EU – Moldova negotiations

What is to be discussed, what could be achieved?

Authors: Cristian Ghinea
Victor Chirilă
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Authors: Cristian Ghinea, Romanian Center for European Policies (CRPE)
         Victor Chirilă, Foreign Policy Association (APE)
## Contents

I. The general context of the EU – Moldova relations  - 4  
   What is to be discussed?  - 4  
   A) The new association agreement  - 4  
   B) Visas-free regime for Moldova`s citizens  - 5  
   What is Moldova expecting?  - 5  
   Which bloc does Moldova belong to?  - 7  

II. Moldova as EU`s chance to make the Eastern Partnership a meaningful policy  - 8  
   *Moldova could be the success story of the Eastern Partnership*  - 9  
   Recommendations  - 11  
   For the Moldovan government  - 11  
   For the EU Council and Commission  - 12  
   For the European Parliament  - 13  

III. Lessons learned from the previous Moldova – EU Action Plan  - 15  
   Study case: Justice reform and anticorruption  - 16  
   Recommendations on the Agreement  - 17  
   Urgency: Administrative Capacity  - 18  

IV. Visa Dialogue: achievements, current realities and prospects  - 21  
   Visa dialogue: from ENP to Eastern Partnership  - 21  
   Eastern Partnership and the prospect of visa liberalization regime with the EU  - 22  
   Block 1: Document Security – Key achievements  - 23  
   Block 2: Illegal Migration, readmission – Key achievements  - 24  
   Block 3: Public order and security – Key achievements  - 25  
   Block 4: External Relations and Fundamental Rights – Key achievements  - 25  
   The main weaknesses and recommendations - 26  
   Conclusions  - 29  

Bibliography  - 30  

Annex  - 31
I. The general context of the EU – Moldova relations

The European Union is currently negotiating an association agreement with the Republic of Moldova which aims to strengthen relations with this tiny and often ignored Eastern neighbor. The former EU – Moldova Action Plan was signed in 2005 for a three-year period, but it was extended by one year. This Plan created new hopes in 2005 for Moldova, with all mainstream political parties supporting an European path for the country and the Parliament unanimously voting a declaration in that sense. Further steps were subsequently taken for a greater EU involvement in the country: a Special Representative was appointed for Moldova, the European Commission opened its Delegation in Chisinau in October 2005, an EU border control mission was launched in December 2005 for separatist Transnistria region.

But the overwhelming control of the political spectrum by the Communists’ Party and its leader Vladimir Voronin created political tension and new authoritarian tendencies were observed in Moldova. This led to a political divide that culminated in 2009 with political violence and repression, which awkwardly brought Moldova back on the EU agenda. A new government, formed by a fragile alliance of liberals and centrists, was installed in 2009. There was no coincidence in naming this coalition the Alliance for European Integration. The new government started a diplomatic offensive to charm EU capitals and created high expectations in Moldova, especially for the educated, young electorate which tends to see the EU as an opportunity to bypass isolation and poverty.

A consultative meeting of the donors in Brussels gathered international support for an ambitious reforms project called ‘Rethink Moldova’. The EU was the leading partner in this action, together with the US government, various Members States` international development agencies, the World Bank and the IMF. In total, some 2.6 billion USD are scheduled for helping Moldova for 2011 – 2013.

What is to be discussed?

There are two issues on the EU – Moldova negotiations agenda:

C) The new association agreement

The negotiations for the association agreement started in January 2010. Both parties agree that EU will offer Moldova assistance and financial support for promoting structural, administrative and political reforms. The general framework of the discussions follows the path of the EU – Ukraine current talks, which started in March 2007. However, both parties are convinced the discussions in Moldova’s case will advance faster, since the Chisinau government is more open and willing to enter a fast track. The optimist expectation from Moldova is to sign the document in late 2010, although more realistic voices expect this to happen next year. While the political situation and the asymmetric relation between EU and Moldova created the premises for a smooth acceptance of conditions and a general agreement on tasks to be completed, the key issue of membership perspective may still block the advance (see details bellow).
EU – Moldova negotiations

On the economic side, the EU is ready to offer Moldova a new Deep and Comprehensive Free Trade Area agreement which may further consolidate the integration of Moldova in the European economic zone, the country already having the most EU-oriented economy in the Eastern Partnership group. Still, the economic talks are in a embryonic phase and Commission`s DG Trade is expected to draft the preliminary conditions in the next period.

D) Visas-free regime for Moldova’s citizens

The visas regime is a highly sensitive issue on Moldova’s political and public agenda. After Romania`s EU accession in 2007, the sentiment of isolation was exacerbated. The visas requirements have dramatic effects in a country that has 30% of its work force abroad. Fully aware of the difficulty to obtain a clear membership perspective from the EU, the new government is justly making a priority out of the lifting of the visas and expects the EU to make a good willing gesture on this issue. Unlike Ukraine and Russia which expected concrete promises before engaging in the technical reforms demanded for lifting of the visas, Moldova government adopted a pro-active position. It is emulating the measures implemented by the Western Balkans countries in the road maps that led the EU to lift their visas. This ‘preemptive implementation’ (Litra, 2010) strategy changes the traditional stick and carrot style in which the EU was dealing with its Eastern neighbors, showing Moldovan authorities’ enthusiasm in engaging EU at even a faster pace than the Union is ready to deal with.

The real dilemma for the EU is not if the Moldovan government is willing to reform its country but rather if its political will be matched by its administrative capacity and long-term efforts. The visas regimes is a showcase of this new kind of relation and it may be just a beginning for the larger aspects included in the Association Agreement (AA).

The second part of this report presents Moldova’s achievements in implementing requirements related to the visa liberalization dialogue with the European Union without an explicit EU requirement. Concurrently, we will recommend further such measures. The assumption is to overcome all possible technical pretexts from Brussels and to create the conditions for EU to provide a road map for Moldova with a clear and foreseeable no-visas outcome. A positive sign came out after the March EU Foreign Affairs Council, which raised the possibility to offer Ukraine a road map towards a visa-free regime and to launch a visa dialogue with Moldova.

What is Moldova expecting?

The Moldovan government started negotiations with high expectation but slowly realized that the EU is willing to offer it significant assistance but no political promises. The general feeling in Chisinau that 2009 represented a rupture with the past and a new path was not matched by a similar approach from Brussels. Chisinau expected the new Association Agreement to play the same role as the Stabilization Agreement had in the Balkans in the late 90s, offering a membership perspective as a string incentive for reforms.
The intense socialization between Moldovan and EU officials in the last months provided many assistance promises but also a cold shower, bringing more realism in Chisinau. Nevertheless some positive expectations still rely on the Polish EU Presidency in 2011 (Warsaw is one of the capitals that sent most positive signals to Moldova). For the time being, the issue of membership perspective was postponed in the negotiations, both parties concentrating on the substance of the agreement. Meanwhile, Moldova is trapped in new constitutional and political troubles, and a referendum and early elections are due to be held most probably this year.

Commission officials insist they don’t have a mandate to offer Moldova more than substantial assistance and financial support and point to the Council where there is no majority in favor of Moldova. We approximated the positions of Member States towards granting Moldova a political perspective from national governments’ public declarations and interviews with Moldovan and EU officials:

**Fig. 1. Member States` position versus Moldova**

<table>
<thead>
<tr>
<th>Category</th>
<th>Member states</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unconditional and active supporter</td>
<td>Romania¹</td>
<td>Romania traditionally supported a membership perspective, even when Bucharest had cold relations with the former Moldovan government. The change of power in 2009 relaunched bilateral cooperation. A convention on small border traffic was signed and the political decision was made for an EU integration partnership. Bucharest offered a 4-year grant of 100 million Euro. Bilateral cooperation agreements were signed for agriculture, environment, education, in which Romania will offer assistance and financial support for fulfilling EU criteria.</td>
</tr>
<tr>
<td>Supporters</td>
<td>Poland, Sweden, Hungary, Baltic states, Bulgaria</td>
<td>Countries that offer support for Moldova`s EU ambitions, although fully aware this is not a short-term option</td>
</tr>
<tr>
<td>Reluctant supporters</td>
<td>Czech Republic, UK</td>
<td>Open for discussing EU membership if some other MSs would put the issue on the table. Both reluctant on visas.</td>
</tr>
<tr>
<td>Good willing skeptics</td>
<td>Germany</td>
<td>High level contacts between Chisinau and Berlin brought encouragements, assistance support and openness on visas issue, but Germany expects substantial reforms before any discussion on membership</td>
</tr>
<tr>
<td>Indifferent skeptics</td>
<td>France, Spain, Italy, Netherlands</td>
<td>No clear position on Moldova, it seems not to be on their agenda. Italy is positive on visas. Netherlands focuses on human rights and minorities treatment.</td>
</tr>
<tr>
<td>Indifferent but Visas skeptics</td>
<td>Belgium, Denmark, Luxembourg</td>
<td>No position on membership, opposing visa liberalization</td>
</tr>
</tbody>
</table>

¹ A separate report is currently prepared by CRPE and APE on Romania’s role in promoting EU integration of Moldova.
Which bloc does Moldova belong to?

It is a sad reality that EU enlargements followed a bloc typology, with the Union subsequently expanding towards South and East in several waves. Supporters of Moldova’s EU accession are following this way of thinking when they speak of including the country in the Western Balkans package. This is the natural answer given by the Moldovan officials when asked about their maximal expectation from the current stage of negotiations.

Romanian president Traian Basescu also speaks regularly of the Balkan package when describing Bucharest’s official targets regarding Moldova. Many critics consider this to be a flagrant abuse of geography since Moldova is not a Balkan country. They largely miss the point: including Moldova in this package is not about geography but about geopolitics. For many decision makers in the EU, Moldova is a small and poor country in Europe’s vicinity and in Russia’s backyard. On their mental map, Moldova is just a file in the complex dossier of EU – Russia relationship. Seen through these lenses, Moldova’s attempts to enter the EU are doomed to dependent on other, more powerful actors than on the country’s real merits. In this context, speaking about including Moldova in the Balkans package means, in fact, granting it even a remote membership perspective, based on its merits and not conditioned on other geostrategic considerations.

But neither the Moldovan government nor the Romanian President were able to properly explain this line of argument. Many officials and analysts we interviewed for this report expressed doubts and puzzlement about the mere idea of linking Moldova with the Western Balkans. We tend to believe that the ‘Balkans’ argument creates confusion and it should be abandoned by Moldova’s advocates. We have two arguments for this:

1) the Western Balkans package itself is less and less a package anymore. The remote membership perspective that was promised in 1999 for these countries had different effects and nobody expects today a big enlargement in the Balkans as a bloc, but rather limited progress of some individual countries. The general progress in reforming these countries is discouraging even in the presence of this membership perspective, which confirms the academic expectations that such perspective acts as a powerful carrot only when it is credible and close in time. Within its Eastern Partnership, the EU already engages Moldova in a way that is strikingly similar with EU – Western Balkans relation: offering assistance and money, putting conditions and asking for reforms which in fact prepare the country for accession. With the current association agreements negotiated with Ukraine and Moldova, the EU’s relation with these countries actually means candidacy in practice but not in name.

2) Moldova is already a member of the Eastern Partnership (EaP). As all EU policies, the relation with Moldova is highly path-dependent and the country’s advocates will have to accept this reality. Instead of trying to play geopolitics, they should focus on asking the EU to apply its own principles, to strictly apply the individuality principle stated in the EaP’s launching documents and to judge Moldova purely on its own merits.
II. Moldova as EU`s chance to make the Eastern Partnership a meaningful policy

In an optimistic view, EaP offers a remote accession perspective for the six countries involved by recognizing their status as European countries. This should be read, the optimistic argument goes, in the context of the founding treaty that opens the Union for all European countries which fulfill some criteria.

But this optimistic reading was contradicted at the very launch of the EaP (Popescu and Wilson, 2009). Moreover, the current negotiations with Ukraine raised the issue of how to name the country in the preamble, a European country or not. As we know what the optimistic view expects from the EaP, this debate is much more than a linguistic one. It is also fully relevant on how reluctant key Member States are not to make even a remote promise.

On the other hand, the EU clearly treats Ukraine and Moldova in a different, deeper way than the rest of EaP countries.

One can easily notice the emergence of a real Ukraine – Moldova bloc in the current negotiations. There are seven dialog subcommittees with Ukraine, four with Moldova while only one for each of the other EaP countries and both Kiev and Chisinau were offered visa facilitation talks.

Is Ukraine helpful for Moldova?

If a de facto bloc is emerging within the EaP, what are the repercussions on Moldova`s EU path? To be fair, Ukraine started earlier the negotiations for an Association Agreement and it is more advanced in the concrete dialog. In fact, Moldova obtained the name of ‘association’ for its agreement only because Ukraine managed to obtain it earlier. But the dialogue with Moldova is moving faster, largely because the Chisinau government is more willing to do so, and one may expect its negotiations to be concluded sooner that its neighbor`s.

Some experts (see Litra, 2010) already voice concerns that the EU might apply a bloc approach towards Moldova and Ukraine and delay signing the documents until Ukraine would be ready. This would not be without precedent. The previous document – EU Moldova Action Plan – was finished in June 2004 but waited several months until the EU concluded negotiations with a group of states: Palestinian Authority, Jordan, Israel, Morocco, Tunisia and Ukraine (Bușcaneanu et all, 2008).

“The actual content of the Eastern Partnership shows that it is a way to prepare countries for accession. But it is obvious that Moldova and Ukraine constitute a separate league” – Commission official, interview

“The EU will have with Ukraine an approach saying: ‘we want you to be with us but not within us’ “ - EU think tank expert, interview
De facto coupling of Moldova and Ukraine may be reasonable in the current stage of negotiations but it may also send the wrong signals for the medium and long term. Ukraine’s population is ten times bigger than Moldova’s. The challenges of integrating Ukraine are of a very different scale: a country bigger than Poland, with major national identity issues, involved in an unstable love-hate relation with Russia. In the optimistic scenario in which Ukraine is following an EU path, it may repeat the Turkish story: although not closing the issue, the EU is not prepared to integrate a big country that could change significantly the equilibrium of power within the Union itself.

This concern is not present in the case of Moldova. Small country, largely already integrated in the European trade and economic area, Moldova could be smoothly integrated with no serious effects on the internal EU politics. This could be compared again with the case of the Turkey – Croatia story, with Croatia making serious efforts to avoid a de facto coupling with Turkey.

This may seem a remote scenario for the time being, but the current state of affairs surely creates the premises for such an evolution. The new president of Ukraine paid lip services to the EU while jumping on new cooperation schemes with Russia. The self branded new `pragmatics` in Kiev show clear intentions to have an à la carte approach in their relation with EU and strongly criticized the EU conditions in negotiating the AA as `selfish`.

The difference is already visible from the point of view of Commission’s officials in negotiating with Chisinau and Kiev: while Ukraine made it clear the reforms will not be carried out without clear incentives and membership perspectives, the Moldovan counterparts are engaged in the pro-active approach previously described.

Moldova could be the success story of the Eastern Partnership

While the EU is reluctant to make political promises to Moldova, it should make it clear the country will be judged exclusively on its own merits.

Moldova should be assured it will not be treated as a part of a bloc, neither a bloc with Ukraine, nor one with the Eastern Partnership. This would represent a morale boost for the Moldova public, which is haunted by geo-political fatalism (the EU won’t accept us whatever we do).

There are some elements to support the exceptionality of Moldova within the Eastern Partnership:
EU – Moldova negotiations

- Moldova is now the only country in the EaP in which a clear majority of people are in favor of EU integration (Popescu & Wilson, 2009). This creates a down–up pressure to implement EU conditionalities and proves the pro-EU stance is not a temporary mood of the current government (even Vladimir Voronin played the EU card to gain popularity). The structural cause of this is the widespread feeling among the Moldovans that they belong to Europe. Chisinau streets have numerous advertisement billboards for the “European future” of the country (see the cover of this paper, the advertisement says: ‘Towards Europe, towards a decent future’). Calling the current government coalition the European Integration Alliance was not a modality to boost the support for EU, but to capitalize on the popular mood.

- Unlike other governments in the region, Moldovan officials engaged EU negotiations as the only option for the long-term orientation of their country.

- Despite the 2009 incidents, the actual change of power in Chisinau was peaceful and within the constitutional limits. No other country in the former USSR (Baltic exception implied) has Moldova’s democratic credentials, with three presidents losing the power in elections. This is important in a region not lacking authoritarian regimes and colour revolutions.

- Moldova is integrated in EU’s economic area, the Union being its largest commercial partner by far. Euro is the dominant currency in Moldova for real estate and durable goods, which makes Moldova a de facto euro-zed economy, comparable with non-euro EU members in the East.

- Even the Transnistria frozen conflict is special among the series of such conflicts in Russia’s vicinity. Unlike the cases of Azerbaijan and Georgia, in Moldova the frozen conflict is not high on the public’s agenda (Popescu & Wilson, 2009), thus there is no populist pressure on the government for rash actions. Moldova has enough time to wait for the population in Transnistria to realize the benefits of belonging to a European country and the EU is supporting this approach. Brussels has thus an opportunity to test in Moldova the good-willing of Russia to cooperate in solving such conflicts.

If it is to prove itself serious about its Eastern dimension and its willingness to make the Eastern Partnership a substantial policy, EU could hardly find a better opportunity that to encouraged the current direction adopted by Moldova. There is consensus among experts that the Eastern Partnership suffers from lack of clear perspectives and success stories. Moldova should be the success story to give viability and credibility to the EaP.
EU – Moldova negotiations

Recommendations
For the Moldovan government

The decision to put temporarily aside the issue of membership perspective and to focus on technical aspects of negotiations was a good one. The EU is not ready to offer something like this but the last months put Moldova on the agenda and a decision would become unavoidable if Moldova maintains the current path. Moldovan government should concentrate on the reforms it already promised the EU and other donors (concrete implementation of the Rethink Moldova strategy).

If the negotiations on AA maintain the current fast pace, Moldova will subsequently face a difficult dilemma: should it accept an agreement without political promises or delay / block the talks until EU will be ready to offer something more promising? We recommend the first option. Finishing the agreement will provide a new and advanced cooperation framework with the EU compared with the status-quo, even without a clear membership perspective.

Nevertheless, the new framework and the content of the agreement will be in fact a way to prepare the country for a future accession. This was implied in our interviews with EU officials and this is the signal Moldova is receiving at unofficial level. While not abandoning its attempt to obtain a perspective, Moldova should not make an obsession out of it, but rather fully use the wide range of incentives EU is ready to offer in terms of development aid and financial support.

The real stake now is in Chisinau, not in Brussels. The EU got the message. Moldova authorities should avoid widening the gap between political will, good intention on one hand and the lack of administrative capacity on the other hand (see the following chapter on administrative capacity). In the context of political evolutions in Chisinau, with all coalition parties preparing the future electoral campaign, the young technocrats that enter the government in Finance, Foreign Affairs ministers and in Central Government should be insulated from the infightings and empowered to carry on these reforms, even with the political attention turned to the electoral process. If Moldova will pass the future election, maintain the reformist pace and complete AA negotiations with the EU, it will be in a stronger position to demand political promises in a two – three year period. The EU integration is a consensual issue among coalition members and it could provide a minimal consensus base even with the opposition Party of Communists. Maybe a political pact should be proposed in the following period to protect EU-Moldova relation from political infighting.
For the EU Council and Commission

The current government in Moldova seems to be an exception from the rule that only a membership perspective provides real incentives for reforms. The support for the EU will likely remain high among the Moldovan public but this public mood cannot assure the continuity of reforms. Without support and real carrots from EU, the current reformist coalition could fall apart and Chisinau could go back to the former façade Europeanization that constituted the norm between 2005 and 2009.

The EU has the opportunity to make a difference in a region where its ambitions are not matched by its strategies. This opportunity should not be lost.

The EU seems to be attractive in Moldova not because its policies there, but sometimes despite them (Rodkiewicz, 2009). To be sure, the EU was surprised by the dramatic changes 2009 brought in Moldova and acted in its usual overcautious manner. But as Moldova is on the agenda, the EU should define clearer messages for Chisinau.

The reluctance to make membership promises to Moldova should leave space for a flexible approach in which the EU would be ready to encourage and support Moldova’s political aspirations if the internal reforms will be carried out. Although this may seem ambitious in the enlargement fatigue context, in fact it would not constitute a major departure from what the EU already officially promised to Moldova. The 2005 EU – Moldova Action Plan stated that:

- "The level of ambition of the relationship will depend on the degree of Moldova’s commitment to common values as well as its capacity to implement jointly agreed priorities. The pace of progress of the relationship will acknowledge fully Moldova’s efforts and concrete achievements in meeting those commitments."
EU – Moldova negotiations

- (Action Plan) implementation will help fulfill the provisions in the Partnership and Cooperation Agreement and will encourage and support Moldova’s objective of further integration into European economic and social structures.

EU should now add a political dimension to the economic and social ones it was prepared to accept as targets for Moldova in 2005. This may not constitute a formal membership promise from the EU but rather a sympathetic recognition of Moldova’s ambitions, fully depended upon implementing Union’s conditionalities.

Meanwhile, the EU should compensate the lack of political decision on enlargement with real, immediate and measurable incentives. The first step should be to offer a road map for free-visas regime. Several member states already sent positive signals to Chisinau in that perspective. Liberalization of visas could be a first and significant change felt by the common Moldovans from the much talked about new relation with the EU. Moreover, it is doable and less controversial in EU capital cities than a political promise. This is the reason the second part of this report covers the visas regime with Moldova extensively.

EU should also be careful on how it plays at the symbolical level. Its presence in Chisinau is important and its representatives gather public and political attention. We strongly recommend stopping the double representation in Chisinau (Special Representative and Head of EU Delegation). Following the recent development in implementing the Lisbon treaty and creating the EU External Service, the two positions in Chisinau should be unified. The new official should carefully manage the symbolic capital of EU image in Moldova and to consistently encourage the reformist and democratic policies there.

For the European Parliament

The European Parliament tends to adopt a more benevolent attitude towards Eastern neighbors than the current majority in the Council. In the case of Moldova, it was the Parliament that reacted first and robustly during the April 2009 events in order to condemn the abuses committed by the government and to ask for a peaceful solution.

The diversity of voices within EP also led it to express official positions asking for real membership perspectives. The EP report on strengthening the European Neighborhood Policy (2007) recommended the new AA with Ukraine to include the possibility of membership and to extend this approach to Moldova.

In February 2010, the Recommendations of the EU-Moldova Parliamentary Cooperation Committee included a sentence about membership perspective:

`Stresses the crucial importance of ongoing reforms and democratic development for the European integration and supports the goal of the Republic of Moldova as a European state to become a member of the EU in the future`.

In March 2010, the EP adopted a new resolution on Ukraine, presenting its position on the current AA negotiations between Brussels and Kiev, noting that Ukraine
EU – Moldova negotiations

"may apply for membership of the EU like any European state that adheres to the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law".

In the short term, the EP should adopt a similar resolution on Moldova. Given the parallel negotiations the Commission is currently conducting with the two countries and the general position of the Parliament, there is no reason to have different positions on this issue.

From a general perspective, the EP should involve itself more in the content of the AA negotiations. There is a general view in Brussels that the EP is in practice marginal in negotiating external agreements, but the post-Lisbon activism could contradict this approach. The EP is trying currently to set precedents in its relations with the Council and the Commission. The traditional situation – Commission negotiates and proposes a text, EP has a final vote – limits the possibilities of MEPs to influence the content of external agreements. But this may change and the EP should set precedents by organizing regular meetings with the negotiating teams and to try to influence their agenda.
III. Lessons learned from the previous Moldova – EU Action Plan

The Association Agreement currently under negotiations will be structured in four chapters:

- Political block
- Economic and free trade block
- Justice and Home Affairs
- People to people contacts

In drafting the new document and the possible new Action Plan that may follow, both EU and Moldova should draw the correct lessons from the former Action Plan that constituted the base of the relation between 2005 and 2009. Besides the official evaluation of the European Commission and the regular reports produced by the authorities in Chisinau, there are several valuable independent reports on the implementation of this Action Plan (especially the regular documents prepared by Adept and Expert Group and financed by the Soros Foundation).

The general conclusion of these independent evaluations is that Moldovan governments implemented extensively the formal aspects of the measures agreed with EU but failed to comply when they implied real political costs or jeopardized the dominant position and control over the institutions. The extension of the Action Plan for one year was caused by the delays in the most sensible areas: human rights, media freedom, the independence of justice and a fair business environment. That means exactly those areas where political will of the former government was minimal.

Study case: Justice reform and anticorruption

Moldova under Voronin was an extreme case of what may be called `façade Europeanization` a special tactic of passing new laws and create new institutions in order to present some results to Brussels, while their implementation and effectiveness was undermined by the same authorities which created them (Ghinea & Panainte, 2009).

The avalanche of new laws, strategies and plans reported under the Action Plan was indeed impressive. 21 new laws were voted only for the justice reform between 2005 and 2008. Many of them were rashly voted in 2008 as the external deadlines were approaching (Cojocaru; 2009). The Superior Council of Magistrates was created to manage the justice system, with a majority of members elected by the professional body. But it was staffed with obedient persons and the formal political control over the justice was replaced by informal strings, more difficult to fight with. In its regular reports, the European Commission recognizes the progress made by Moldova in terms of adopting laws and strategies but it underlines the implementation problem and the difficulties of the new institutions to provide concrete results (idem).

The situation with the control of officials` wealth is also a relevant example. Despite the numerous legislative changes, the legal framework is still kafkian in its essence. The declarations of income and assets are confidential and public in the same time; the different chapters of the
same pieces of legislation are contradictory. When they are accessible, the declarations tend to be irrelevant (properties evaluated at old Soviet era prices, for instance). The Commissions for Controlling the Declarations of Income and Assets were not able to provide at least a reliable statistics on the cases they worked on. The Centre for Combating Economic Crimes and Corruption was in charged with controlling the differences in personal wealth before entering the public office and after finishing it but the institution `did not perform any de facto control of declarations` (Gurin et all, 2009: 53).

Of course, the situation of Moldova in various anti-corruption indexes improved only marginally in the period in which the Action Plan was implemented (see Fig. 2). One may consider the perception numbers as unreliable vis-à-vis the real progress registered in a country, but we still have a reliable measurement of the anti-corruption mechanisms in the Global Integrity Index. This is not measured starting from perception but with institutional, legal and practical indicators. Moldova received a weak category rating in 2008 (68, on a 0 – 100 scale), not uncommon for the region. But while the ratings of other countries in the region were more consistent among categories, the Moldova`s case was special because it received 88 points for the general criterion `legal framework` and a minimal 48 points for the `actual implementation`. This distance measures in fact a huge implementation gap.

It is also true the EU itself was rather formalistic in its approach, `based on an assumption that the most important thing was to pass the appropriate rules and regulations. The tools used in EU policy turned out to be ineffective when applied to a system which is based on informal rules` (Rodkiewicz, 2009: 74).

The deficiencies of Commission`s approach may have two explanations:

a) Its reliance on external evaluations, such as the reports prepared by GRECO (Group of States against Corruption). GRECO is by itself a form of intergovernmental cooperation that limits is evaluation on merely formal aspects, especially ratification of various international agreements and declarations. There was no surprise then that in terms of anti-corruption policies, Voronin
EU – Moldova negotiations

regime complied with 3 / 4 of GRECO`s demands while the studies concentrated on real results show limited progress.

b) The EU itself does not have a clear acquis for the justice, home affairs and anticorruption. So, the Commission was reluctant to come up with conditionalities for a country that was not involved in the accession process. In 2004 – 2005 it also lacked the expertise that was later developed in anticorruption policies and justice reforms for countries such as Romania, Bulgaria or Croatia.

Recommendations on the Agreement

In any case, the Commission is able now to develop case by case measures adapted to each country’s realities. It should use its own expertise and extend its Delegation in Chisinau to fully cover all relevant policy areas. The Delegation should be empowered to raise on the public agenda even the issues that are not convenient for the Government. The Moldovan public expects the EU and its representatives to support and promote the pro-reformists policies, consistent with European values. Episodes of extreme shyness of EU for minor stakes (such as the reluctance to criticize Voronin after the 2009 events in order to ensure his participation in the Eastern Partnership launching summit) have no place in the new stage of the bilateral relations.

In drafting the AA and the future Action Plan, the European Commission should pay much more attention to the implementation side. Performance indicators should be developed for each area (or transfer the indicators used for 2004 / 2007 enlargement waves) and strictly followed in the regular reports. The performances should be directly linked with the financial support, with clear benchmarks: ‘money for implementing reforms’.

Particularly in the justice area, the Commission should carefully evaluate the situation and identify the real reformist actors in the system before pushing for complex institutional designs imported from outside. The Commission has plenty of experience in Romania, Bulgaria, Slovakia proving that empowering the magistrates` bodies before establishing new rules of the game and accountability mechanisms only creates new veto players that usually oppose any reform.

Moldova is formally a parliamentary republic, but the political practice tended to by-pass the legislative in favor of the presidency. The former Parliament had limited involvement in overseeing the implementation of the EU – Moldova Action Plan (Chirilă, 2008). In the new political context, with a fragmented government and a less powerful president, the political importance of the Parliament will increase. It should have a role in monitoring the implementation of the Agreement, together with civil society organizations. Mentioning this involvement from the very beginning in the text of the documents may assure a protection mechanism for the reforms to continue even if the political will in the government would diminish.
Urgency: Administrative Capacity

Besides the political costs and the lack of willingness of the former governments, the former EU – Moldova action plan was undermined by the structural problems within the central administration. Its capacity is widely recognized as being weak and insufficient for a coherent coordination of the European Integration process. Improvements are needed both in terms of staff, as well as systems and coordination mechanisms.

The European integration process is mostly treated as a totally separate process, with its own system, mechanism and documents, without clear connection with general policy coordination mechanisms. Responsibility for EU integration coordination is lying with the Ministry for Foreign Affairs and European Integration, while general policy coordination is within the mandate of State Chancellery (Government Office). State Chancellery is also responsible for external assistance coordination - an aspect that given the current situation is of particular importance. The communication and coordination between the two institutions is not at the appropriate level.

Traditionally, there are plenty of government planning documents used in Moldovan administration without clear connections and linkages between them. There is the National Development Strategy, the Annual Government Plan, the Recovery Program, etc., plus what will soon be the EU Integration Plan. The current system cannot ensure full complementarity or integration of these documents, and main problems appear when Medium-term Expenditure Framework is developed or when integrated policy coordination is required.

The capacity of staff for clear formulation of objectives, results or measures in respect to any of these planning documents is limited. Evidence-based policymaking and use of concrete objectives, results, indicators, etc., is at its inception. Civil servants are not used to coherent planning and monitoring and evaluation is missing. There is much stress put on reporting, but this is mostly perceived as respecting deadlines and not feedback mechanism to adjust policy implementation or policy development. Reporting requirements are overburdening the entire system, and putting pressure on civil servants. Recent interviews of ministerial policy units have shown that 80 to 85% of their time is dedicated to compiling reports, affecting even more their limited capacity.

Given the current situation in the Republic of Moldova, with a lot of pressure put on development side, the objectives and measures associated with EU integration process are mostly the same with the domestic policy development ones. In reality, the EU integration agenda does not differ too much from Moldovan internal one. Since capacity is weak and government-wide coordination needs improvement, there is a chance that better results would be obtained if EU integration and general policy coordination would be treated as an integrated process. A clear system with fewer documents, concrete roles for coordinating institutions and coherent procedures would benefit Moldova and could contribute to better implementation of the decided policies.
Ministerial level

There are European Integration units in all ministries and their mandate is to be ministerial coordinators for EU related commitments and measures. However, their impact and role at this level is now diminished, mostly in the absence of an EU integration plan, the main document they would be concerned with.

At the line-ministry level, there are also the Policy Units, with mandate for general ministerial policy coordination. Given the argument presented above on the similarities between EU driven agenda and domestic one, the difference between the role and tasks of these two units is not clear. There are situations (e.g. Ministry of Economy) where all these three functions - European integration, general policy coordination and external assistance coordination – are carried out by the same department. The overlapping is thus avoided and the limited coordination capacity is not scattered across the ministry.

Positive developments

There have been several initiatives recently that could contribute to administrative capacity development and to better general policy coordination and the EU integration process. Some of these are listed below:

- The proactive approach towards European integration related objectives that is now strongly supported by the Prime Minister’s Office
- The five High Level EU Policy Advisers that have been selected to Government Office and some line ministries – they are to assist and advise the Prime Minister or respective minister on the policy development and the EU integration process (UNDP-financed initiative)
- The process of Rethink Moldova elaboration – with all line ministries involved in priority setting and the newly established Interministerial Strategic Planning Council (chaired by the Prime Minister) acting as coordinator – the document has been very well received at Donors’ conference in Brussels in March 2010
- The approach on developing administrative capacity – now under debate with two possible options: either find incentives for existing and future civil servants involved in important reform processes or rely on local external consultants (second option would continue the current Moldovan approach with extensive support from consultants outside public sector. This however is perceived by some as capacity substitution and not really capacity building).
Main recommendations for central administration

1. **Systemic improvement of policy coordination and EU integration mechanism** – either bring these two systems together or establish clear procedures to allow better coordination among them

2. **Promote coherent capacity building program to target civil servants and addressing all central public administration**

3. **Reduce government-wide planning documents the line ministries have to contribute to and promote a more integrated approach**
IV. Visa Dialogue: achievements, current realities and prospects

Why visa free travel regime is so important for Moldova?

After two subsequent rounds of Eastern enlargements, the European Union (EU) has become Moldova’s immediate neighbor. A majority of Moldovan citizens believe that the EU has become much more impenetrable than before 2004 and 2007 enlargements, when Central European countries as well as Bulgaria and Romania joined the EU and consequently suspended their visa free regimes with Moldova.

The idea of negotiating visa free liberalisation regime with the EU has become one of the most important objectives of the Moldovan authorities. The success or failure to achieve this objective in the coming years will have a big impact on how the EU is going to be perceived by Moldovans. A potential success will certainly empower the pro-European and democratic forces, give valuable incentives for accelerating reform processes, help Moldova to become attractive in the eyes of its citizens that live in the Transnistrian separatist region, and strengthen the EU status and role in the country.

Visa dialogue: from ENP to Eastern Partnership

The European Neighborhood Policy (ENP) that was launched in 2004 gave a powerful impetus to visa dialogue between Moldova and the EU. Until the ENP, this dialogue was held, mainly, at the bilateral level with each of the EU’s Member States rather than at the EU level. Republic of Moldova’s accession to the ENP and signing of the Action Plan with the EU on February 22, 2005, significantly changed the situation in this extremely important area, especially considering the fact that there are at least 300 thousand Moldovans working legally or illegally in the EU Member States.

Due to the ENP, the dialogue on visa issues and mobility of people between Chisinau and Brussels has been institutionalized, made permanent and raised to a high-level priority of the Moldovan - EU partnership cooperation. Moreover, for the first time this dialogue had been given a clearly defined purpose, namely facilitating the visa regime for EU citizens travelling to Moldova and also for Moldovan citizens who are travelling to the EU member states.

The new dialogue has enabled both sides to undertake jointly a series of concrete actions in the area of facilitating visa regime and mobility of persons. In this respect, we can list in particular:

1. unilateral cancellation of the visa regime for European citizens by the Moldovan authorities in 2007;
2. signing on October 10th, 2007, of the Agreement between the European Community and Republic of Moldova on visa facilitation, which reduced the fee for the Schengen visa for Moldovan citizens from 65 to 35 Euros, facilitated the process of receiving a free of charge Schengen visa with multiple entries for 15 social and professional categories of citizens and also
allowed the Romanian and Bulgarian authorities to waive the fees for processing applications for visas for Moldovan citizens until they join the Schengen Area;

3. signing on October 10th, 2007, of the Agreement between the European Community and Republic of Moldova on readmission of illegal residents;

4. opening on April 25th, 2005, of the Common Application Centre issuing Schengen visas within the premises of the Hungarian Embassy in Chisinau;

5. signing on June 6th, 2008, and implementation of Mobility Partnership designed, on the one hand, to help remove economic and social causes that encourage illegal migration of Moldovan citizens, and on the other, to create the necessary conditions for legal circular movement of qualified work force from Moldova to the EU;

6. signing on November 13th, 2009, of the Agreement on small border traffic, which entered into force on February 26th, 2010 and has the potential to benefit approximately 1.25 million Moldovan citizens living within the perimeter of 30 km from the Moldovan-Romanian border.

In parallel with carrying out these actions, the Moldovan authorities have continued to promote in their talks with European officials the idea of visa liberalization with the EU based on the model of the Western Balkans countries, to which in 2008 the EU has granted Road Maps for visa liberalization.

**Eastern Partnership and the prospect of visa liberalization regime with the EU**

The Eastern Partnership (EaP) initiative that was officially launched by the EU in May 2009 extended the political and institutional limits of the Eastern Dimension of the ENP. Consequently, this has allowed the EU to formulate far reaching objectives on visa issue and people’s mobility that would meet gradually the expectations of the most pro-European Eastern European countries, including Moldova. As a result of those changes, the EaP has brought into focus as well the need for the EU to draft and implement a long-term visa policy with regard to the Eastern European countries that would entail a phased process of visa liberalization.

According to the European Commission proposal of December 3rd, 2008, the first stage of this process involves facilitating visa regime, a phase Republic of Moldova has already passed. The second phase would include reviewing the agreements of 2007 by introducing additional facilitation clauses. Finally, the third stage would start the dialogue on visa-free travel in the Schengen Area. During this dialogue the parties would agree on Road Maps that will include criteria for visa regime liberalization with the EU.

So far, the EU has initiated such a dialogue with Ukraine in October 2008. In the case of Moldova, the parties agreed to launch a dialogue on visa liberalization during the current year. This decision was announced in the framework of Cooperation Council EU - Moldova of December 21st, 2009. Meantime, there are already many informal signals that the decision to launch this dialogue will be made public by the European Commission on June 15th at the meeting of the EU - Moldova Cooperation Council.
EU – Moldova negotiations

In the course of this dialogue, the European and Moldovan experts will examine the preparedness of Moldova and will agree on the requirements that still are to be met by Chisinau. The first step to examine the actual situation was made by the European Commission assessment mission, which undertook a working visit to Moldova on March 1-2, 2010.

It is important to note here that the readiness of the EU to start a visa liberalization dialogue with Moldova has motivated the Moldovan Government to focus more on what has to be done in this area and less on getting a clear promise on the prospects of visa liberalisation with the EU. The new practical approach of the Moldovan authorities has been proven by their recent decision to undertake an independent check of the realities in all four main chapters of the visa liberalisation dialogue, as they are formulated in the Road Maps for Visa Liberalisation of Western Balkans countries:

1) Document Security;
2) Illegal migration, including readmission;
3) Public order and safety;
4) External relations and fundamental rights.

The results of this endeavor were systematized by the Moldovan Ministry of Foreign Affairs and European integration in one single Report titled “Implementation by the Republic of Moldova of the requirements related to the visa liberalisation dialogue with the European Union”.

The Report is far from describing the real level of implementation by Moldova of the requirements related to the visa liberalisation. Nevertheless, it contains useful information about achievements made so far by the Moldovan authorities, as well as about the weaknesses that still have to be tackled in all the above mentioned four chapters. Yet, in order to understand better the level of Moldova’s readiness to start visa liberalization dialogue with the EU, we drafted a comparative presentation of Moldova’s achievements with the progresses made by Macedonia, Montenegro and Serbia in the process of implementing the Road Maps for visa liberalisation with the EU as they were evaluated by the European Commission in its Assessments reports from May 18, 2009. According with the attached comparative presentation (See the Annex), Moldova has managed to undertake many similar or comparable legal and institutional reforms with those accomplished by Macedonia, Montenegro and Serbia in the process of implementing the Road Maps for visa liberalization granted to them by the EU in 2008.

Block 1: Document Security – Key achievements

- Moldova began issuing biometric passports on February 1st, 2008. Between February 1st, 2008 and March 1st, 2010 Moldovan Authorities have issued just 1347 such passports. On April 15th, the Moldovan Government took the decision to issue only biometric passports starting from January 1st, 2011. The new travel documents comply with the ICAO criteria and EU standards.
EU – Moldova negotiations

- The process of issuing and personalization of identity documents (breeder documents) is centralized and based on the PIN system. Citizens’ personal data are stored in the centralized database "State Register of Population", which is accessible online via a secure network using methods of encryption and identification of the user.

- The following state institutions have direct access to the Interpol SLTD (Stole/Lost Travel Documents) database: Information and Security Service, Border Guard Service, Criminal Police Directorate of the Ministry of Internal Affairs (MIA), Organized Crime Division of MIA, Anti-Drug Directorate of MIA, as well as Directorate for Special Missions of MIA.

- Since April 2010, 16 international border checkpoints, and 11 police stations in the Transnistrian region have also access to the Interpol SLDT database.

Block 2: Illegal Migration, readmission – Key achievements

- Before implementing Integrated Border Management (IBM) System, Moldova put in place the Information System "FRONTIER". This system provides online exchange of information among authorities involved in the "one stop shop" system for checking goods and vehicles at the border.

- Meanwhile, all international and interstate points of border crossing are equipped with biometric devices needed to read and verify biometric travel documents. This was possible, particularly thanks to project BOMMOLUK 2 implemented with the assistance of the EUBAM.

- Implementation of the project "Fixed and Mobile Communications Network for Border Service” with the assistance of the European Commission.

- On August 12\textsuperscript{th}, 2008 a Working Agreement was signed regarding operational cooperation between the Border Guard Service and the Republic of Moldova and FRONTEX (European Agency for Managing Operational Cooperation at the External Borders of the EU member-states).

- On March 6\textsuperscript{th}, 2009, the Border Guard Service and FRONTEX signed a Cooperation Plan for the period 2009-2011. Consequently, according to the documents signed, the Border Guard Service participated in two operational activities organized in 2009.

- On March 1\textsuperscript{st}, 2009, the new Law on Asylum entered into force, which was amended in accordance with the Acquis Communautaire following a review of migration and asylum legislation achieved in the framework of a Twinning Program Germany-Romania-Moldova funded by the EU.

- Moldova has signed Readmission Agreements with the European Union (2007).
EU – Moldova negotiations

**Block 3: Public order and security – Key achievements**

- Moldova joined the main international instruments referring to combating cross-border organized crime. These include:
  - UN Convention against trans-national organized crime;
  - Protocol against Smuggling of Migrants by Land, Sea, and Air supplementing the UN Convention against trans-national organized crime;
  - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, UN Convention against trans-national organized crime;
  - Council of Europe Convention on action against trafficking in human beings;
  - Council of Europe Convention on laundering, search, seizure, and confiscation of the proceeds from crime on the financing of terrorism.

- On July 11th, 2008 a Centre for Assistance and Protection of Victims and Potential Victims of Human Trafficking was created with the assistance of the International Organization of Migration.

- Moldova has implemented nine out of the 15 recommendations made by the Group of States against Corruption (GRECO) in October 2006. According to the second round of evaluation carried out by GRECO on 1-2 December 2008, Moldova made significant progress in areas as the system of seizures and confiscations, the handling of corruption of cases by the penal authorities, the inclusion of anti-corruption measures in the reform of public administration, the implementation of measures in favor of access to information held by public authorities, professional disqualifications and their control etc..

- In the field of protection of personal data, on February 15th, 2007 the Parliament approved the Law on protection of personal data. This law establishes the basic conditions for processing personal data and created the National Centre for Personal Data Protection, which is an autonomous public institution, independent of other public authorities. The Centre has started its activities in February 2009.

**Block 4: External Relations and Fundamental Rights – Key achievements**

- Republic of Moldova is party to a series of important international documents related to human rights, such as:
  - Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (1950);
  - UN International Convention on the elimination of all forms of racial discrimination (1965);
Republic of Moldova has a system of institutions responsible for protecting human rights including minority rights including:

- **Parliamentary Committee for Human Rights** - is an operational structure of the Moldovan Parliament;
- **Interethnic Relations Bureau of the Government of Republic of Moldova** - is an administrative structure responsible for implementing state policies on interethnic relations;
- **Coordinating Council of the ethnic-cultural organizations** - is an advisory organization, composed of representatives of all ethnic groups and activates in the framework of the Bureau of Interethnic Relations;
- **Centre for Human Rights** - is an independent state institution, composed of ombudsmen responsible for ensuring respect of constitutional liberties and human rights.

In accordance with the Asylum Act of December 18th, 2008, refugees are guaranteed Identity Card for a period of five years. Refugees may obtain upon request a travel document to go outside Moldova. ID cards are issued by the Ministry of Interior based on the decision of Director of the Department of refugees.

On December 21st, 2006 Moldovan Government has approved an Action Plan to support Roma minority. This is mainly a social inclusion problem, therefore, the plan contains specific measures in the spheres of education, culture, health, social and child protection, labour and public policy.

**The main weaknesses and recommendations**

The Report on “Implementation by the Republic of Moldova of the requirements related to the visa liberalisation dialogue with the European Union” is less informative about the legal, institutional, operational and technical shortcomings the Moldovan Government has to address in the short and medium term. Most likely, this situation is due to the fact that the ministries and agencies related to visa liberalization dialogue do not know or poorly understand the real meaning of the EU requirements in this field. A simple comparative analysis of Moldova’s achievements with the progresses made by Macedonia, Montenegro and Serbia in implementing their road maps for liberalising visa regime with the EU shows that Moldovan authorities lag behind in such important areas like issuing biometric passports or reforming Border Guard Service. Moreover, the Report does not say anything about how Moldovan Government intends to apply the requirements of visa liberalization dialogue in relation to the separatist Transnistria region. Taking in account all these deficiencies, we consider that Moldovan authorities have to put a much stronger emphasis on a series of key issues that once implemented would give them additional powerful arguments in their quest to get a Visa Liberalisation Road Map from the EU.

Therefore, our main recommendations to the Government of Moldova would be to:

1. Speed up the process of issuing biometric passports.
For instance, Macedonia, a country with a population of 2,066,718 has issued 417,000 biometric passports in the first two years, while Moldova with a population of 4,320,748 only 1347 biometric passports.

2. Reform Border Guard Service in accordance with the EU standards until 2011, by demilitarizing and professionalizing it.

3. Harmonize the Law on State Border with the EC Regulation Nr. 562/2006 of the European Parliament and EU Council of March 15th 2006 that refers to the Community Code on the Rules Governing the movement of persons across borders - Schengen Borders Code as well as the Schengen Catalogue that was updated in 2009.

_Macedonia and Montenegro have amended their Laws on State Border Surveillance in line with Schengen Border Code in 2009, thus the definitions, terminology and procedure were harmonized with those used and applied at the Schengen Border Control Points._

4. Develop a modern telecommunications infrastructure of the Border Guard Service.

5. Accelerate the development of the National Strategy and Action Plan for implementing Integrated Border Management (IBM) which are planned to be developed with the assistance of the EUBAM and FRONTEX Agency until the end of this year.

6. Update migration profile of Moldova which is out of date.

_Macedonia updated its migration profile in 2009. In Moldova’s case, it is planned to be done until 2012._

7. Establish an efficient real time electronic reporting system of stolen and lost travel document to Interpol.

_Macedonia and Montenegro have established them in 2008, while Serbia in 2009;_

8. Accelerate the establishment of the Integrated Automated Information System ”Migration and Asylum” (SIIAMA) that would collect, store and process information about identification and stay in Moldova of foreigners and stateless persons. _The construction of this system has started in December 2007._

9. Set up a single data base of the victims of human trafficking that would be available on-line to all relevant agencies with responsibilities in this area.

10. Implement all 15 recommendations made by GRECO to Moldova in October 2006. By July 31st, 2010 Republic of Moldova must meet the other six remaining recommendations. _According to Stock-taking report on cooperation between Moldova and the Council of Europe, issued on April 8th, 2010 by Directorate General of Democracy and Political Affairs, the Moldovan authorities should pay particular attention to legislation of special investigative technique, controls over conflicts of interests and assets declarations, the reporting of suspicions of corruption and whistleblower protection, or the incrimination of certain accounting offences or manipulations etc._

11. Consolidate the Status and functions of Superior Council of Prosecutors (SCP) that was set up in January 2010, and still has no budget and no separate secretariat. Although according to the
EU – Moldova negotiations

Law on the Public Prosecution Services (PPS), adopted on December 25, 2008, SCP is the representative and self-administration body of prosecutors, the current Constitution does not mention the SCP and does not strike a balance between the competences of the Prosecutors General (PG) and the newly created body. Consequently, the competences of the SCP are limited to current constitutional competences of the PG. Venice Commission and Council of Europe experts advised revision of the Constitution in relation to the Public Prosecution Services in order to integrate the service better into the judicial branch of state of power, to alleviate the political pressure on it and to limit the personal powers of the Prosecutor General.


**Negotiations on this Agreement have started in September 2007.**

13. Speed up the negotiations with EU Member States on signing the Intergovernmental Protocols regarding the implementation of the readmission Agreement between Republic of Moldova and the European Community signed in Brussels on October 10th, 2007.

**Until now Moldova signed such protocols with Hungary and Estonia.**

14. Speed up the negotiations on signing Readmission Agreements with the following countries: first phase: Russia, United Kingdom, Denmark, Ireland, Turkey, Afghanistan, Pakistan, Iraq; second phase: Armenia, Azerbaijan, Bangladesh, Belarus, Bosnia-Herzegovina, Montenegro, Serbia; third phase: China, Georgia, India, Jordan, Iran, Kazakhstan, Kyrgyzstan, Lebanon, Syria, Tajikistan, Turkmenistan, and Uzbekistan.

15. Strengthen human, institutional and technical capacities of the National Center for Personal Data Protection. Presently, the staff of the Center is completed at the rate of 71%.

16. Amend the Law on protection of personal data in accordance with the European legislation, the Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Otherwise, Moldova risks to be placed in the category of countries that do not provide an adequate protection of personal data and, finally, an impediment to the free, cross-border movement of these data from Member States of the European Union to the Republic of Moldova.

17. Ratify the European Charter for Regional or Minority Languages, commitment taken by Moldova when it was admitted to the Council of Europe in 1995.

18. Launch a sectorial dialogue on visa liberalisation with the administration from the Transnistrian region of Moldova and EUBAM Mission, in order to identify common solutions that would ensure an efficient control of illegal migration flows, smuggling activities and would facilitate the cooperation in the area of preventing and combating organized crime.
Conclusions

The progresses made so far by Moldovan authorities in the area visa liberalisation dialogue demonstrate that Moldova is following the same path of transformations as Macedonia, Montenegro and Serbia and this has been taking place without having a visa liberalisation Road Map from the EU. Granting an eventual Road Map to Moldova would be a powerful message of support to the current pro-European and pro-reform Moldovan Government. On the one hand, it would motivate Moldovan authorities to increase the rhythm and quality of required reforms and, on the other hand, would give the EU an important leverage to channel in the right direction the reform course of the country.

In the coming weeks the Republic of Moldova is expected to enter into a new phase of its visa dialogue with the EU. This time around both parties will identify the concrete criteria that still have to be fulfilled by Moldovan authorities in the process of liberalising visa regime with the EU. The final result of this dialogue should be the drafting of a visa liberalisation Road Map for Moldova. The chances for Moldova to get such a Road Map from the EU are highly dependent on how successful it is going to be in delivering concrete reform results in short and medium term. In this respect, the Moldovan Government has to follow the experience of Macedonia, Montenegro and Serbia. Consequently, we believe that the recommendations we listed in this paper should be integrated in a short and medium term Action Plan that would give a clear guidance to the relevant Moldovan institutions.

Giving Moldova a Visa Road Map would not be a gift, on the contrary, the EU will condition its deliverance upon fulfilling concrete pre-conditions. We know that recently the European Commission has proposed to the EU member states to offer Ukraine a set of pre-conditions for granting a Visa Liberalization Road Map, such as:

1) issuing biometric passports;
2) creating a national authority in the field of migration;
3) adoption of legislation in the area of protection of personal data; and
4) presenting the questionnaire on the identity and travel documents personalization system.

Paradoxically or not, Moldova has already fulfilled those conditions without being asked to.
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Annex

Liberalization of visa regime with the UE:
Republic of Moldova versus Macedonia, Montenegro and Serbia

<table>
<thead>
<tr>
<th>Republic of Moldova</th>
<th>Macedonia, Montenegro and Serbia</th>
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<tr>
<td>March 2010</td>
<td>European Commission assessments</td>
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**Block 1: Document Security**

**Biometric passports**
Republic of Moldova began issuing biometric passports from February 1st, 2008. From February 1st, 2008 to March 1st, 2010 1347 such passports were issued. From 1st of January 2011 Republic of Moldova will only issue biometric passports.

**Macedonia, Montenegro and Serbia**

**Block 1: Document Security**

**Macedonia** started issuing biometric passports in April 2007 and until April 2009 417,000 copies were personalized and issued. Macedonia's population is 2,066,718.

**Montenegro** has started issuing biometric passports in May 2008 and by May 2009 there were 100,952 copies personalized and issued.

Montenegro's population is 672,180.

**Serbia** has started issuing biometric passports in July 2008 and until May 2009 504,225 biometric passports were issued. The population of Serbia is 7,379,339.

**Security Specifications**

Biometric passports comply with the ICAO criteria and EU standards. For example, micro-processor contains the following biometric information:
1) face photo of the owner;
2) digital fingerprint image of the index fingers.
In addition, information is confirmed by the owner's digital signature.

**Security Specifications**

Biometric passports are issued in accordance with ICAO criteria and EU standards. All three countries pursue the integration of the EAC (Extended Access Control for fingerprints) for digital fingerprints.

**Integrity and Security of the personalization and distribution process**

Identity documents, including biometric passports are issued centralized by State Enterprise "State Information Resources Center - Register" of the Ministry of Information and Communication Technology (MTIC).

The process of issuing and personalization of identity documents (breeder documents) is centralized and based on the PIN system. Citizens'

**Integrity and Security of the personalization and distribution process**

In all three states, personalization of biometric passports and identity documents (breeder documents) is centralized within the ministries of internal affairs and the whole process is automatic, and in Montenegro and Serbia the process is under video surveillance.

The process of issuing and personalization of identity documents (breeder documents) is centralized and based on use of unique PIN code which is registered in
Person data are stored in the centralized database "State Register of Population", which is accessible online via a secure network using methods of encryption and identification of the user. All identity documents are produced based on the information included in this registry. All 90 territorial offices of MTIC are connected with the central unit at MTIC via a secure network, and the information collected is automatically integrated by the same network into the State Register of Population.

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<th>Personal data are stored in the centralized database &quot;State Register of Population&quot;, which is accessible online via a secure network using methods of encryption and identification of the user. All identity documents are produced based on the information included in this registry. All 90 territorial offices of MTIC are connected with the central unit at MTIC via a secure network, and the information collected is automatically integrated by the same network into the State Register of Population.</th>
<th>the national public and civil records database. In Macedonia and Serbia the unique PIN code appears on all certificates and travel documents.</th>
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| **Distribution of passports and personal identity documents - breeder documents**  
Distribution of personalized identity documents takes place based on delivery and receiving documents and is done by the staff of the Courier Service of the Special Transport Unit within the MTIC, armed and equipped with special gear. Unit’s administrative activity is monitored and regulated by a set of rules laid down in special Regulation. | **Distribution of passports and personal identity documents - breeder documents**  
In all three countries, distribution of biometric passports to the regional offices is performed by well-trained police officers. The new documents are issued to applicants in person, only after verifying their identity using biometric data previously recorded. In Montenegro, the distribution process is monitored electronically. |
| **Preventing and combating corruption among personnel involved in personalization and distribution of identity/ travel documents**  
On October 15th, 2007, Ministry of Information Technologies and Communication (MITC) adopted a Code of Ethics which sets general rules for its employees in the central body, state enterprises, institutions and organizations subordinate to the ministry. This list includes also the State Enterprise "Registry" which is responsible for issuing identity documents. Also, within the State Enterprise "Register" there is the Department for control over employee activities, which monitors instances of corruption in its subdivisions and applies anti-corruption standards set out in the Law on Preventing and Combating Corruption of April 4th, 2008. | **Preventing and combating corruption among personnel involved in personalization and distribution of identity/ travel documents**  
In Macedonia there have been developed a number of rulebooks defining in accordance with European standards the procedures for issuing and personalization of travel documents at every step of the process. Concurrently, the same regulations clearly stipulate all forbidden practices.  
In Montenegro there are provisions for strict sanctions for violating the Code of Ethics by persons involved in issuing travel documents. Therewith, official instructions provide a clear division of responsibilities and tasks in the process of issuing travel and identity documents. In addition, strong supervision and monitoring by officials present additional barriers against corruption.  
In Serbia, the Ministry of Interior is responsible for the prosecution and punishment of public officials for corruption in the issuance of travel documents. The Police Act of 2005 created a Sector for Internal Control. A Code of Ethics and a training program for police officers whose work is related to visas and travel |
EU – Moldova negotiations

INTERPOL SLTD (Stole/Lost Travel Documents)
The following state institutions are granted access to the SLTD database: Information and Security Service, Border Guard Service, Criminal Police Directorate of the Ministry of Internal Affairs (MIA), Organized Crime Division of MIA, Anti-Drug Directorate of MIA, as well as Directorate for Special Missions of MIA. Also, since April 2010, 16 border checkpoints, and 11 police stations in the Transnistrian region have access to the Interpol SLDT database. In the case of Republic of Moldova, MTIC is the institution responsible for informing the INTERPOL about stolen or lost Moldovan identity documents. On February 25th, 2010, the National Central Bureau of INTERPOL sent to the INTERPOL General Secretariat the first file out of 16 in total received from MTIC, containing information about 267,820 passports reported lost or stolen in the period 1995-2010.

INTERPOL SLTD (Stole/Lost Travel Documents)
In Macedonia, the electronic system of reporting to Interpol any lost and stolen documents was successfully established in 2008. In 2008, 2062 travel documents were reported lost or stolen. In Montenegro, the electronic system of reporting to Interpol any lost and stolen documents was also successfully established in 2008. During November 2008 - May 2009 there have been 78 cases reported of lost or stolen passports. In Serbia, in 2008, the electronic system of reporting to Interpol any lost and stolen documents was not yet working. Instead, in 2009, the Ministry of Interior launched a project to connect the network of police to the Interpol system I-24/7 INSYST that allows real-time electronic reporting of lost or stolen passports. In 2008, there were 69,248 documents reported to Interpol.

Block 2: Illegal Migration, readmission

Border Management
Border Guard Service is the central administrative authority to coordinate the activity of state institutions in monitoring and border control as well as border management system. Border Guard Service is structured in three levels:

1. Strategic level - (National)
2. Operational level - (Regional)
3. Tactical level - (Local).

Under the National Development Strategy for the period 2008 - 2011 it is planned to establish an Integrated Information System of Border Guard Service consisting of three modules:

1. Border control;
2. Border surveillance;
3. Risk Analysis.

Currently, two modules, border control and border documents has also been developed.

Block 2: Illegal Migration, readmission

Border Management
In Macedonia, strategic border control is ensured by the National Commission for Integrated Border Management (IBM), which is responsible for implementing the IBM Action Plan. Operational coordination of inter-institutional cooperation is provided by the National Coordination Center for Border Management (NCCBM).

In March 2008, standard operating procedures for monitoring the state border were adopted in accordance with the Schengen Border Service Manual. In April 2009 the Law on State Border Surveillance was amended, particularly definitions and terminology have been adjusted and procedures on minimum and complete control at border checkpoints have been clarified in accordance with the Schengen Border Code. In Dec. 2008, anti-corruption Program was adopted, defining a comprehensive and varied list of measures to prevent corrupt behavior, including changing procedures so that they clearly define the powers of
surveillance, are practically implemented at all border checkpoints and the border pickets. The risk analysis module is in the process of implementation at the national and regional levels, while at local level it remains a short term priority. Special attention is given to the gradual development of telecommunications infrastructure of the Border Guard Service, which takes place in parallel with implementing the project "Fixed and Mobile Communications Network for Border Service" implemented with the assistance of the European Commission. Until 2011, all personnel of the Border Guard Service are to be employed on contract basis. Currently, 70% of staff is employed and 30% are recruits.

**Integrated Border Management**

National Strategy for Integrated Border Management is to be developed and approved with the assistance of the EUBAM and FRONTEX Agency during 2010. It is also expected to have a full harmonization of the Law on State Border with the EC Regulation Nr. 562/2006 of the European Parliament and EU Council of March 15th 2006 that refers to the Community Code on the Rules Governing the movement of persons across borders - Schengen Borders Code as well as the Schengen Catalogue that was updated in 2009. Since January 2009 Information System "FRONTIER" has become operational at the state border crossings. This system provides online exchange of information among authorities involved in the "one stop shop" system and who are responsible for checking goods and vehicles at the border. Meanwhile, all international and interstate points of border crossing are equipped with biometric devices needed to read and verify biometric travel documents. This was possible, particularly thanks to project BOMMOLUK 2 implemented with the assistance of the EUBAM. In early 2010, the Border Guard Service together with the National Interpol Bureau have launched a joint project aimed at online access to the Interpol database, when people and vehicles are crossing the state border.

In Montenegro, the Law on State Border surveillance was adopted in 2005. This introduced the legal framework on border management that is inspired by the Aquis Communitaire on border management. In 2009, a new law on state border surveillance was drafted which harmonized standards in the field in accordance with the Schengen Border Code. The Strategy and Action Plan on establishing an Integrated Border Management were adopted. For their implementation, a Cross-Sectorial Commission was established in January 2008. Also, regional IBM centers have been created, which coordinate and synchronize the border activities of border police border, police in general, the customs service, etc.

In order to prevent and combat corruption among border police, trainings are being organized under the program 'train the trainer'. In 2009, 39 instructors were trained under this program, who in turn will train border police officers at regional level. Strategic analysis reports are prepared monthly at the central level by the Intelligence Department of Border Police, and operational reports are produced weekly by regional offices, each having one intelligence officer. Border checkpoints had a limited number of integrated passports reading devices and there were no devices for taking fingerprints. In addition, a limited number of border checkpoints were connected to the national database (only eight) and of these only three can access the Interpol database. Also, border demarcation had to be completed. Cooperation agreement with FRONTEX had been completed and was supposed to be signed in June 2009.

In Serbia, the new Law on State Border Protection has been implemented since November 2008. The Law is largely in line with European standards. However, concepts and definitions used in legislation and policy documents are not fully comparable with the EU terminology. In the field of inter-institutional
### Training Programs and ethical code on anti-corruption

Educational programs and special studies for the National Border Guard College were developed with the assistance of EUBAM. Also in 2008 there was adopted a Code of Ethics of the Border Guard Service. This Code of Ethics was endorsed and approved in the same year by the FRONTEX Agency. At the same time, an agreement was reached between the Border Guard Service and FRONTEX Agency on a series of trainings for Moldovan border guards.

### Working Arrangements with FRONTEX

On August 12th, 2008 a Working Agreement was signed regarding operational cooperation between the Border Guard Service and the Republic of Moldova and FRONTEX (European Agency for Managing Operational Cooperation at the External Borders of the EU member-states). Also on March 6th, 2009, the Border Guard Service and FRONTEX signed a Cooperation Plan for the period 2009-2011. Thus, according to the documents signed, the Border Guard Service participated in two operational activities organized by FRONTEX in 2009, namely: Joint Operation "Jupiter" and the Joint Focal Points Project, which allowed deployment of Border Guard Service officers to operational areas of the external border of the EU.

### Asylum Policies

Republic of Moldova is party to the Geneva Convention on the Status of Refugees of 1951. The right to asylum is granted under the Law on Asylum of December 18th, 2008. The Law has been prepared in accordance with five directives of the EU Council, namely:

2. Council Directive 2001/55/EC of July 20, 2001 on Minimum Standards for Giving Temporary Protection in the event of mass influx of Displaced cooperation, a cooperation agreement between the main state agencies involved in border management was signed in February 2006. However, to further improve cooperation and clarify responsibilities, the European Commission recommended the signing of Memoranda of Understanding between the Border Police and the relevant state institutions. Police Code of Ethics of 2006 constitutes the basis of measures aimed at preventing and combating corruption. Also in 2009 the authorities were working on developing a Code of Ethics specifically for Border Police. Risk assessment system has been operational since 2008. Strategic Risk Analysis is the responsibility of Department for Suppression of Trans-border Crime. Situational analysis of risks is based on daily reports of the Border Police Operational Centre on local and regional levels. In May 2009, only 26 of the 82 border checkpoints were fully connected to the integrated information system of the Interior Ministry.

### Asylum Policies

**In Macedonia**, the asylum system is fully functional. Asylum and Temporary Protection Act was amended in November 2008 and was meant to be fully harmonized with EU standards by mid 2009. The Law of 2008 introduced the status of subsidiary protection. Further amendments to the Act should ensure that in future the Administrative Court, examining appeals against decisions of first instance courts on asylum, have the power to provide independent judicial review of the substance of decisions on asylum. Centre for asylum is in good shape, well managed and provides language lessons for asylum seekers, schooling for children, psychological and social assistance.
Persons;


Migration and Asylum Office within the Ministry of Interior is the main national institution in the given field. Its main responsibilities are:

1. monitoring and coordination of migration processes;

2. verifying that migration and asylum law is followed;

3. prepare draft legislation to regulate the legal status of foreigners and stateless persons;

4. grant immigrant, refugee or repatriated status;

5. ensure accumulation, preservation, processing, dissemination and exchange of information on migration processes at internal and external levels.

On March 1st, 2009, the new Law on Asylum entered into force, which was amended in accordance with the Aquis Communautaire following a review of migration and asylum legislation achieved in the framework of a Twinning Program Germany-Romania-Moldova funded by the EU. In 2003, an Accommodation Centre for Asylum Seekers was opened with the assistance of the UN High Commissioner for Refugees (UNHCR) and the EU. Currently, five blocks are operational with a capacity of 120 seats. Also, the sixth block is being finalized, which is designed for single women and unaccompanied children.

In Montenegro, the Law on Asylum came into force in 2006 and takes into account European standards. All state institutions with responsibilities in this field are functional: Asylum Office, State Asylum Appeal Commission (SAAC). SAAC has the power to review both the procedures followed by Asylum Office in the first instance decision-making and the content of these decisions. In May 2009, Asylum Centre was still not operational and would be opened only in 2010. Refugees and beneficiaries of subsidiary protection enjoy a wide range of rights, such as: access to the labor market, the right to obtain identity and travel documents, social care, housing and education. However, the European Commission recommended further actions to facilitate access to these rights.

In Serbia, the Law on Asylum came into force in April 2008 and the institutional system in the field is operational. In May 2009, the Asylum Office prescribed by the law was not yet operational and asylum applications were still processed by the Border Police. Appeals in first court are reviewed by the Asylum Commission that is an independent administrative structure composed of Government experts appointed by the Prime Minister. Appeals against decisions of the Asylum Commission are reviewed by the Supreme Court. Asylum Centre is operational, has a capacity of 80 persons and provides access to all basic socio-economic rights.
**Migration Management**

Republic of Moldova has an outdated migration profiles. Updating the new profile will be completed by the year 2012, and this will be achieved with the assistance of the European Commission that has selected Moldova as a pilot country.

Ministry of Interior is the institution that coordinates the implementation of state policy on preventing and combating illegal stay of foreigners on the territory of Republic of Moldova. Also, it is the Ministry of Interior that is responsible for combating illegal trafficking of human beings. In this regard, a Center for combating human trafficking was created within the Ministry.

On December 15th, 2009, the Parliament examined in the first reading the draft Law on the status of aliens in the Republic of Moldova. In the writing of the aforementioned laws the following pieces of EU legislation have been taken into account:

1. Council Regulation 539/2001 of March 15, 2001 determining the Non-EU Member Countries whose nationals must be in possession of visas when crossing the external borders of the Members States;

In the view of collecting, storing and processing information about identification and stay in Moldova of foreigners and stateless persons, on December 13th, 2007, The Government of Republic of Moldova decided to create an Integrated Automated Information System "Migration and Asylum" (SIIAMA ). In December 2008, the software required for operation of the SIIAMA was installed on the servers of the Bureau of Migration and Asylum of the Ministry of Interior. Currently, activities to set up and transfer data from existing

**Migration Management**

In Macedonia, in January 2009, update of migration profile was completed. Update of migration profile will be conducted annually by the Ministry of Interior. The legal framework in this area is based on the Aliens Act and the Law on Employment and Work of Foreigners which are in line with EU standards. There is appropriate cooperation between relevant institutions. Ministry of Interior issued residence permits, the Foreign Ministry issued visas and work permits are granted by the Ministry of Labour. Every alien who has legal residence shall be issued a personalized PIN number and receive a residence card with high quality security features.

In the context of monitoring migration flows, the Commission recommended improving the database system. In May 2009, there were several databases in various ministries on legal and illegal migration, and many were not computerized and therefore could not be found easily by the authorities, especially police. Data collection forms have been harmonized with European standards, particularly with the EU Council Regulation 862/2007. At the same time, data collection system was improved significantly in February 2009 by adopting the Guide which sets appropriate data collection methodology and introduces standard terminology.

In Montenegro, the legal framework in this area is based on the Aliens Act, which came into force on January 8th, 2009 and the Law on Employment and Work of Foreigners, which is implemented from January 2009. Both are in line with EU legislation. Aliens Act stipulates conditions for granting permanent residence and issue rights and obligations of aliens. Law on Employment and Work of Foreigners complements the Aliens Act and ensures that employment of third countries nationals is sufficiently covered in the legislation.

In May 2009, there was no centralized electronic register of foreigners. This register would be operational in November 2009 and would be administered by the Ministry of Interior. All relevant institutions, including the police were to have electronic access to this register. In this context, the European Commission recommended improving data collection process and migration monitoring mechanisms.
databases, and training of the staff and network administrators are underway.

**Readmission / Expulsion / Repatriation**

Currently, Republic of Moldova has signed Readmission Agreements with the European Union (2007), Ukraine (1997), Switzerland (2004), Norway (2006) and Macedonia (2008). Protocols on the implementation of readmission Agreements between Republic of Moldova and the EU, Hungary, Estonia and Romania have also been signed.

In accordance with the Decision of the Government of Republic of Moldovan no. 1152 of October 22nd, 2007 regarding the initiation of negotiations on the signing of intergovernmental agreements on readmission of foreigners staying illegally on the territory of Republic of Moldova, the Ministry of Interior and Ministry of Foreign Affairs and European Integration started negotiations on signing Readmission Agreements with the following countries: Afghanistan, Armenia, Azerbaijan, Bangladesh, Belarus, Bosnia-Herzegovina, China, Denmark, Georgia, India, Jordan, Iran, Iraq, Ireland, Kazakhstan, Kyrgyzstan, Lebanon, United Kingdom of Great Britain, Montenegro, Pakistan, Russia, Serbia, Syria, Tajikistan, Turkmenistan, Turkey and Uzbekistan.

Similarly, on August 20th, 2008, Moldovan Government took decision no. 1002 with respect to the initiation of negotiations with EU Member States on signing the Intergovernmental Protocols regarding the implementation of the readmission Agreement between Republic of Moldova and the European Community signed in Brussels on October 10th, 2007.

Costs for expelling from Republic of Moldova are covered by individuals or legal entities who have invited foreigners or stateless persons, by insurance companies or the readmission/expulsion/repatriation fund created from the state budget resources beginning with the year 2008. Meanwhile, in April 2008 the first module of the Center for Temporary Placement of foreigners who cannot be immediately expelled and are taken into public custody was opened with a

Therewith, forms of data collection on legal migration were merged and are in accordance with EU standards. Data on illegal migration are collected and analyzed by Border Police.

In Serbia, the Law on Aliens (2009) is largely in line with EU acquis. Law regulates the conditions of entry and residence of foreigners, defines procedures for issuing temporary or permanent residence permits and describes in details the rights granted to permanent residents.

Enacting of a Migration Management Strategy that would clearly define the powers of relevant institutions remains a priority. The European Commission also drew attention to improving monitoring of migration flows. In May 2009, there was still no comprehensive strategy on data collection and analysis, and databases were separated between different ministries. Meanwhile, data collection forms to obtain residence permits have been harmonized to match the criteria the EU Council Regulation 862/2007, whereas the monitoring system of illegal migration flows has been considered relatively effective.

Aliens Act provides for the creation of 16 electronic databases on migration statistics to be administered by the Ministry of Interior in cooperation with the Foreign Ministry, and access will be provided to all ministries concerned.
maximum capacity of 114 seats.

Block 3: Public order and security

Preventing and fighting organized crime

Republic of Moldova joined the main international instruments referring to combating cross-border organized crime. These include:

1. UN Convention against trans-national organized crime;
2. Protocol against Smuggling of Migrants by Land, Sea, and Air supplementing the UN Convention against trans-national organized crime;
3. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, UN Convention against trans-national organized crime;
4. Council of Europe Convention on action against trafficking in human beings;
5. Council of Europe Convention on laundering, search, seizure, and confiscation of the proceeds from crime on the financing of terrorism.

The Strategy for combating organized crime and corruption is reflected in the work plans of the Ministry of Interior and its subdivisions. These plans are updated every six months. During 2010 a separate strategy for combat organized crime is to be developed.

In Chisinau there is the National Virtual Center of SECI / GUAM for combating organized crime which includes the Ministry of Interior, Border Guard Service, Customs Department, and Center for Combating Economic Crimes and Corruption. Combating organized crime is also reflected in the Customs Department’s strategy for combating fraud and corruption for years 2009 - 2011 and in the Action Plan for the implementation of this strategy.

Block 3: Public order and security

Preventing and fighting organized crime

In Macedonia the Action Plan to combat organized crime was implementing in 2003. Some accomplishments include creating special sections for combating organized crime in administrative structures and law enforcement. European Commission stressed the importance of establishing a central intelligence structure in the field and creating a separate section for intelligence on organized crime within the national intelligence database. In this context, the government approved a separate action plan (2008 - 2010), which provides financial implications, a fixed schedule of implementation and organizations responsible for its fulfillment. It also focuses on amending the Criminal Procedure Code in line with European standards.

In Montenegro, the strategy for combating organized crime was implemented in 2005 and the Action Plan since 2006. Implementation of the Action Plan is monitored by the National Commission set up in 2007. Under the action plan special departments were created in the high courts and the powers of the prosecutor for organized crime were extended to cover a wide spectrum of policy issues to combat organized crime. Also, in 2009, the Parliament was supposed to adopt the new Code of Criminal Procedure, which would significantly improve the investigative capabilities of national authorities.

In Serbia, National Strategy for Combating Organized Crime was adopted on March 26th, 2009 and the Action Plan was to be drawn. The Strategy provides human resources, financial and technical resources required. The inter-ministerial Coordinating Commission on justice and home affairs was established in December 2008. The Commission wants to essentially improve the coordination in combating organized crime. A special panel to review the Code of Criminal Procedure was also created. Approval of this code was scheduled for the end of the year 2009 and entry into force by 1st of January 2011, provided that all legal reforms will be completed on time. European Commission emphasized,
### Preventing and fighting trafficking in human beings

Issues related to combating human trafficking are reflected in the *Law on Preventing and Combating Human Trafficking of October 20th, 2005*. Action plans for combating human trafficking are updated and approved by the Government every two years. On May 6th, 2006, the *Center for Combating Trafficking in Human Beings* was created within the framework of the Ministry of Interior, which includes experts from the Information and Security Service, Customs Department, Border Guard Service, Center for Combating Economic Crimes and Corruption and the Ministry of Interior. 

**National Committee for Preventing and Combating Trafficking in Human Beings** is a consultative institution of the Government of Moldova and is responsible for coordinating all governmental and nongovernmental organizations that work or have responsibilities in this area. Also, specialized committees were created regionally aiming to augment the efforts of institutions responsible for combating human trafficking.

On June 22nd, 2007, a Coordinating Council of Law Enforcement Agencies was established within the General Prosecutor’s Office which includes the heads of the respective institutions. On May 23rd, 2008, Ministry of Interior, General Prosecutor’s Office, Ministry of Family, Children and Social Protection, International Organization for Migration, Center for Prevention of Women Trafficking and the Center for Protection and Promotion of Women Rights "La Strada" have signed a Memorandum of Cooperation which provides for the assistance of victims of human trafficking for their reintegration into society. Similarly, on December 5th, 2008, Parliament approved the law instituting the National Strategy of the Referral System of Protection and Assistance for Victims of and potential victims of trafficking in humans for 2009-2011. Rules of however, the importance of creating a special database to combat organized crime, which would be accessible to all law enforcement agencies.

### Preventing and fighting trafficking in human beings

**In Macedonia**, in April 2009, the Parliament ratified the Council of Europe Convention on Action Against Trafficking in Human Beings.

In 2009, the Government took over from international donors the responsibility of providing shelter to victims, but the European Commission recommended that the institutions remain in management of NGOs and be provided with necessary financial support.

**In Montenegro**, the strategy for combating human trafficking was implemented in 2003. In 2008, the Action Plan for implementing the Strategy to combat human trafficking for 2009 was adopted.

Legal framework in this area is consistent with EU and international standards. There is good cooperation on the inter-ministerial level, which is based on the Memorandum on Mutual Cooperation signed by the responsible government institutions and NGOs. 

National Coordinator’s Office leads an extensive public information campaign on prevention and human trafficking. Shelters to protect victims are managed by NGOs and financed by the government. Authorities envision establishing a common database on victims of human trafficking that will allow online access to all relevant agencies. European Commission drew attention to the importance of improving the capacity of authorities to identify potential victims.

**In Serbia**, the strategy to combat human trafficking was adopted in December 2006. Under this strategy, a mechanism was created to coordinate actions in this area. On April 30th, 2009, an Action Plan for the period 2009-2011 was approved. The Action Plan was developed in consultation with NGOs.

In March 2009, the Council of Europe Convention on Action Against Trafficking in Human Beings was ratified. Coordination Service for Protection of Victims of Trafficking was created in 2004. The Service coordinates protection, accommodation and reintegration of victims and keeps up to date the database of victims. The two accommodation centers and rehabilitation programs
procedure for repatriation of trafficking victims were drafted under this law. Currently, the Strategy of the National System of Referral for Protection and Assistance of victims and potential victims of trafficking in humans for 2009 - 2011 is implemented in 23 districts of Republic of Moldova from the total of 32. Approximately 600 specialists in various fields were trained in preventing and protecting victims of human trafficking. Following the decision of the Government of Republic of Moldova of July 11th, 2008, a Center for Assistance and Protection of Victims and Potential Victims of Human Trafficking was created with the assistance of the International Organization of Migration. The Center has 24 beds and provides medical, psychological, social, legal, educational, and recreation assistance. During 2009, 130 victims and 136 potential victims of human trafficking were offered assistance.

### Preventing and fighting corruption

Republic of Moldova joined the main international treaties on combating corruption, such as:

1. UN Convention against corruption (2003);
2. Council of Europe Criminal Convention against corruption (1999);

Implementation of relevant international documents in this area takes place through the application of legal instruments of the Group of States against Corruption – (GRECO) of which Republic of Moldova is also part. According to the second round of evaluation carried out by GRECO, Moldova has implemented nine of the 15 recommendations made by GRECO in October 2006. According to the second report, 46 GRECO member states concluded that Moldova has made significant efforts to strengthen the control mechanisms of corruption in public institutions through corruption risk analysis and continuous training, improving the regulatory framework in the field of transparent management. By July 31st, Republic of Moldova must meet the other six

Preventing and fighting corruption

**Macedonia** has ratified the major international conventions in the field. At the same time, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions is to be signed.

The European Commission has emphasized the increase in formal charges, and convictions for corruption. A large number of cases were brought under the Law on conflict of interest.

Coordination of actions among relevant institutions is based on the Protocol for cooperation in preventing and combating corruption, as well as conflict of interests signed in 2007 by the main actors: the Anti-Corruption Commission, Public Revenue Office, Public Prosecutor’s Office etc.

To improve public awareness and enhanced visibility of the Anti-Corruption Commission, a strategic public relations action plan was developed in February 2009. Implementations of the GRECO recommendations still continue.

**Montenegro** has implemented its strategy to combat organized crime and corruption since 2005. Codes of Ethics were developed for different public authorities. Also in 2008, the Law on Preventing Conflict of interest are administered by NGOs.
recommendations. Most of these recommendations relate to the adoption of laws and measures to combat corruption in public administration. Moldovan legislation to prevent and combat corruption includes 11 laws and decisions of the Government of Republic of Moldova developed in line with international standards and recommendations. These include:

1. Law on combating corruption (2008);
2. The Law on Conflict of Interest (2008);
3. Law on civil service code of conduct (2008);
4. Law on civil service and the status of civilian officials (2008);
5. Law on declaring and monitoring income and valuable goods of state dignitaries, judges, prosecutors, public officials and certain persons holding managerial positions (2002);
6. Law on transparency of decision making (2008);
7. Government Decision on the methodology of risk assessment regarding corruption in public institutions (2008);

National Strategy for Prevention and Combating Corruption (2004) is implemented by framing an annual Action Plan, the implementation of which is conducted by the Monitoring Group assisted by a Secretariat whose functions are carried out by the Centre for Combating Economic Crimes and Corruption (CCECC). According to the Law on Combating Corruption of 2008, CCECC is the institution with responsibilities and powers to prevent and combat corruption.

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<td><strong>Macedonia</strong> adopted the Law on Personal Data Protection in 2005, which later was amended to align it with the acquis communautaire and to strengthen the independence of the Directorate for Personal Data Protection. Additional Protocol of the Convention for Protection of</td>
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was passed, under which the Commission for prevention of conflicts of interest was created. However, the European Commission also recommended enacting of a new Criminal Procedure Code that will allow for new techniques of investigation into corruption cases. A special emphasis was placed on continuing intensive education courses and public information activities in all sectors by the Directorate for Anti-Corruption Initiative. Implementations of the GRECO recommendations still continue. 

Serbia approved the National Strategy for combating corruption in 2005, and in 2006 the country implemented the Action Plan in this area. Law concerning the Ant-Corruption Agency is meant to be implemented from January 2010. This law will also govern on matters of conflict of interest. Implementations of the GRECO recommendations still continue. Special anti-corruption Departments were created within the police, prosecutors’ office and the Belgrade district court. Special investigative techniques are used increasingly. Meanwhile, the European Commission noted that the number of convictions for crimes is still low compared with the number of investigations initiated.
EU – Moldova negotiations

| Institution, independent of other public authorities. The Centre has started its activities in February 2009. During its work, the National Center for Personal Data Protection has determined that national legislation does not fully implement the relevant EU legislation. It was therefore decided to draft amendments on complementing the law on data protection and Offences Code. This is to be achieved in the second quarter of this year. During the year 2009, requirements necessary for ensuring security of personal data during their processing in the informational system were drafted. This document would establish minimum organizational and technical criteria that must be observed by holders of personal data so as to ensure the security, integrity and confidentiality of personal data processed in the informational system or entered manually. The Centre also drafted the Rules on the manner of manually keeping staff on Holders of the register. Republic of Moldova joined the Council of Europe Convention no. 108 for Protection of individuals with regard to automatic Processing of Personal data of 1/28/1981. The Convention entered into force on June 1st, 2008. Also in 2009 it was started the process of signing the Additional Protocol to the Council of Europe Convention no. 108 regarding Supervisory Authorities and Trans-border Flows of November 8th, 2001. Also on October 31st, 2008, in Chisinau, the Member States of the Cooperation Process in Southeastern Europe, including Republic of Moldova, signed the Memorandum on Legal and Judicial guarantees Against unlawful processing of personal data. This international agreement entered into force on December 18th, 2009. | Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and trans-border data flows CETS nr. 181 was ratified in September 2008. Montenegro adopted a new law on personal data protection in 2009. European Commission drew attention to the need to harmonize the law with the Directive 95/46 EC. At the same time, it highlighted the importance of promptly creating an independent National Agency for Personal Data Protection. In addition, the European Commission recommended signing and ratifying the Additional Protocol of the Convention for Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and trans-border data flows CETS nr. 181. Serbia adopted a new Law on personal data protection in October 2008. Under this Act, the Commissioner for Information of Public Importance is the institution responsible for protecting free access to information, as well as the protection of personal data. Also in 2008, the Additional Protocol of the Convention for Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and trans-border data flows CETS nr. 181 was signed and ratified. |

**Block 4: External Relations and Fundamental Rights**

**Freedom of movement and identity documents**

In accordance with the Asylum Act of December 18th, 2008, refugees are guaranteed Identity Card for a period of five years. Refugees may obtain upon request a travel document to travel outside Republic of Moldova. Travel document is granted in Macedonia, the Constitution stipulates the right to free movement of persons. This right may however be limited for reasons of protection and security of the state, criminal investigations and protection of citizens’
for a period of two years, provided that it will not exceed the term of validity of the identity card. ID cards are issued by the Ministry of Interior based on the decision of Director of the Department of refugees.

The Law on Asylum of December 18th, 2008 establishes the following conditions for issuing identity documents to beneficiaries of humanitarian protection. Thus, beneficiaries of humanitarian protection are guaranteed the right to obtain ID cards for a period of five years. In parallel, they can get upon request travel documents to move across Moldovan borders. Travel document is issued for a period of one year. ID cards are issued to persons who have humanitarian protection by the Ministry of Interior upon the decision of the Department of refugees’ Director. In February 2009, the Interior Ministry began issuing identity cards to people receiving humanitarian assistance.

Through the AENEAS project “Strengthening national capabilities of the asylum system”, European Commission has provided financial support to the Ministry of Interior in the process of issuing identity documents to refugees and persons covered by humanitarian protection. ID cards are issued by the Ministry of Interior based on the decision of Director of the Department of refugees.

All refugees, asylum seekers and persons granted humanitarian protection have identity cards. The authorities recognize however that, still, there are problems with access of Roma community to obtaining identity documents. Problems are caused largely by a lack of adequate information.

In Montenegro, the right to freedom of movement is guaranteed by the Constitution and may be restricted only in special circumstances, such as criminal investigation or security reasons. Discrimination of any kind is prohibited by the Constitution.

Law on travel documents and law on identity documents determine the terms and conditions for issuing such documents. Legislative amendments were introduced to facilitate certain minority and ethnic groups completing forms to obtain identity documents in their own language (Serbian, Bosnian, Croatian and Albanian).

According to the Law on asylum, refugees are granted identity cards as well as travel documents. In addition, displaced persons are provided with identity and travel documents.

In Serbia, freedom of movement of citizens is guaranteed by the Constitution and may be restricted only for the purpose of criminal investigations, Public Order protection, prevention of infectious contamination and state security. Access to travel and identity documents is governed by the Law on identity documents and the Law on travel documents. Identity cards may be issued to representatives of national minorities in the language of the minority they belong to.

According to the Law on Refugees, refugees and expelled persons are granted identity cards by the organizational unit the Ministry of Interior only based on the decision of the Commissioner for Refugees recognizing the status of refugee / expelled person. Refugee status is granted only to persons from the former Yugoslav Republic.

Citizens’ rights, including protection of minorities

Citizens’ rights, including protection of minorities

Republic of Moldova is party to a series of important international documents, such as:

1. Universal Declaration of Human Rights (1948);
2. UN International Pact on Civil and Political Rights (1966);
3. UN International Pact on Economic, Social and Cultural Rights (1966)
4. Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (1950);
5. UN International Convention on the elimination of all forms of racial discrimination (1965);

According to the Law on Asylum of 2008, refugees, regardless of their ethnic origin, have been guaranteed the following rights:
1. Unaccompanied children and families with children enjoy the same welfare measures guaranteed to children who are nationals of the Republic of Moldova;
2. Guaranteed equal treatment with that of nationals of Republic of Moldova in relation to freedom of religious confession and education of children;
3. Enjoy the same rights as citizens of Republic of Moldova in respect to the mandatory healthcare system;
4. Equal access to social reintegration programs etc.

In accordance with the Law on Citizenship of June 2\textsuperscript{nd}, 2000, Moldovan citizenship can be obtained by recognition, adoption, restoration and naturalization. Refugees and stateless persons may obtain Moldovan citizenship by naturalization, if they have resided legally and continuously in the country for eight years.

employment, social security, education, goods and services and housing. The Law will also create a new institution on equality either by granting new powers to the Ombudsman, or by creating a new Council to prevent discrimination.

Citizenship is obtained by recognizing the origin, birth and naturalization. Naturalization is subject to strict conditions, such as permanent residence for eight years or two years if married, prior to applying for naturalization.

In Montenegro, the anti-discrimination law was to be adopted in 2009. The draft law covered most relevant EU standards and addressed a wide range of sectors. The establishment of an anti-discrimination agency was also envisaged, either by granting new powers the Ombudsman, or by creating a new institution.

Citizenship Act sets a clearer legal framework in this area and provides four ways of acquiring citizenship: recognition of origin, birth in the territory of Montenegro, naturalized and according to treaties and international agreements. The law is very restrictive as regarding naturalization. Thus, it prohibits dual citizenship and sets additional conditions such as 10 years of legal residence in the country, accommodation and guaranteed sources of income, elementary knowledge of the language, etc.

There are, however, some exceptions relating to dual citizenship. For example, Montenegro has signed an agreement with Macedonia on dual citizenship, and similar talks are held with Croatia, Bosnia-Herzegovina and Serbia.

In Serbia, the new Law on anti-discrimination was passed by Parliament in March 2009. Law covers a wide range of sectors (employment, public services, education, etc.). It also stipulates the establishment of the office of Commissioner for Equality who is to be appointed by Parliament and will carry out the competences of the institution for equal as provided by the EC directives.

According to the Law on citizenship, it can be obtained through admission, if the person has lived in Serbia for at least three years and has renounced previous citizenship. Citizens of the former Yugoslav Republic can get the citizenship of Serbia without renouncing their current citizenship, if he or she has lived in Serbia for at least nine years. Agreements on dual nationality have
Ensuring that constitutional provisions on protection of minorities are observed

Republic of Moldova has a system of institutions responsible for protecting human rights including minority rights, they are:

1. Parliamentary Committee for Human Rights - is an operational structure of the Moldovan Parliament responsible for the analysis of bills and legislative proposals, conducts parliamentary investigations, deliberates and takes decisions;

2. Interethnic Relations Bureau of the Government of Republic of Moldova - is an administrative structure responsible for implementing state policies on interethnic relations,

3. Coordinating Council of the ethnic-cultural organizations - is an advisory organization, composed of representatives of all ethnic groups and activates in the framework of the Bureau of Interethnic Relations. Centre members discuss various aspects of interethnic relations;

4. Center for Human Rights - is an independent state institution, composed of ombudsmen responsible for ensuring respect of constitutional liberties and human rights by local government authorities, central institutions, organizations and businesses regardless of their ownership type.

Implementation of relevant policies regarding minorities, including Roma

By Government decision of December 21st, 2006 an Action Plan to support Roma minority was approved. This plan contains specific measures in the spheres of education, culture, health, social and child protection, labor and public policy. Interethnic Relations Bureau is responsible for coordinating the actions of specialized central institutions in the view of implementing the Action Plan. During the year 2009, the Ministry of Interior has not registered any instance of threat, discrimination, hostility or violence against ethnic minorities.

Ensuring that constitutional provisions on protection of minorities are observed

Macedonia is party to all relevant international treaties in this field. These treaties are directly applicable in national law under Article 118 of the Constitution. The Strategy on inclusion of Roma community and the Action Plan are implemented slowly. In 2009, 375,000 euros have been transferred for implementing the strategy. Two projects managed by NGOs were in the process of implementing in 2009: the integration of Roma children in pre-school education and establishing a Rome Information Center.

In Montenegro there are Minority Councils elected by minorities and funded by the Government through a special fund for minorities. Several projects on integration of minorities, including Roma, have been implemented. However, improvements in the conditions of ethnic minorities, including the Roma, occur slowly.

Serbia adopted the National Strategy for improvement of the Situation of Roma. The strategy sets out objectives to be achieved by 2015 through a series of action plans. The implementation of this strategy was not provided with a separate budget line, but ministries involved are expected to allocate available funds in their areas of responsibility.
About the authors

Cristian Ghinea is the Director of CRPE and editorialist at Romania Libera and Dilema Veche. He graduated from the Masters EU Politics and Governance at the London School of Economics (LSE).

Victor Chirila is the Director of the Foreign Policy Association, a former Moldovan diplomat and an expert on European integration issues. Mr. Chirila studied international relations at the National School for Political and Administrative Studies in Bucharest and European Public Policies at the University of Edinburgh.

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