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JOINT STAFF WORKING PAPER

**First progress report of the implementation by the Republic of Moldova of the Action
Plan on Visa Liberalisation**

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I. Background

The EU-Republic of Moldova Visa Dialogue examining the conditions for visa-free travel of citizens of the Republic of Moldova (hereinafter Moldova) to the EU was launched on 15 June 2010. In its Conclusions on the Eastern Partnership of 25 October 2010, the Council invited the Commission to prepare a draft Action Plan setting out all technical conditions to be met by the Republic of Moldova before the possible establishment of a visa-free travel regime. The Action Plan on Visa Liberalisation (hereafter VLAP) was endorsed by the Council on 16 December 2010 and subsequently presented by the Commission to the Moldovan authorities on 24 January 2011.

The methodology contained in the VLAP distinguishes between two phases and four blocks. The four blocks are the following groups of issues relevant to the visa dialogue: (i) document security, including biometrics; (ii) irregular migration, including readmission; (iii) public order and security; and (iv) external relations and fundamental rights. Regarding the two phases, the Action Plan refers to two tiers of benchmarks: preliminary benchmarks concerning the policy framework (legislation and planning), which should pave the way for meeting more specific benchmarks (effective and sustainable implementation of relevant measures).

In line with this methodology the Commission services are to regularly report to the European Parliament and to the Council on the implementation of the VLAP.

At the meeting of Senior Officials overseeing the visa dialogue on 18 February 2011, the Moldovan authorities presented the National Annotated Action Plan (Agenda) for the implementation of the VLAP adopted by the government on 17 February 2011. During the meeting, the Moldovan authorities presented the measures already taken to implement the VLAP as well as the next steps and ongoing implementation. The Moldovan authorities also stated that the coordinating body (task force) created in May 2010 was meeting weekly to take stock of the implementation of the VLAP.

Moldova provided their first progress report on implementation of the VLAP on 23 May 2011. Subsequent updates on legislative developments up to 8 July 2011 were provided, as well as factual clarifications, in the course of June and July 2011. Regarding the implementation of the measure listed in the VLAP under the 1st phase (legislative and policy framework), the due date for sending the accompanying legislative framework to the Commission was 30 June 2011. The legislation which has been adopted and translated into English was taken into account.

Regarding the measures listed under the 2nd phase of the VLAP (implementation), note is taken of the developments presented in the Moldovan progress report. According to the methodology of the VLAP, they will be assessed through on-site evaluations, also involving experts from the EU Member States, once a decision is taken to initiate the assessment of the second set of benchmarks.

The EU-Moldova Visa Facilitation and Readmission Joint Committees met back to back on 12 May 2011. Commission services took note of the overall satisfactory implementation of the EU-Moldova Readmission and Visa Facilitation Agreements. Both sides exchanged experiences concerning the implementation of the Readmission Agreement and no particular problems with implementation were raised. As regards the implementation of the Visa Facilitation Agreement, Commission services regularly raised at meetings of the Joint Committee the issue of fraud involving supporting documents. Moldova reported that it had designated contact points within its administration to allow Member States' consulates to quickly verify the authenticity of certain categories of supporting documents.

II. Assessment of measures under the four blocks of the Visa Liberalisation Action Plan

Block 1: Document security, including biometrics

General assessment

The legislative framework appears to be generally in place. A clear schedule still needs to be provided for the complete roll-out of International Civil Aviation Authority (ICAO)-compliant biometric passports, including at Moldovan consulates abroad, as well as the complete phasing out of non-ICAO compliant passports. Further information regarding training programmes and the content of the ethical code (especially regarding sanctions and conflicts of interest) should also be provided.

Detailed comments

- **Consolidation of the legal framework for the issuing of machine-readable biometric passports in full compliance with the highest ICAO standards on the basis of secure identity management (civil registry and breeder documents) and taking into account adequate protection of personal data**

The legal framework for the issuing of machine-readable biometric passports, in full compliance with the highest ICAO standards, has been supplemented by the adoption of two laws on 9 June 2011 and a Government decision on 10 May 2011. These additional provisions ensure a consolidated framework for secure identity management.

Article 1 (2) of the 'Law amending Law No. 1549-XV of 19 December 2002 on state fingerprint registration' adopted on 9 June 2011 needs further clarification. This text provides that *'the provisions of the present law shall not be extended to relations arising from the acquisition of fingerprint information during the process of production and issuance of ID documents that contain biometric data'*. The Moldovan authorities should clarify which situations fall within the scope of this provision.

- **Adoption of an Action Plan containing a timeframe for the complete roll-out of ICAO-compliant biometric passports, including at Moldovan consulates abroad, and the complete phasing out of non-ICAO-compliant passports**

Regarding this benchmark, a clear schedule for the next steps still needs to be provided.

- **Establishment of training programmes and adoption of ethical codes on anti-corruption, targeting officials of any public authority that deals with passports, as well as identity cards and other breeder documents**

The 'Ethical Code for staff working in civil registration and document issuance' was adopted on 1 April 2011. This document refers to the Labour Code for sanctions in the event of violation. It introduces provisions on conflicts of interest, incompatibilities and an obligation to report irregularities. Some of the provisions are drafted in general terms. More differentiated sanctions appear to be needed in the event of breach, along with more detailed rules (or references to other legal instruments) on conflicts of interest, the obligation to report corruption (with accompanying sanctions) and on the protection of whistleblowers.

Further information is required on:

- the provisions of Article 1 (2) of the 'Law amending Law no. 1549-XV of 19 December 2002 on state fingerprint registration' adopted on 9 June 2011 regarding the situations covered by '*relations arising from the acquisition of fingerprint information during the process of production and issuance of ID documents that contain biometric data*';
- a clear schedule for the complete roll-out of ICAO-compliant biometric passports, including at Moldovan consulates abroad, and the complete phasing out of non-ICAO-compliant passports;
- the content and frequency of relevant training programmes (statistics on numbers of employees trained), focusing on the public officials who deal with international passports, domestic passports and other breeder documents;
- the content of the ethical code (especially regarding sanctions and conflicts of interest).

Block 2: Irregular immigration, including readmission
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General assessment

The legislative framework for border management is **well advanced**. **Good progress** has been achieved in adopting **migration**-related legislation and most of the elements of the legislative framework are already in place. Work remains to be done to adopt the remaining laws on the integration of foreigners, on carriers' liability and status of stateless persons. The Strategy in the area of migration and asylum has been adopted and work on the extended migration profile is well advanced. Particular attention should be paid to the reform of the relevant authorities in this area, in particular the establishment of the Migration and Border Service.

Moldova has adopted the necessary legislation in the area of **asylum**, with the exception of legislation on the integration of refugees and beneficiaries of other forms of protection which will be dealt with by the 'Law on integration of foreigners' that is currently being prepared.

Detailed comments by policy area

1 Border management

- **Consolidation of the legal framework for border management including adoption of a new Law on the State Border, allowing the Moldovan Border Guard Service to participate in the detection and investigation of cross border crime in cooperation with all competent law enforcement authorities and extending its area of responsibility to the whole territory, as well as a legal framework for efficient inter-agency cooperation between the Border Guard Service, law enforcement agencies and other agencies involved in border management**

Moldova is consolidating its legislative framework for border management.

A draft 'Law on the State Border', a draft 'Law on the Migration and Border Service' implementing the National Strategy on Integrated State Border Management for 2011-2013 and a draft law on the amendment of some legislative acts to grant to the Border Guard Service the competencies for the prosecution and the examination of administrative offences, inspection of travel documents, liability of carriers for transportation of foreigners without necessary legal documents, detection and investigation of cross-border crime, of smuggling and trafficking of human beings are at an advanced stage in the legislative procedure, pending approval by Parliament.

- **Adoption of an Action Plan for the effective implementation of the National Integrated Border Management Strategy, containing a timeframe and specific objectives for the further development of legislation, organisation, infrastructure, equipment, as well as sufficient financial and human resources in the area of border management**

In addition to the National Strategy on Integrated Border Management for 2011 – 2013, in place since 27 December 2010, the National Council for Integrated State Management has developed the accompanying Action Plan for its implementation, which was approved by the government on 16 May 2011.

- **Establishment of training programmes, and adoption of ethical codes on anti-corruption specifically targeting border guards, customs and any other officials involved in border management**

The ethical code for border guards describing the standards to be respected by border guards both on and off duty was approved in 2008. It introduces provisions on conflicts of interest and incompatibilities and an obligation to report irregularities. Some of the provisions are drafted in quite general terms. More differentiated sanctions in the event of breaches and more detailed rules (or references to other pieces of legislation) on conflicts of interest, the obligation to report corruption (with accompanying sanctions) and the protection of whistleblowers are needed.

A training plan and curriculum for the National Border Guards College has been developed with support from the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM). In addition, a survey is being conducted (April-September 2011)

on the degree of satisfaction with the quality of services provided by customs and border authorities at four border crossing points at the Moldovan-Ukrainian border. On the basis of its results, recommendations will be developed for improving the ethics and professional integrity of customs officials.

Further information is required on:

- how the Moldovan Border Guard Service will participate in detection and investigation of cross-border crime in cooperation with all competent law enforcement authorities;
- the state of play regarding the ongoing reform of relevant authorities in this area, including establishment of the Migration and Border Service;
- the content and frequency of relevant training programmes (including statistics on the numbers of staff trained).

2. Migration management

- **Consolidation of the legal framework for migration policy, including measures for the reintegration of Moldovan citizens (returning voluntarily or under the EU-Republic of Moldova readmission agreement) and the fight against irregular migration (including efforts to conclude readmission agreements with main countries of origin and inland detection of irregular migrants)**

Most of the legislation in the area of migration management **is in place** with the exception of the following laws which are in a preparatory phase: a draft 'Law on the integration of foreigners', a draft 'Law on Accession of the Republic of Moldova to the UN Convention relating to the Status of Stateless Persons', a draft 'Law on Accession of the Republic of Moldova to the UN Convention on the Reduction of Statelessness' and a draft 'Law on the amendment of the Contraventions Code of the Republic of Moldova introducing the necessary amendments for the identification and regulation of carriers in the transportation of persons from / to Moldova'.

In addition to the Readmission Agreement with the EU, Moldova is in the process of concluding several readmission agreements with third countries, in particular with Russia, Bosnia and Herzegovina and Montenegro. A readmission agreement with Serbia has recently been signed. Efforts should be further pursued towards timely completion of outstanding negotiations and conclusion of further agreements with other third countries. Moldova is encouraged to consider opening negotiations on readmission agreements also with other important transit countries in its neighbourhood as well as with countries of origin. Furthermore, Moldova has already concluded Implementing Protocols to the EU-Republic of Moldova Readmission Agreement with a considerable number of Member States, and is actively pursuing negotiations with others. Good results are being achieved and the considerable efforts in this regard should be further pursued towards the rapid conclusion of the outstanding negotiations with Member States.

- **Adoption of a National Migration Management Strategy for effective implementation of the legal framework for migration policy and an Action Plan,**

containing a timeframe, specific objectives, activities, results, performance indicators and sufficient human and financial resources

The Strategy in the area of migration and asylum was approved by the Government on 6 July 2011 and the Action Plan for its implementation is being developed. The objective of the Strategy is to ensure the comprehensive regulatory management of migration and asylum policies in coherence with other relevant policies.

- **Establishment of a mechanism for the monitoring of migration stocks and flows, defining a regularly updated migration profile for the Republic of Moldova, with data both on irregular and legal migration, and establishing bodies responsible for the collection and analysis of data on migration stocks and flows**

In the context of the Mobility Partnership, Moldova has been working on an extended migration profile to facilitate the collection and the analysis of data related to migration and their effective use for policy-making. The work on the profile is well advanced; as a large number of agencies are involved in this process, it is likely that the profile will be updated and used widely in policy definition and monitoring. In addition, two information systems are being set up: one on labour migrants residing in Moldova and Moldovan citizens working abroad and the other connecting diplomatic and consular missions abroad. Inter-institutional agreements on the connection of information systems and the exchange of data have been signed by the National Employment Agency with the Office for Migration and Asylum, the National Tax Services, the State Information Resources Centre (CSIR) 'Registru' and National Statistics Office.

3. Asylum policy

- **Consolidation of the legal framework for asylum policy through adoption of legislation on the integration of refugees or beneficiaries of other forms of protection**

Moldova has adopted **most of the necessary** legislation in the area of asylum. The missing element is the legislation on the integration of refugees and beneficiaries of other forms of protection. This should be dealt with by the 'Law on integration of foreigners', which is being prepared.

Block 3: Public order and security

General assessment

Good progress has been made in adopting the required legislation in the area of public order and security. In certain areas (trafficking in human beings, money laundering, anti-drugs policy) the elements of the legislative framework are in place, while in others (data protection, organised crime, fight against corruption) the work is at an advanced stage.

In the area of law enforcement cooperation, more efforts are needed, in particular to establish a coordination mechanism and a common database.

Progress is being made towards consolidation of the legislative framework regarding judicial cooperation in criminal matters, but additional steps need to be taken regarding the ratification of the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.

Moldova has acceded to all UN and Council of Europe conventions in the area of public order and security and to the vast majority of UN and Council of Europe Conventions regarding the fight against terrorism.

Further steps need to be taken to negotiate agreements with Europol and Eurojust, ensuring the relevant data protection standards.

The reform of institutional structures is fundamental in this area. Therefore, information should be provided on the reform of all relevant institutions and authorities.

Detailed comments by policy area

1. Preventing and fighting organised crime, terrorism and corruption

- **Adoption of a law and comprehensive strategy on preventing and fighting organised crime, together with an action plan containing a timeframe, specific objectives, activities, results, performance indicators and sufficient human and financial resources**

Work is at advanced stage on adoption of the legislative framework on preventing and fighting organised crime. Both the draft 'Law on preventing and combating organised crime' and the draft Strategy for 2011-2016 are currently in Parliament following their approval by the Government on 22 June 2011. They were expected to be adopted by the end of July.

- **Consolidation of the legal framework on preventing and fighting trafficking in human beings and regular updating of the respective National Plan, including a timeframe, specific objectives, activities, results, performance indicators and sufficient human and financial resources**

The legislative framework on preventing and fighting trafficking in human beings has been established, as already noted in the Visa Dialogue gap analysis of October 2010. A National Plan on preventing and fighting trafficking in human beings for 2010-2011 was approved on 13 September and updated on 21 December 2010. It covers the investigation of the involvement of public officials in trafficking in human beings. It addresses assistance and protection for victims of trafficking, national and international cooperation and awareness-raising and information. It states in general terms that the necessary funds will be included in the budgets of relevant institutions. It provides for quarterly reports on its implementation. However, it does not include the budgetary and other resources. The National Plan includes a timeframe, specific objectives and expected results, but it does not include measurable performance indicators. The setting up of a working group to establish a new Action Plan for the years to come is being considered. It is important that the new working group assesses the effectiveness of measures taken so far, as well as existing laws, and establishes a new Action Plan.

- **Adoption of legislation on preventing and fighting corruption and consolidation of the anti-corruption function of the Centre for Combating Economic Crime and Corruption; strengthening coordination and information exchange between authorities responsible for the fight against corruption**

The legislative framework on preventing and fighting corruption is in the process of being completed. The vast majority of the legislative amendments envisaged, along with the National Anticorruption Strategy for 2011-2015, have been approved by the Government and are before Parliament. They were expected to be adopted by the end of July or beginning of September 2011.

The second evaluation round of the Group of States against corruption (GRECO) concluded with an addendum to the compliance report issued in October 2010¹. According to this, the following recommendations still had to be implemented: (1) amendments to the 'Criminal Procedure Code' on the use of special investigative measures in corruption cases; (2) amendments to the law on conflicts of interest and declarations of assets; (3) amendments to the legislation on the protection of whistleblowers; and (4) amendments to the Criminal Code on criminal liability of legal persons for trading in influence. Most of these legislative amendments had already been drafted and were pending either the approval of the Government or enactment by Parliament. The Moldovan Progress Report mentions in general terms that some proposed provisions address the GRECO recommendations. It is not clear whether and how these very specific outstanding recommendations are being implemented. For the legal framework on preventing and fighting corruption to be effective, there should be provisions on the monitoring conflicts of interest, on asset declarations and on the financing of political parties and of electoral campaigns.

Regarding the consolidation of the anti-corruption function of the Centre for Combating Economic Crime and Corruption (CCECC), measures should be taken to strengthen the guarantees for its effective independence, its efficiency, and its capacity to take action for prevention and repression. A working group on the reorganisation of the CCECC was established in February 2011, and the Commission services expect to be informed of the concrete results of the group's proceedings. The institutional consolidation should be based on a thorough assessment of the functioning of the current system, and should be backed up by sufficient financial and human resources.

Information was provided on cooperation between the CCECC and other central and local authorities responsible for preventing and fighting against corruption. However, detailed information should be provided on the concrete measures taken to strengthen coordination and information exchange between these authorities.

- **Consolidation of the legal framework for the prevention and fighting of money laundering and financing of terrorism in line with international standards set by the Financial Action Task Force on Money Laundering and Terrorist Financing (FATF); regular updating of the respective national strategy; establishment of an independent Financial Intelligence Unit**

¹[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2\(2008\)8_Add_Moldova_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2(2008)8_Add_Moldova_EN.pdf)

The legal framework for preventing and fighting money laundering and the financing of terrorism is broadly consolidated. Significant efforts have been made to adopt new legislation and provide guidance to the economic operators on the anti-money laundering regime. The adoption of a new law on 7 April 2011, amending the 2007 'Law on preventing and fighting money laundering and financing of terrorism', represents a further positive step in this direction. The 2010-2012 Strategy for preventing and combating money laundering and the financing of terrorism and the Action Plan for its implementation had already been approved by the Government on 3 September 2010.

The conclusions of the progress report of 14 April 2011 by the Council of Europe Committee of Experts on the Evaluation of the Anti-Money Laundering Measures and the Financing of Terrorism (Moneyval)² acknowledged the steady progress in the areas of customer due diligence and reporting. In line with Moneyval's conclusions, it should also be stressed that there is need for further indications as to the effectiveness of the regime, in particular regarding money laundering convictions and amounts of assets recovered. The 4th round evaluation by Moneyval should provide further indications on progress in this regard.

Regarding the establishment of an independent Financial Intelligence Unit, it appears that the law of 7 April 2011 established the Office for preventing money laundering as a specialised independent division within CCECC specifically endowed with Financial Intelligence Unit responsibilities.

- **Adoption of a National Anti-Drug Strategy and its related action plan; establishing cooperation with the EMCDDA**

The required framework, the National Anti-Drug Strategy for 2011-2018 and its related Action Plan for 2011-2013, has been in place since 7 January 2011. The institutional framework also appears to be consolidated since 22 June 2011, when the Decision on the creation of the National Anti-Drug Committee was approved by the Government. The mandate of the Committee indicates that it is a mainstream coordination committee, with a balanced presence of services involved in addressing demand and supply and with the involvement of civil society organisations.

The legislative framework on combating illicit traffic in drugs is being consolidated: the set of draft legal acts for the amendment of Law No. 382 of 6 May 1999 against illicit traffic in narcotic drugs, psychotropic substances and precursors was adopted by the Government on 22 June 2011.

As regards cooperation with European Monitoring centre for Drugs and Drug Addiction (EMCDDA), there have been contacts between the EMCDDA and Moldova; the latter intended to participate in a meeting of the Eastern Partnership Initiative organised by the EMCDDA in Brussels in September 2011. Moldova should further engage in informal and formal cooperation with EMCDDA and follow the relevant procedures.

- **Adoption of relevant UN and Council of Europe Conventions in the areas listed above and on fight against terrorism**

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[http://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/Progress%20reports%20y/MONEYVAL\(2011\)6_ProgRep2_MLD_en.pdf](http://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/Progress%20reports%20y/MONEYVAL(2011)6_ProgRep2_MLD_en.pdf)

Moldova has acceded to all UN and Council of Europe Conventions relevant for the above-mentioned areas. Regarding the fight against terrorism, the vast majority of UN and Council of Europe conventions have been ratified and have entered into force in Moldova.

Further information is required on:

- the timeframe for the adoption of the Action Plan on preventing and combating organised crime;
- the consolidation of the legal framework on preventing and fighting trafficking in human beings, in particular relevant provisions of the penal code and the timeframe for the adoption of the future National Action Plan 2012-2013 on fighting trafficking in human beings; the latter should include all the required elements: a timeframe, specific objectives, activities, results, performance indicators and sufficient human and financial resources;
- the timeframe for adoption of an Action Plan for implementing the National Anticorruption Strategy, with detailed objectives, actions, measurable indicators, clear responsibility of a leading institution for each measure and a strict monitoring system, sufficient human and financial resources and a clear timeline;
- detailed information on how all GRECO recommendations have been followed up (the Progress Report does not mention the follow-up to recommendations 8 and 9 of GRECO's third evaluation round: on incriminations and on the financing of political parties);
- the planned measures for the consolidating the anti-corruption function of the CCECC and the outcome of the proceedings of the working group on the reorganisation of the CCECC, established in February 2011;
- the concrete measures taken to strengthen coordination and information exchange between authorities responsible for the fight against corruption;
- the state of play regarding the ongoing reform of all relevant institutions and authorities in the area of public order and security, including the police.

2. Judicial co-operation in criminal matters

- **Adoption of a legal framework on mutual legal assistance**
- **Accession to the 2nd Protocol to the European Convention on mutual assistance**
- **Conclusion of an agreement with Eurojust**

The legislative framework in the area of mutual legal assistance is largely in place, even though some elements are still under preparation. Moldova has acceded to the relevant Council of Europe conventions in this area (Convention on Mutual Assistance in

Criminal Matters; Convention on Extradition; conventions on other forms of judicial cooperation). Considerable reforms are being studied by an inter-institutional working group on the amendment of the criminal procedural legislation, including preparing a draft Law on the amendment of some legislative acts such as the 'Law no. 45-XII of 12 April 1994 on operative investigations' and the Criminal Procedural Code. The purpose of these amendments will be (i) to incorporate changes following the new provisions on combating cross-border crime and international joint investigation teams; (ii) to review the legislation on the interception of telephone conversations; and (iii) to review the relevant legislation relevant to the Police Cooperation Convention for South East Europe.

According to the Moldovan progress report, the ratification of the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters depends on the prior amendment of the provisions on international joint investigation teams referred to above.

As regards the conclusion of an agreement with Eurojust, the contacts with Eurojust on data protection legislation (see also below under 4. Data protection) are ongoing as well as the exchange of views between the Eurojust Data Protection Officer and the Moldovan Data Protection Authority.

Further information is required on:

- the timetable for the adoption of the amendments to the legislative framework in this area and for the ratification of the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.

3. Law enforcement co-operation

- **Establishment of an adequate coordination mechanism between relevant national agencies and a common database guaranteeing direct access to relevant officers**

Moldova reported on a number of training activities in the area of law enforcement co-operation. More concrete information should be provided on the relevant measures taken to establish an adequate coordination mechanism between relevant national agencies and a common database guaranteeing direct access to relevant officers, including on the establishment of an Information and Analysis Unit within the Police Department of the Ministry of Interior.

- **Conclusion of an operational cooperation agreement with Europol ensuring an adequate level of data protection**

The conclusion of an operational agreement with Europol is conditional upon assessment by Europol of the relevant data protection standards. Work on this assessment has started (see also below under 4. Data protection). In parallel with the assessment of the data protection legislation, Europol has organised an awareness-raising seminar for Moldovan law enforcement authorities in April 2011 in view of the future extension of SIENA (System for Secure Exchange of Information) to partners such as Moldova.

Further information is required on:

- The establishment of an adequate coordination mechanism between relevant national agencies and a common database guaranteeing direct access to relevant officers;
- the results of the training activities regarding criminal analysis and further information on the creation of an Information and Analysis Unit within the Police Department of the Ministry of the Interior.

4. Data protection

- **Consolidation of the legal framework for the protection of personal data, including accession to the 2001 Additional Protocol to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and trans-border data flows**

The Parliament adopted a new 'Law on data protection' on 8 July 2011, which will repeal the existing data protection law of 2007 and aim at aligning Moldova's data protection legislation with the relevant Council of Europe instruments and the EU *acquis*. It has not yet entered into force and will require a thorough evaluation.

Moldova signed the 2001 Additional Protocol to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, on 29 April 2010 and the law on its ratification was adopted by Parliament on 9 June 2011.

The consolidation of the legal framework and its effective implementation constitute a precondition for the conclusion of operational cooperation agreements with Europol and Eurojust (see above under 2 Judicial co-operation in criminal matters and 3 Law enforcement co-operation).

Block 4: External relations and fundamental rights

General assessment

Moldova is **well advanced** in adopting a legislative framework in this area, moving swiftly forward with the revision of the national legislation to meet the required benchmarks. Some aspects of the new legislation need to be further clarified by the Moldovan authorities bearing in mind the specificities of the country. Comprehensive anti-discrimination legislation is awaiting adoption by Parliament.

Detailed comments

1. Freedom of movement within Moldova

- **Revision of the legal and regulatory framework on registration and de-registration procedures for legally staying foreigners or stateless persons with a view to avoiding unjustified restrictions.**

The legal and regulatory framework on registration and de-registration procedures for legally residing foreigners or stateless persons with a view to avoiding unjustified restrictions is **under revision**. The new Law on Foreigners adopted on 24 December 2010 improved the regulatory framework for foreigners and stateless persons. It

introduced a 'one-stop shop' for quickly receiving, processing and issuing documents thus reducing bureaucracy and delays. At the same time, some provisions of the new law appear to require further clarifications and further amendment of the law might be necessary to avoid unjustified restrictions on stateless persons. Although not expressly mentioned by the new 'Law on foreigners', the HIV/AIDS testing requirement seems to have been maintained in practice. These issues should be further clarified by Moldova in consultation with the relevant UN bodies.

On 3 May 2011 the Government approved a Decision amending Government Decision No. 376 of 6 January 1995 on additional measures to consolidate the national passport system. The new Decision aims at reviewing provisions regarding the rules on evidence of population, in particular establishing a mechanism for the acquisition and processing of biometric information. Furthermore, it regulates the relations between individuals, legal entities, law enforcement and local government authorities to ensure free movement and the right to establish domicile or residence anywhere within the country.

On 9 June 2011 the Parliament adopted amendments to Law No. 1024-XIV of 2 June 2000 on Citizenship. These amendments aim to improve the procedures for the submission and examination of applications for citizenship and to adjust the legislation to prevent and resolve cases of statelessness due to state succession.

The Government has started drafting legislation with a view to Moldova's accession to the Convention on the Status of Stateless Persons (adopted on 28 September 1954 in New York) and to the Convention on the Reduction of Statelessness (adopted on 30 August 1961 in New York). The intention is to create a mechanism to determine the status of stateless persons.

3. Citizens' rights including protection of minorities

- **Adoption of comprehensive anti-discrimination legislation, as recommended by UN and Council of Europe monitoring bodies, to ensure effective protection against discrimination**

In addition to constitutional provisions on anti-discrimination and provisions in criminal, civil and administrative laws, a comprehensive anti-discrimination law is awaiting approval by Parliament. This will help to ensure more effective protection against all forms of discrimination. The draft law makes explicit reference to Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in respect of employment. It aims to create the necessary framework for their application and thus to prevent and fight against discrimination and ensure equality of rights for all individuals on the territory of Moldova in the areas of politics, economic and social life, culture, and other areas of life, with no difference based on race, nationality, ethnic origin, language, religion, belief, sex, age, health status, disability, sexual orientation, opinions, political views, wealth, social origin, social disadvantage or any other criteria.

- **Adoption of a comprehensive National Human Rights Action Plan; actively pursue in the respective National Human Rights Action Plan the specific recommendations of UN bodies, OSCE/ODIHR, the Council of Europe/ECRI and international human rights organisations notably in implementing anti-**

discrimination policies, protecting minorities and private life and ensuring the freedom of religion

On 12 May 2011 Parliament endorsed a comprehensive National Human Rights Action Plan building on specific recommendations from UN bodies, the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ODIHR), the Council of Europe's European Commission against Racism and Intolerance (ECRI) and international human rights organisations. The Action Plan was prepared in close consultation with civil society and international organisations. It provides for a wide range of measures, including the implementation of anti-discrimination policies and the protection of minorities and private life. It calls for monitoring and assessment and for resources needed for its implementation. However, for many actions no budget is specified. The Government was requested to submit to Parliament a yearly consolidated progress report on implementation of the Action Plan. The progress report is to be debated at yearly conferences.

The Action Plan does not include measures targeting freedom of thought, conscience and religion. This aspect should be addressed by the Moldovan authorities in a future progress report in connection with the results of the ongoing work on the revision of the Law on religious cults and its component parts with a view to bringing domestic law and practice in line with international law. In March 2011, the Ministry of Justice has officially registered the first Muslim organisation 'Islamic League of the Republic of Moldova'. The Action Plan in support of the Roma population for 2011–2015 was prepared in close consultation with civil society and representatives of the Roma community. It was drafted by the Bureau of Inter-Ethnic Relations and was approved by the Government on 6 July 2011. The Action Plan should also take into account the conclusions and recommendations of international bodies such as the UN Committee on the Elimination of Racial Discrimination. It is encouraging that the Government is promoting representatives of the Roma community to positions enabling them to pursue Roma-related issues (e.g. appointment of the Vice-president of the Committee of Experts of the Council of Europe for the problems of the Roma).

Moldova has also taken measures to ensure effective implementation of the 'Law on combating domestic violence'. Joint guidelines regarding the intervention of social assistance, law enforcement and medical care bodies in cases of domestic violence have been drafted and are awaiting approval. At the same time, the authorities acknowledge that challenges remain regarding the protection of victims of domestic violence and the further development of shelters.

- **Ratification of relevant UN and Council of Europe instruments in the fight against discrimination**

Moldova has ratified the main UN and Council of Europe instruments in the area of anti-discrimination. Moldova will consider issuing a declaration under Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination after the adoption of its new legislation on anti-discrimination.

- **Specify conditions and circumstances for the acquisition of citizenship of Moldova**

As mentioned above, the Parliament amended on 9 June 2011 the Law on Citizenship no. 1024-XIV. The amendments aimed at removing obstacles to the acquisition of citizenship by stateless persons who, under Article 12 (2) have the grounds for its acquisition but were sentenced to imprisonment for premeditated crimes and have a criminal record or who were under criminal prosecution during the examination of their application.

The Government is carefully considering the situation in Transnistria. The national registration authority is applying special measures to confirm citizenship and provide free national IDs for inhabitants of the Transnistria region, in accordance with the amended Law on Citizenship no. 1024-XIV and Government Decision no. 959 of 9 of September 2005 on security measures for the confirmation of citizenship and the documentation of the population in the districts in the Transnistria region.

224 090 Moldovan citizens residing in Transnistria have been issued Moldovan passports, of which 168 358 remain valid (have not expired). Between 1 January 2011 and 1 May 2011, the Ministry of Information Technology and Communication issued 4 851 passports to Transnistrian residents.

The Ministry of Information Technology and Communication in cooperation with the Ministry of Justice and the Ministry of the Interior is working on the legal framework for the identification of persons from Transnistria. This includes requesting additional information to family members and relatives (parents' documents, wedding certificates and other documents).

III. Overall assessment and next steps

The present progress report reflects the state of play until **8 July 2011**, even though information and legislation were provided afterwards. It indicates that work is under way on several pieces of draft legislation, strategies and action plans. The work of the Moldovan Government to date shows that the Action Plan on Visa Liberalisation is an important tool for advancing reforms in the JHA area and beyond.

A **second report** will be made by the end of 2011 after the adoption and translation into English of this further legislation. An **evaluation mission** will be organised in autumn 2011 involving officials of the Commission services and the EEAS accompanied by experts from EU Member States.