

GRECO report on Moldova calls for improvement of anti-bribery legislation and for stricter supervision of political funding

Strasbourg, 6 April 2011 – The Council of Europe's Group of States against Corruption (GRECO) today published its Third Round Evaluation Report on Moldova, in which it acknowledges improvements in the legislation to fight corruption and regulate political funding, but concludes that improvements are needed to combat bribery and calls for a stricter supervision and greater transparency of political funding.

Regarding the criminalisation of corruption [theme I], GRECO notes the measures taken with the aim of aligning the national legal framework with the standards of the Council of Europe's Criminal Law Convention on Corruption and its Additional Protocol but it stresses that several deficiencies remain which need to be addressed. In particular, the concept of "persons holding positions of responsibility" used in the relevant bribery provisions does not cover all civil servants and public employees and does not ensure coverage of foreign and international public officials or foreign jurors and arbitrators.

In addition, active and passive bribery offences in the public sector lack consistency and clarity, and bribery in the private sector and trading in influence are not fully addressed by the country's legislation. There is also a potential for misuse involved in the defence of 'effective regret', which can be invoked when an offender reports a crime after its commission.

Concerning transparency of party funding [theme II], GRECO recognises that Moldova has gradually introduced legislation on political funding which incorporates many of the principles of Recommendation Rec(2003)4 of the Committee of Ministers of the Council of Europe on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns. Nonetheless, there are still significant shortcomings in the legislation and, above all, in practice, which are linked, for example, to the lack of in-depth, proactive supervision and the very restrictive range of sanctions – scarcely applied so far – for infringements of the rules on political financing.

Moreover, GRECO calls upon the authorities of Moldova to increase the level of disclosure obligations relating to ordinary party funding and to extend the supervision of political finances to services provided in kind and to entities related to a political party or under its control. GRECO also welcomes the plan to introduce state aid for the regular financing of political parties.

The report addresses 17 recommendations to Moldova. GRECO will assess the implementation of these recommendations towards the end of 2012, through its specific compliance procedure.

Link to the report:

Theme I on incriminations / Theme II on Transparency of Party Funding