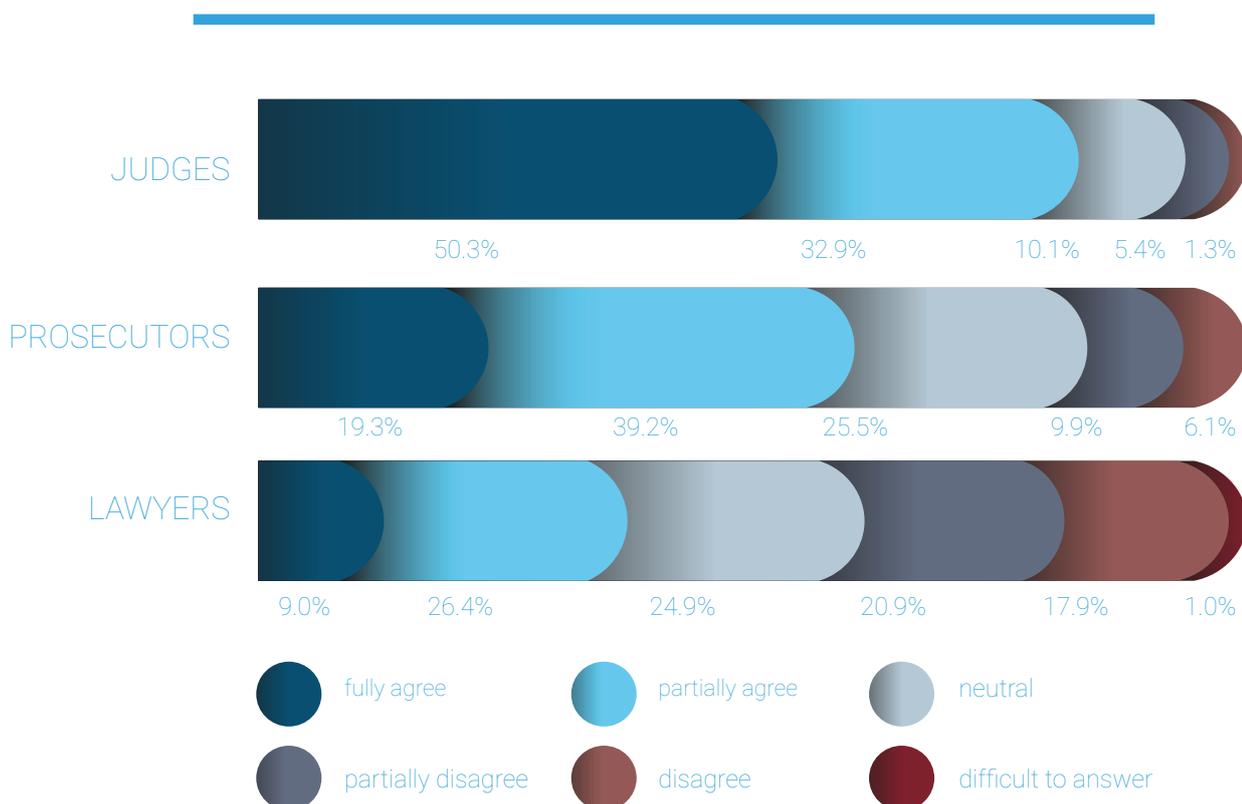
Ilie CHIRTOACĂ
Vladislav GRIBINCEA
Ecaterina POPȘOI

In December 2020, the LRCM published a survey concerning judges', prosecutors', and lawyers' perceptions about the judicial reform and the fight against corruption. The survey included 562 respondents who represented 19% of all practicing judges, prosecutors, and lawyers of the Republic of Moldova. They were asked about the organization of the judiciary, judicial reforms, the self-government, independence and quality of justice, about gender equality and corruption in the judiciary.

This is the main sociological opinion survey of the Moldovan justice sector actors. The survey data can be used to promote justice policies.

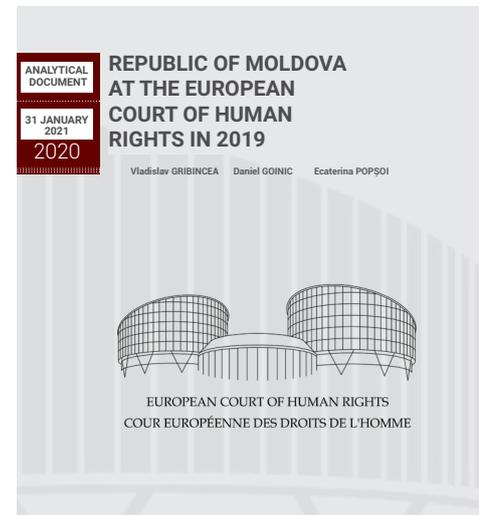
In 2020, politicians continued putting pressure on the judiciary. The LRCM and other NGOs reacted publicly to politicians' gratuitous attacks on justice and their reluctance to promote honest judges to the Supreme Court of Justice. Unfortunately, politicians largely disregarded these public reactions.

To which extent do you agree with the following statement: "The quality of justice improved comparing to the last 5 years" ?



RESPECT OF HUMAN RIGHTS

The second strategic objective of the LRCM concerns the observance of the European Convention on Human Rights, raising public awareness on human rights, free access to information of public interest for journalists and response to authorities' abuses towards journalists.



In January 2020, we published our traditional review of [the status of the Republic of Moldova at the European Court of Human Rights \(ECtHR\) in 2019](#). In 2019, the ECtHR received the smallest number of applications

against Moldova in the last 12 years. However, compared to the country's population, applications against Moldova at the ECtHR were 3.4 times more frequent than the European average. As of 31 December 2019,

1,056 Moldovan applications were still pending examination, which is more than all the applications for which Moldova was convicted in the 22 years since it accepted the ECtHR's jurisdiction. To help pro-

fessionals find the relevant ECtHR's case law, the LRCM prepared a [synthesis of the court's entire case law](#) related to Moldovan cases for the years 1997 – 2020.

In 2020, LRCM continued to be one of the most active nonprofit organizations that offers training for legal professionals. From July through November 2020, [the LRCM organized five training sessions on the freedom of expression](#) for 17 legal professionals who would consult and defend the press. The training aimed at improving protection of the press and facilitating journalists' access to information of public interest. In the meantime, in July 2020, we organized the seminar "The Right to a Fair Trial Guaranteed by Article 6 of the ECHR." The two-day seminar was attended by 25 lawyers and trainee lawyers. On [20 October](#) and [17 November](#), the LRCM held public lectures about the ECtHR, which were attended by law students and professionals.



Training program on media law, 2020

Many judgments of the ECtHR against Moldova remain unenforced for several years, thus allowing systemic problems to persist. To address this situation, in 2020, the LRCM presented to the Committee of Ministers of the Council of Europe, which oversees the enforcement of ECtHR judgments, information about [unjustified arrests](#) and lack of guarantees concerning [the deportation of foreign nationals](#) from Moldova.

In the summer of 2020, the government announced the competition to nominate a new judge from the Republic of Moldova to the ECtHR. [In a joint opinion](#), the LRCM and IPRE requested the Ministry of Justice to introduce a more transparent and clearer nomination procedure, including an independent competition

committee, a clear candidate assessment procedure and the publication of interviews and all the results. Many of our recommendations were accepted, but the nomination process completed in early 2021 was marked by suspicions of conflicts of interest and manipulation of results.

Together with Romanian expert Romanița-Elena IORDACHE, the LRCM reviewed [the judicial practice in discrimination cases](#). The analysis confirmed that judges examined these cases superficially, without taking into account the impact their judgments may have on victims of discrimination. The review recommended broader powers and more independence to the Equality Council, as well as building judges' capacities in equality and nondiscrimination.

ANALYTICAL DOCUMENT

OCTOBER 2020

Analysis of the Practice of Courts of Law and of the Equality Council concerning Equality and Non-discrimination in the Republic of Moldova.

Romanița-Elena IORDACHE

PROMOTING AN ENVIRONMENT CONDUCTIVE TO THE DEVELOPMENT OF CIVIL SOCIETY AND DEMOCRACY

The third strategic objective of the LRCM concerns the civil society. In this area, we seek to promote a better legal framework for nongovernmental organizations, to help NGOs to capitalize on the percentage designation mechanism and to protect NGOs against attacks.

An important part of the LRCM's efforts in 2020 were aimed at promoting the new Law on nonprofit organizations. The law was finally adopted and entered into force on 27 August 2020, providing increased protection against state interference and simplifying the operation of NGOs. In addition to this, the LRCM developed guidelines on how NOGs can participate in decision-making process in the Parliament, how NGOs can get registered and how they can obtain the public utility status .

The LRCM prepared a analysis of statistical data regarding Moldovan nonprofit organizations. Also, in September 2020, the LRCM organized a three-day online conference, which was attended by over 100 nonprofit organizations. The participant organizations shared their experiences during the COVID-19 pandemic, learned about the innovations of the new leg-

islation on nonprofits, became familiar with the basic digital safety rules, learned how to communicate during crisis and how to distinguish fake news that abounded during the pandemic, etc. The participants also had the opportunity to communicate with the main donor organizations present in the Republic of Moldova.

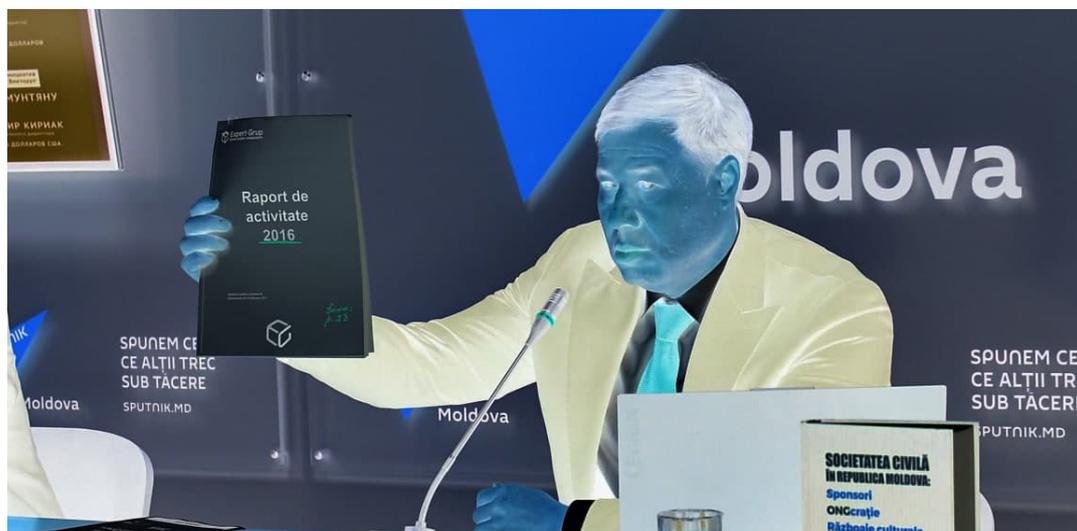
In February 2020, the LRCM held a [workshop on the two percent designation mechanism for 25 NGOs](#). In the spring of 2020, the LRCM conducted a [campaign to promote the two percent designation mechanism](#) among taxpayers. Three years after the implementation of the two

percent designation mechanism in the Republic of Moldova, the LRCM prepared a [report](#) on the application of the mechanism, the number and profile of the taxpayers who decided to designate 2% of their income tax, as well as the profile of beneficiary organizations.



Winter School "Applied Democracy", February 2020

Also in February 2020, the LRCM, in collaboration with EFOR Romania, hosted [another edition of the Applied Democracy School](#). During the four-day school, 22 students had the opportunity to learn more about elections, justice, fight against corruption, human rights, and civil society. The participants also learned about internet manipulation techniques and how to protect themselves online.



Radiography of the attacks on civil society organizations in the Republic of Moldova

In 2020, the LRCM, in collaboration with other NGOs, published the “radiography” of the attacks on civil society organizations in the Republic of Moldova in 2019. The “radiography” shows that in 2019 there were fewer attacks on CSOs, which is explained by the major political changes in June 2019. The attacks specifically targeted several CSOs, including Promo-LEX Association, the LRCM, Amnesty International Moldova, and Soros Foundation—Moldova. A judge from the Supreme Court of Justice even declared at a public event that the LRCM should be liquidated because it promoted reshuffles in the judiciary. The worst attack on civil society took place on 21 October 2020 and came from Socialist MP Bogdan ȚÎRDEA. He spread false information to accuse NGOs of money laundering and political partisanship.

More than 100 civil society organizations signed a public alert then, condemning Țîrdea’s statements. The LRCM also monitored the national legal framework and public policy documents concerning the prohibition of money laundering and terrorism financing, which, in many states, served as a cover-up for restricting civil society.

In 2020, the LRCM was elected as member of the Board of the Civic Coalition for Free and Fair Elections (CALC). In this capacity, together with other members of the CALC Board, the LRCM monitored the election campaign and the presidential election of November 2020, reacted to violations and called on the Central Election Commission to ensure better voting conditions.

THE LRCM IN FIGURES



STUDIES AND OTHER PUBLICATIONS

19

10 IN 2019



PUBLIC EVENTS

20

16 IN 2019



SUBSCRIBERS TO THE LRCM'S PRODUCTS

1,465

1,247 IN 2019



MEDIA APPEARANCES

498

685 IN 2019



LIKES ON FACEBOOK

7,581

6,724 IN 2019



FOLLOWERS ON TWITTER

338

280 IN 2019

LRCM'S FINANCING SOURCES IN 2020*

| FINANCING SOURCES | FOR 2020 | | CUMULATIVELY AS OF 31 DECEMBER 2020 | | Cumulative budget | |
|---|----------|------------------|-------------------------------------|------------|-------------------|-----------|
| | Currency | MDL | USD/EUR | MDL | | USD/EUR |
| US Agency for International Development USAID-grant Agreement No. AID-117-A-1600003 (USAID RoL) | USD | 4,911,562 | 280,954 | 19,900,177 | 1,199,887 | 1,200,000 |
| Swedish International Development Cooperation Agency - Grant Agreement No 12136 (SIDA CORE) | USD | 1,590,369 | 89,880 | 5,958,041 | 341,738 | 625,000 |
| Embassy of the Netherlands, Agreement BKR-18-MATRA-02 \ (MATRA-IS) | EUR | 107,301 | 5,497 | 1,957,849 | 98,802 | 103,671 |
| US State Department—Grant Agreement No. SINLEC20GR3100 (INL2) | USD | 1,466,882 | 82,476 | 1,466,882 | 82,476 | 258,275 |
| Embassy of the Netherlands, Grant Agreement No. 4000004172/BKR-20-HR-12 \ (MATRA-HR) | EUR | 882,239 | 45,000 | 882,239 | 45,000 | 150,000 |
| International Center for Not-for-Profit Law \ Grant Agreement Netherlands.2020.LRCM.01(ICNL) | USD | 156,235 | 9,170 | 156,235 | 9,170 | 16,884 |
| UNDP Moldova - the project "MiDL - Migration and Local Development" | MDL | 5,283 | | 5,283 | | |
| Income from the sale of fixed assets | MDL | 29,450 | 462,480 | | | |
| Percentage designation 2% | MDL | 4,784 | 50,497 | | | |
| LRCM own funds | MDL | 71,803 | | | | |
| Inflows in USD | USD | 8,125,048 | | | | |
| Inflows in EUR | EUR | 989,540 | | | | |
| Inflows in MDL | MDL | 111,320 | | | | |
| Total inflows, MDL equivalent | MDL | 9,225,908 | | | | |

Note:

The total funds of MDL 9,225,908 received in 2020 are equivalent to USD 532,671.

The total outflows (payments) of MDL 8,645,995 in 2020 are equivalent to USD 499,189.

Average official exchange rate for 2020 – 17.3201 MDL / USD

* Excerpt from the LRCM audit report for 2020 prepared by PriceWaterhouseCoopers

THE LRCM'S BALANCE SHEET FOR 2020 (MDL)

ASSETS

| LONG-TERM ASSETS | LINE | BALANCE AT | |
|--|------------|--------------------------------------|------------------------------------|
| | | START OF THE ACCOUNTING PERIOD (MDL) | END OF THE ACCOUNTING PERIOD (MDL) |
| Intangible assets | 010 | 3,895 | |
| Tangible assets in progress | 020 | | |
| Land | 030 | | |
| Fixed assets | 040 | 254,078 | 261,345 |
| Long-term financial investments | 050 | | |
| Other long-term assets | 060 | | |
| Total long-term assets | 070 | 257,973 | 261,345 |
| CURRENT ASSETS | | | |
| Materials | 080 | | |
| Low-value and short-term assets | 090 | 64,079 | 64,079 |
| Production in progress and products | 100 | | |
| Trade receivables and advance payments | 110 | 3,135 | 99,054 |
| Accounts receivable on settlements with the state budget | 120 | | |
| Accounts receivable with employees | 130 | | |
| Other current receivables, of which | 140 | 130,613 | 105,454 |
| Receivables related to earmarked funds | 141 | 130,613 | 105,454 |
| Cash | 150 | 2,594,041 | 3,355,179 |
| Current financial investments | 160 | 904,423 | 676,051 |
| Other current assets | 170 | | |
| Total current assets | 180 | 3,696,291 | 4,299,817 |
| Total assets | 190 | 3,954,264 | 4,561,162 |

THE LRCM'S BALANCE SHEET FOR 2020 (MDL)

LIABILITIES

| EQUITY | LINE | BALANCE AT | |
|--|------------|--------------------------------------|------------------------------------|
| | | START OF THE ACCOUNTING PERIOD (MDL) | END OF THE ACCOUNTING PERIOD (MDL) |
| Prior period adjustments | 200 | | |
| Net surplus (net deficit) of the accounting period | 210 | | |
| Founders' initial contributions | 220 | | 34,733 |
| Long-term assets fund | 230 | | |
| Own funds | 240 | 257,973 | 261,345 |
| Other funds | 250 | 1,499,641 | 1,691,437 |
| Total equity | 260 | 1,757,614 | 1,987,515 |
| LONG-TERM LIABILITIES | | | |
| Long-term earmarked funding and receipts | 270 | | |
| Long-term financial liabilities | 280 | | |
| Other long-term liabilities | 290 | | |
| Total long-term liabilities | 300 | | |
| CURRENT LIABILITIES | | | |
| Current earmarked funding and receipts | 310 | 1,983,983 | 2,295,820 |
| Current financial liabilities | 320 | | |
| Trade payables and advance payments received | 330 | 2,349 | 3,019 |
| Payables to employees | 340 | | |
| Social and health insurance payables | 350 | | |
| Payables to the state budget | 360 | | |
| Current deferred income | 370 | 79,705 | 169,354 |
| Other current liabilities | 380 | 130,613 | 105,454 |
| Total current liabilities | 390 | 2,196,650 | 2,573,647 |
| Total liabilities | 400 | 3,954,264 | 4,561,162 |

INCOME AND EXPENSES STATEMENT (MDL)

1 JANUARY – 31 DECEMBER 2020

| INDICATORS | LINE | ACCOUNTING PERIOD | |
|--|------|---------------------|--------------------|
| | | PREVIOUS (2019) MDL | CURRENT (2020) MDL |
| Income related to earmarked funds | 010 | 7,875,567 | 8,104,386 |
| Expenses related to earmarked funds | 020 | 7,875,567 | 8,074,936 |
| Surplus (deficit) related to earmarked funds | 030 | | 29,450 |
| Other income (excluding income from economic activity) | 040 | 3,848 | 10,328 |
| Other expenses (excluding expenses related to economic activity) | 050 | 3,848 | 10,328 |
| Surplus (deficit) related to other activities | 060 | | |
| Income from economic activity | 070 | | 5,283 |
| Expenses related to economic activity | 080 | | |
| Result: profit (loss) out of economic activity | 090 | | 5,283 |
| Income tax expenses | 100 | | |
| Net surplus (net deficit) of the accounting period | 110 | | 34,733 |

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